

Privacy Policy

Last modified: June 29, 2019

Phenium Inc. (“Phenium” or “We”) respects your privacy. We are committed to protecting your privacy through our compliance with this policy. With this privacy policy document, We would like to let you know how we process your personal data whilst using this website.

The responsible body, according to article 4 European General Data Protection Regulation (“GDPR”), is Phenium Inc., a Delaware corporation located at 165 Richland Avenue, San Francisco 94110, California, USA. The CEO is Marten Stenfors.

In case of any questions relating to data protection, please contact our Data Protection Officer at privacy@phenium.com.

This policy describes the types of information we may collect from you or that you may provide when you visit the website phenium.com (our “Website”) and our practices for collecting, using, maintaining, protecting, and disclosing that information. This policy applies to information we collect:

- on this Website.
- in e-mail, text and other electronic messages between you and this Website.
- when you interact with our advertising and applications on third-party websites and services, if those applications or advertising include links to this policy.

It does not apply to information collected by:

- us offline or through any other means, including on any other website or application operated by Phenium or any third party; or
- any third party, including through any application or content (including advertising) that may link to or be accessible from the Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By

accessing or using this Website, you agree to this privacy policy. This policy may change from time to time (see Changes to our Privacy Policy). Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

1. Collection and Use of Data on the Website

Content

Personal data is all information relating to personal and objective circumstances through which a person may be personally identified. This may for example entail information such as your name, address or other contact details such as phone number or e-mail address.

Intended Use

Legal basis for the processing of this personal data is Art. 6 para. 1 (f) GDPR, as this data is necessary for the following purposes:

- to present and improve our website.
 - to estimate the size of our target group and their user pattern.
 - to save information about your preferences so that we may adapt our website to your individual interests.
 - to speed up your search.
 - to recognize you when you return to our website.
 - to ensure the stability and security of our website.
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How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- to present our Website and its contents to you.
 - to provide you with information, products or services that you request from us.
 - to fulfill any other purpose for which you provide it.
 - to carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
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- to notify you about changes to our Website or any products or services we offer or provide through it and to help us understand how the Website is being used.
 - in any other way we may describe when you provide the information.
 - for any other purpose with your consent.
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We may also use your information to contact you about goods and services that may be of interest to you. If you do not want us to use your information in this way, you may elect to unsubscribe and we will cease using your information in that manner.

Children Under the Age of 13

Our Website is not intended for children under 13 years of age. No one under age 13 may provide any personal information to the Website. We do not knowingly collect personal information from children under 13. If you are under 13, do not use or provide any information on this Website or on or through any of its features/register on the Website, make any purchases through the Website, use any of the interactive or public comment features of this Website or provide any information about yourself to us, including your name, address, telephone number, e-mail address or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 13, please contact us at Phenium Inc. by sending an email to privacy@phenium.com.

Information We Collect About You When You Visit Our Website

We collect several types of information from and about users who visit our Website via internet connection or through your device which you use to access our website, including certain user details. Such information includes:

- traffic data,
 - location,
 - logs and communication data,
 - resources on our website which you access and use,
 - IP address, operating system and browser type,
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- and information which is collected through cookies, web-beacons and other tracking technologies.
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Furthermore, we are tracking data with which you may be personally identified such as your name, postal address, e-mail address, phone number and any other identifier with which you may be contacted online or offline ('personal data') insofar as you provide us with this data in our online form. The technologies we use for this automatic data collection may include:

- Cookies (or browser cookies). We, and businesses we work with, require cookies for some features of our website. Cookies are small files that your browser places on your device in a designated directory. These cookies can be used to determine, for example, whether you have visited a website before. Most browsers accept cookies automatically. However, you can set your browser so that no cookies are stored or an explicit consent is required before saving a cookie. In addition, you can delete previously set cookies at any time. Please note that disabling cookies may result in restrictions when using our website.
 - Web Beacons. Pages of our Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit Phenium, for example, to count users who have visited those pages or opened an e-mail and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).
 - Log files. Every time you access our Internet pages, your usage data is transmitted through the respective internet browser and stored in log files, the so-called server log files. The records stored in this case contain the following data: domain and location from which the user is accessing the website
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Additionally, we can receive information from third parties, for example business partners.

Information You Provide to Us

The information we collect on or through our Website may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of subscribing to our newsletter, subscribing to our service, or requesting further services. We may also ask you for information when you report a problem with our Website or the Phenium technology.
 - Records and copies of your correspondence (including e-mail addresses), if you contact us.
 - Details of transactions you carry out through our Website and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website.
 - Details of Website searches and button clicks are also recorded.
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You also may provide information to be published or displayed (hereinafter, “posted”) on public areas of the Website, or transmitted to other users of the Website or third parties (collectively, “User Contributions”). Your User Contributions are posted on and transmitted to others at your own risk. Although you may set certain privacy settings for such information by logging into your account profile, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Website with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

Third-party Use of Cookies and Other Tracking Technologies

Some third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties’ tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.

Duration of Retention of Data

We store your data:

- if you have consented to the processing at the latest until you revoke your consent,
 - if we need the data to carry out a contract at most as long as the contractual relationship with you or statutory retention periods are running,
 - if we use the data on the basis of a legitimate interest at most as long as your interest in deletion or anonymization does not prevail.
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Disclosure of Your Information

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries and affiliates for the sole purpose of providing our services.
 - To contractors, service providers and other third parties we use to support our business.
 - To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of Phenium's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by Phenium about our Website users is among the assets transferred.
 - To fulfill the purpose for which you provide it.
 - For any other purpose disclosed by us when you provide the information.
 - With your consent.
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We may also disclose your personal information:

- To comply with any court order, law or legal process, including to respond to any government or regulatory request.
 - To enforce or apply our terms of use and other agreements, including for billing and collection purposes.
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- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Phenium, our customers or others.
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There is a transfer of data to third countries not located in the European Union or in the United States. This is done on the basis of statutory contractual provisions that are intended to ensure an adequate protection level of your data.

Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- Tracking Technologies and Advertising. You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of this Website may then be inaccessible or not function properly.
 - Opt-out. You may “opt out” of receiving marketing or promotional emails from us by following the instructions in those emails. If you opt out, we may still send you non-promotional emails, such as emails about your accounts or our ongoing business relations.
 - We do not control third parties’ collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI’s *website*.
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How we Protect Your Data

- We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration and disclosure. All information you provide to us is stored on our secure servers behind firewalls. All transactions, regardless of their nature, are encrypted using SSL technology.
 - The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for
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access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

- Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.
 - Transfer between subsidiaries: We may transfer user and customer information to our affiliates and to third party providers for the sole purpose of providing our services.
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Newsletter and Blog

If you subscribe to our newsletter or blog, we will process your e-mail address and data to verify your subscription. You can cancel your subscription at any time by sending a message to us or by clicking the 'unsubscribe' button.

Your Rights According to the GDPR

As the data subject, you have the right of access (Art 15 GDPR), the right to rectification (Art 16 GDPR), the right to erasure of your personal data (Art 17 GDPR), the right to restriction of processing of your personal data (Art 18 GDPR) as well as the right to data portability (Art 20 GDPR). Furthermore, you have the option to file a complaint against the processing of your personal data with the competent supervisory authority.

If you have given your consent to the processing of your data, you can revoke the given consent at any time. Such revocation affects the admissibility of the processing of your personal data after you make such revocation.

You can object to the processing of your personal data insofar as we base the processing of your personal data on the balance of interests. This is the case in particular if the processing is not necessary for the fulfilment of a contractual obligation to you, which we in each case present in the description of the functions which follow. In case of such objection, we kindly ask for an explanation of the reasons for the objection against the processing of your personal data. In the case of your justified objection, we will examine the situation and will either discontinue or adapt the data processing or point

out to you our compelling legitimate reasons based on which we continue processing your personal data.

You may, of course, object to the processing of your personal data for advertising and data analysis purposes at any time. In this case, please send an e-mail to privacy@phenium.com.

Your California Privacy Rights

California Civil Code Section § 1798.83 permits users of our Website that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an e-mail to privacy@phenium.com.

Commitment to the EU-US Privacy Shield

Phenium Inc. complies with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union to the United States. Phenium adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. If there is any conflict between the terms in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

In compliance with the Privacy Shield Principles, Phenium commits to resolve complaints about our collection or use of your personal information. EU individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Phenium by sending an email to privacy@phenium.com at any time.

We comply with the Privacy Shield Principles for all onward transfers of personal data from the EU, including the onward transfer liability provisions. Phenium has further committed to cooperate with the panel established by the EU data protection authorities (DPAs) with regard to unresolved Privacy Shield complaints concerning data transferred from the EU.

The Federal Trade Commission (FTC) has jurisdiction over our compliance with the Privacy Shield. Under certain conditions, you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

2. Tracking Technologies on our Website

The tracking technologies we use on our Website may include the following.

Google Analytics

In order to optimize this website, we use Google Analytics, a web analytics service provided by Google, Inc. ("Google"). Google Analytics uses "cookies", which are text files placed on your computer, to help the website analyze how you use this website. The information generated by the cookie about your use of this website (including your IP address) will be transmitted to and stored by Google on servers in the United States. If the IP anonymization is activated on this website, your IP address will previously be truncated by Google within the EU member states or EEA member states. Only in exceptional cases will the IP address be transferred to Google on a server in the United States and thereafter be truncated. On behalf of the website operator, Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage. The IP address that was transmitted by your browser will not be combined by Google with any other data. You may refuse the use of cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this website. You may also prevent the collection of the data that was generated by the cookie and that is related to the use of the website (including your IP address) as well as its processing by Google by downloading and installing a browser plugin that is available under the following link: <http://tools.google.com/dlpage/gaoptout?hl=de>. Additional information thereto is available at <http://www.google.com/intl/de/analytics/privacyoverview.html> (general information to Google Analytics and privacy). This Website uses Google Analytics with its extension code "gat._anonymizeIp()" so that IP addresses will therefore only be processed in a shortened form to prevent persons from being identified.

Google AdWords

We as a Google AdWords customer also use Google Conversion Tracking, a web analytics service provided by Google, Inc. ("Google"). Google AdWords places a cookie in your browser ("Conversion Cookie") if you have accessed our website via a Google ad. These cookies are valid for 30 days. If you access some of our sites and the cookie is still valid, we and Google can recognize that somebody has clicked on the ad and thereafter was transferred to our website. Every AdWords customer uses a different cookie, and therefore it is not possible to track cookies via the websites of AdWords customers. The information obtained via the Conversion Cookie is used in

order to assemble conversion reports for AdWords customers. The AdWords customers receive the number of users that have clicked on their ad and have been transferred to a site that includes the Conversion Tracking Tag but they do not receive any information that would allow them to identify the user. You may refuse the use of cookies by selecting the appropriate settings on your browser, however please note that if you do this you may not be able to use the full functionality of this website.

Facebook Pixel

We use the “visitor action pixels” from Facebook Inc. on our website. This allows user behavior to be tracked after they have been redirected to our website by clicking on a Facebook ad. This enables us to measure the effectiveness of Facebook ads for statistical and market research purposes. The data collected in this way is anonymous to us, i.e. we do not see the personal data of individual users. However, this data is stored and processed by Facebook, which is why we are informing you, based on our knowledge of the situation. Facebook may link this information to your Facebook account and also use it for its own promotional purposes, in accordance with [Facebook’s Data Usage Policy](#). You can allow Facebook and its partners to place ads on and off Facebook. A cookie may also be stored on your computer for these purposes. You can object to the collection of your data by Facebook pixel, or to the use of your data for the purpose of displaying Facebook ads in your account-settings. Facebook is certified under the [US-EU Privacy Shield Agreement](#) and thus guarantees compliance with European data protection legislation.

LinkedIn Insight Tag

The LinkedIn Insight Tag is a piece of lightweight JavaScript code that we have added to our websites to enable in-depth campaign reporting and to help us unlock valuable insights about our website visitors. We use the LinkedIn Insight Tag to track conversions, retarget website visitors, and unlock additional insights about members interacting with our LinkedIn adverts. The LinkedIn Insight Tag enables the collection of metadata such as IP address information, timestamp, and events such as page views. All data is encrypted. The LinkedIn browser cookie is stored in a visitor's browser until they delete the cookie or the cookie expires. You can opt out of cookies from LinkedIn on your [LinkedIn settings page](#) and recommend you read their [Cookie Policy](#) for more information.

HubSpot

HubSpot’s marketing tool is embedded in our website for analyzing traffic

and for general marketing purposes. They use cookies or similar technologies to analyse trends, administer Phenium’s Website, track users’ movements around the website, and to gather demographic information about our user base as a whole. HubSpot keeps track of the Phenium website and pages you visit within HubSpot. This data is used to deliver customised content and promotions to users whose behavior indicates that they are interested in a particular subject area. You are free to explore Phenium’s websites without providing any personal information. Personal information will only be collected if you choose to submit your information through an online form. For more information on HubSpot’s privacy options, click [HubSpot's Privacy Policy](#).

3. Processing of Data through the Phenium Technology

Phenium Inc., (“Phenium” or “We”) provides analytics, collaboration tools, IoT technology and mobile services to businesses (our “Customers”). In connection with these services, we may process certain data from the users of our apps and technologies (collectively the “End User”), as further described hereafter. We process the data upon instructions from our Customers and do not have any kind of direct relationship with the End User. Our End Users have employment, subcontractor or similar relationships with our Customers, and there is a separate privacy policy included in our End User License Agreement (EULA), which covers our Mobile and Web Applications.

Changes to Our Privacy Policy

It is our policy to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users’ personal information, we will notify you through a notice on the Website home page. The date the privacy policy was last revised is posted on the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our website and this privacy policy to check for any changes.
