

# PRIVACY STATEMENT

FeneTech Inc. and FeneTech S.à.r.l.

Version 1.0

FeneTech Inc. is a corporation registered in the State of Ohio, USA under charter number: 955924  
FeneTech Europe S.à.r.l. is registered in Luxembourg under number: B150816

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## Definitions

For the purpose of this Statement the following definitions apply:

- “Personal Data”: any information relating to an identified or identifiable natural person covered by the General Data Protection Regulation EU 2016/679 (“data subject”); an identifiable person is a natural person who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- “Processing”: any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data.
- “Controller”: a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
- “Processor”: a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.
- “Recipient”: a natural or legal person, public authority, agency or another body to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with EU or EU Member State law shall not be regarded as recipients; the processing of those data by those public authorities is in compliance with the applicable data protection rules according to the purposes of the processing.
- “Third party”: a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorized to process personal data.
- “Customer”: the natural or legal person FeneTech has made an offer to or concluded an agreement with.
- “Customer Agreement” means an agreement made between FeneTech and a Customer regarding the marketing, sales, installation, service, and/or support of FeneTech products or services.
- “User” or “You”: the natural or legal person which has been granted the right to use FeneTech Products/Software (including but not limited to authorized employees of the Customer) whose Personal Data is the subject of this Privacy Statement.

## Introduction

This Privacy Statement concerns the processing of Personal Data by FeneTech Inc. and FeneTech Europe S.a.r.l. for the purpose of our services (hereinafter: 'FeneTech' or 'we').

FeneTech develops and implements software for industrial manufacturers (hereinafter: 'the Software'). In the performance of its service, FeneTech processes certain Personal Data. We treat the Personal Data with the greatest care and, in doing so, comply with the applicable laws and regulations, including the General Data Protection Regulation (GDPR). That means, among other things, that FeneTech:

- Informs you in a comprehensible and transparent way on how and for which purposes Personal Data are processed
- Processes Personal Data only for well-defined purposes and the processing of data is based on one of the basis referred to in the GDPR
- Takes appropriate security measures to protect Personal Data from loss or theft
- Informs you of your rights regarding the Personal Data which are processed by FeneTech.

The above subjects are dealt with in this Privacy Statement. This Statement consists of three parts.

- A. In **Part A**, we explain how FeneTech as administrator and supporter of the Software deals with Personal Data which are processed under the agreements between FeneTech and Customers. In this part it is also discussed for which purpose and on what basis Personal Data of Users are processed, and what the term of the storage is.
- B. In addition to Personal Data of Users processed by FeneTech, we also process a number of other sets of Personal Data, including Personal Data of our suppliers and Personal Data of the visitors of our website. In **Part B** we explain how we deal with those other sets of Personal Data.
- C. **Part C** contains a number of general provisions that show, inter alia, how we protect Personal Data and who you can contact with regard to questions about this Privacy Statement.

### Lawful processing

FeneTech ensures that it shall only process Personal Data in a lawful way that is not incompatible with the purpose they were received for. The Personal Data must be adequate and relevant with regard to the purposes for which they are processed; and will not be processed excessively in the relation to the purpose they were collected for. The data will only be processed by persons that have signed a confidentiality statement.

FeneTech may have to share Personal Data between its companies, both within Europe and internationally, in order to provide you services. The level of data protection in countries outside Europe may not be up to the standards of GDPR in Europe. In those cases, we will take appropriate measures to make sure that your Personal Data are protected and secure in compliance with applicable data protection laws. EU standard contractual clauses are in place between all FeneTech entities that share and process Personal Data. Whenever third-party service providers process Personal Data outside Europe, our written agreement with them will include appropriate measures, usually standard contractual clauses.

This Privacy Statement is concluded by and managed under the Management Board of FeneTech S.a.r.l. and the Board of Directors of FeneTech, Inc..

## Part A

There are three categories of Personal Data of Users processed, which will be explained in the following.

### 1. Personal Data processed before Software Commissioning

In the course of installing and commissioning FeneTech's products, FeneTech collects the Personal Data of its Customers.

#### *Purpose*

FeneTech will configure, install, and commission Software for Customers in accordance with a Customer Agreement. The Software will save Personal Data during this process. FeneTech shall process the Personal Data for configuring, installation, and commissioning purposes only.

#### *Basis*

The above-mentioned data processing is necessary for the implementation of the Customer Agreement and FeneTech's ability to provide its Software and services. FeneTech shall not use the Personal Data Users enter in the Software for acts/conduct that are in breach with the applicable statutory provisions.

#### *Storage term*

We will delete your Personal Data if we receive the order to do so by the person who entered these data in the Software or if there is no more legal basis to process the Personal Data.

### 2. Personal Data processed through the administrative systems of FeneTech

#### *Categories of Personal Data*

To develop and maintain ordinary business contacts, including ongoing support and maintenance for FeneTech Customers, FeneTech requests, collects, and stores in their administrative systems the following Personal Data.

- Name
- E-mail address
- Telephone number
- Position or Job Title

#### *Purpose*

Pursuant to a Customer Agreement or other authorization, FeneTech contacts Users regularly (and vice versa) for support, invoicing, and maintaining the customer network of FeneTech. FeneTech may also be authorized in an agreement to use this Personal Data to contact Customers, offer User training and to market FeneTech updates and products. FeneTech shall process the Personal Data for these authorized purposes only.

#### *Basis*

The above-mentioned data processing is necessary for the implementation of the agreement concluded between FeneTech and Customers, so that FeneTech will be able to provide its services. FeneTech shall not use the Personal Data of Users saved by FeneTech in its administrative systems for acts or conduct that are in breach with the applicable statutory provisions.

#### *Storage term*

We will delete your Personal Data from our administrative systems upon request of the Customer (unless there is a legal obligation or legal basis that requires us to keep the Personal Data) or there is no more legal basis to process the Personal Data.

### **3. Personal Data processed through (remote) support of FeneTech**

#### *Categories of Personal Data*

FeneTech must be able to remotely access to the Software in order to perform essential maintenance and support of the Software. By means of remote support, FeneTech employees and contractors can remotely access and control User systems through an internet connection. Users may grant FeneTech access to its servers (including cloud and hosted environments) both physically (on site) or remote by remote support as required by FeneTech's support agreements.

In the course of providing remote support FeneTech may acquire Personal Data of Users stored in the User's computers. FeneTech ensures that these Personal Data will not be disseminated, transmitted or made available to Third parties in any other way, except as provided in a Customer Agreement.

#### *Purpose/basis*

The above-mentioned access is necessary to provide support and services in accordance with the Customer Agreements. In the course of providing such services, FeneTech shall not use the Personal Data of Users FeneTech has access to for acts/conduct that are in breach with applicable statutory provisions.

## Part B

### DATA OF VISITORS OF THE WEBSITE OF FENETECH

We are committed to safeguarding the privacy of our website visitors. By visiting [www.fenotech.com](http://www.fenotech.com) or any related website (our "Site"), you are accepting and consenting to the practices described in this Privacy Statement.

#### 1. Categories of Personal Data

We may collect, store and use the following kinds of Personal Data (non-exhaustive list):

- information that you provide to us when asking for a quote or information (including your name, telephone number and email address);
- information that you provide to us for the purpose of subscribing to the Site, our newsletters and email services; and
- any other information that you send to us or we collect about you (e.g. IP addresses).

Please note if you are entering details on behalf of others you must receive their prior consent.

#### 2. How we use your Personal Data

We will process and use your Personal Data for the following purposes:

- As required to fulfil a contract with you. This includes operations to handle orders, deliver products and services, process payments, communicate with you about your orders or products (including software updates and customer service) and generally to maintain and administer your account with us.
- Where we are required to do so by law. This includes for the purposes of legal claims and compliance (including disclosure of such information in connection with legal process or litigation).
- Where it is in our legitimate interests to do so and where these interests are not overridden by your data protection rights. This includes operations to know your preferences better, serve you with meaningful content and advertising or ensure the security and integrity of our website.
- With your consent. This includes situations where you consent to the use of cookies, for example, to gather management information to form statistical and trend analysis or where you request for or consent to receiving regular e-mail updates or the Personal Data you provide when you subscribe for a FeneTech conference (e.g., name, contact details, shirt size).

When you subscribe to our e-mail updates, the data you have entered (name and e-mail address) will be used for this purpose only. Subscribers may also be informed by e-mail about circumstances which are relevant for the service or registration, for instance changes in the newsletter service or technical conditions.

For a successful registration, we require a valid e-mail address. More data will not be collected. The data are used for the newsletter service only and will not be transferred to third parties.

You can revoke the consent regarding storage of your Personal Data and their use for the newsletter service at any time. A corresponding link is provided in each newsletter. You can also unsubscribe on this website at any time or state your intention via the contact details at the end of this document.

When we ask you to supply us with Personal Data we will make it clear where there is a statutory or contractual (mandatory) requirement to provide Personal Data and the consequences of not providing the data (for example, that we will not be able to process your order).

### 3. Data retention

Data is retained for a period appropriate to the purposes for which it was collected and is, by default, destroyed at the end of a one (1) year period of inactivity following its collection date unless otherwise provided by law.

Please note however that appropriate data related to subscription of current services (e.g. brand newsletters) will be deleted one (1) month after you have notified us that you want to unsubscribe to such services.

### 4. Recipients of Personal Data

FeneTech's website may contain links to third party websites for reference purposes only. We are not responsible for the content, privacy notices or practices of third party websites in these circumstances. Please contact them directly for more information.

### 5. Cookies

A cookie consists of information sent by a web server to a web browser, which is then stored by the browser. The information is then sent back to the server each time the browser requests a page from the server. This enables the web server to identify and track the web browser. Most browsers allow you to refuse to accept cookies.

A "cookie" is a piece of information, like a tag, that's stored on your computer, tablet or phone when you visit a website. It can help identify your device - like your PC or mobile phone - whenever you visit that website.

They are used by most major websites including this Site. To make the best use of our Site, on whichever device you use, you'll need to make sure your web browser is set to accept cookies.

We use cookies and some other data stored on your device to:

- give you a better online experience
- allow you to set personal preferences
- protect your security
- measure and improve our service
- track and measure marketing trends

A cookie will typically hold:

- the name of the website that it has come from
- how long the cookie will stay on your device (e.g. computer or phone)
- a value - usually a randomly generated unique number

*The cookies we set*

We use the following categories of cookies on our Site:

- **Category 1: Strictly Necessary Cookies**

These cookies are essential in order to enable you to move around the Site and use its features.

- **Category 2: Performance Cookies**

These cookies collect anonymous information on how people use our Site. For example, we use Google Analytics cookies to help us understand how customers arrive at our Site, browse or use our Site and highlight areas where we can improve areas such as navigation and marketing campaigns.



The data stored by these cookies never shows personal details from which your individual identity can be established. For more information on Google Analytics cookies, see the official Google Analytics page. To opt out of being tracked by Google Analytics across all websites visit <https://tools.google.com/dlpage/gaoptout?hl=en>.

Other ways we make our online service easier to use include using cookies that:

- make the page load quickly by sharing the workload across computers.
- make sure our pages are optimized for your browser or device by giving us technical information about the device or browser you are using.

*How long do cookies stay on my computer?*

The retention period for cookies depends on the type of cookies. Session cookies only last until you close your browser. They are not stored on your hard drive. They are usually used to track the pages that you visit so that information can be customized for you for that visit. Persistent cookies are stored on your hard drive until you delete them, or they reach their expiry date. These may, for example, be used to remember your preferences when you use the Site.

We will not store cookies information for longer than 2 years.

*What can I do to manage cookies stored on my computer or phone?*

You can accept or refuse cookies. Accepting cookies is usually the best way to make sure you get the best from a website. Most PCs automatically accept them, but you can change your browser settings to restrict, block or delete cookies if you want.

Each browser is different, so check the 'Help' menu of your particular browser (or your mobile phone's handset manual) to learn how to change your cookie preferences. Many browsers have universal privacy settings for you to choose from. To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit [www.aboutcookies.org](http://www.aboutcookies.org) or [www.allaboutcookies.org](http://www.allaboutcookies.org).

If you decline cookies, some aspects of the Site may not work on your computer or mobile phone and you may not be able to access areas you want on the website. For this reason, we recommend that you accept cookies.

## **6. Your rights of access, rectification, limitation, deletion and objection**

You have the right to obtain access to your Personal Data we store at any time. You also have the right of rectification, limitation or, with the exception of legally required storage of data for the purpose of transactions, deletion of your Personal Data. Please contact us for this purpose. You can find the contact details at the bottom of this Privacy Statement.

To enable limitation of data to be taken into account, those data must be recorded in a file for control purposes. You can also request deletion of the data, provided that there is no legal storage requirement. If such a requirement does exist, we will limit your data upon request.

You can make changes or revoke consent with future effect by notifying us accordingly.

## Questions

If you have any questions regarding data protection, please contact us by e-mail or letter.

Our postal address is:

FeneTech Inc.  
260 Campus Drive  
Aurora, OH 44202

We can be contacted by:

E-mail: [data.protection@fenetech.com](mailto:data.protection@fenetech.com) or

Telephone: 330-995-2830

## DATA OF SUPPLIERS OF GOODS AND SERVICES TO FENETECH

### *Categories of Personal Data*

If FeneTech enters into a business relationship with a supplier, the following personal data may be processed/saved of the contact person(s) of the supplier:

- First name and surname
- E-mail address
- Telephone number
- Position or Job Title

### *Purposes, basis and storage period*

FeneTech processes the above personal data for the following purposes:

- Contacting suppliers in the ordinary course of business
- Processing of invoices
- Maintenance of the business network of FeneTech

FeneTech processes the above Personal Data on the basis that it is necessary for the implementation of agreements concluded with suppliers.

We will delete your Personal Data from our administrative systems upon request of the supplier (unless there is a legal obligation that requires us to keep the Personal Data) or when there is no more legal basis to process the Personal Data.

## **DATA OF APPLICANTS APPLYING FOR A JOB AT FENETECH S.À.R.L.**

### *Categories of Personal Data*

If you apply for a job with FeneTech S.à.r.l., FeneTech will process the following Personal Data

- First name and surname;
- E-mail address;
- Date of birth;
- Gender;
- Nationality;
- Address (residence, street name and number with postcode);
- Curriculum Vitae (CV);
- Application letter;
- References;
- (Mobile) phone number
- Any information available via web search (e.g. Google)

### *Purposes, basis and storage period*

The above Personal Data are processed to ensure that application procedures run smoothly. This way, we can contact you to make an appointment or provide feedback and we can assess your profile with regard to the position you applied for.

If you apply to us, FeneTech has a legitimate interest to process the abovementioned Personal Data. This processing is necessary to ensure that the application procedure runs smoothly.

Personal Data will be deleted four weeks after the vacancy has been filled, unless you give permission for storing the Personal Data for a longer period.

## **DATA OF FENETECH EMPLOYEES**

We process Personal Data of our employees. Processing of those data is excluded from this Privacy Statement. Upon employment, we explain to our employees how we deal with their Personal Data and provide them with a separate Privacy Statement pertaining to the processing of Personal Data of employees.

## **Part C**

### **Security**

Adequate security of your Personal Data is crucial. FeneTech shall take, maintain, and, if necessary, adjust all reasonable and suitable and organizational measures, to secure the confidentiality and availability of your Personal Data and to protect them from theft, unlawful dissemination, unauthorized use or unauthorized access to the processed data stored. These measures shall at all times provide an adequate level of protection, in view of the current and future state of the art.

To ensure the safety of your Personal Data, the employees of FeneTech follow a Standard Operating Procedure (SOP). FeneTech shall take care that the Personal Data processed in the Software, and the Personal Data stored in the administrative systems, will be stored securely and will only be available to authorized people. We also conclude confidentiality agreements with all our employees - and any Third parties or Processors that receive Personal Data. If there is a security breach despite the security measures taken, we shall take measures to limit the consequences for your privacy to the extent possible.

### **Data leak procedure**

Despite the technical and organizational measures taken by FeneTech a breach relating to the Personal Data may possibly occur, in which Personal Data are destroyed, lost, amended, provided or made available in an unlawful way (hereinafter: 'data leak'). As Controller, FeneTech shall assess whether the data leak has to be reported to the Data Protection Authority and potentially to the data subject(s). FeneTech has the responsibility for the (correct, timely and full) report to the Data Protection Authority and potentially to the data subject(s) within the applicable statutory deadline.

### **Disclosure of Personal Data to Third parties and Processors**

Under certain circumstances, Personal Data can be made available to Third parties and Processors. An agreement has been concluded between FeneTech and the abovementioned Third parties and Processors, which includes detailed arrangements on confidentiality, integrity and security of Personal Data.

### **Transfer of Personal Data**

We can process your Personal Data within and outside the EU because they may be 'transferred' to a foreign (group) company or a foreign (group) company may have access to your Personal Data. This shall happen only if necessary for the implementation of the agreement between FeneTech and Customer, or with your permission. FeneTech shall not allow your Personal Data to be processed within or outside the EU, unless the transferee agrees to comply with detailed arrangements on confidentiality, integrity and security of Personal Data in accordance with GDPR standards.

The level of data protection in countries outside Europe may not be up to the standards of GDPR in Europe. In those cases, we will take appropriate measures to make sure that your Personal Data are protected and secure in compliance with applicable data protection laws. EU standard contractual clauses are in place between all FeneTech entities that share and process Personal

Data. Whenever third-party service providers process Personal Data outside Europe, our written agreement with them will include appropriate measures, usually standard contractual clauses.

## **Your rights**

You have the right to make a request to us in writing concerning:

### *Access to Personal Data*

You have the right to take knowledge of data relating to you that are processed and can receive a copy thereof. Upon request, we inform anyone - as soon as possible but not later than four weeks after receipt of the request - in writing whether Personal Data relating to him/her are processed.

If that is the case, we shall upon request provide the applicant in writing with an overview thereof including information about the purpose or purposes of the data processing, the categories of data the processing relates to, the categories of the Recipients of the data and the origin of the data. FeneTech may refuse to comply with a request if and to the extent necessary for the protection of the data subject(s) or the rights and freedoms of Third parties.

### *Correction and/or deletion and/or restriction of your Personal Data*

Upon request in writing of a data subject, we shall proceed to correct, add, delete, restrict and/or block (right to be forgotten) the Personal Data of the data subject we processed, if and to the extent these data are factually incorrect, incomplete for the purpose of the processing, irrelevant, or reveal more information than necessary for the registration purpose, or are processed in breach with the statutory provisions in any other way. The request of the data subject must contain the amendments to be made. We also ask you to inform us why you disagree with the processing of the Personal Data.

We will inform you as soon as possible whether we can comply with your request. FeneTech shall take care that a decision pertaining to correction, addition, deletion and/or blocking is implemented within 14 working days, and if this is in all reasonableness not possible, as soon as possible thereafter.

We shall delete your data after receipt of a request to this end if:

- The data are no longer necessary for the purpose we processed them for
- You no longer grant us permission to process your Personal Data and there is no legal reason to process the data for a longer period
- You object to processing of Personal Data and there is no reason to process the data for a longer period
- We should not have processed the Personal Data (unlawful processing)
- We are required by law to delete the Personal Data.

## **Complaints procedure**

If you are of the opinion that the provisions of this Privacy Statement are not complied with or your rights regarding the processing of Personal Data are not being respected, you can submit your complaint to us via e-mail: [E-MAIL ADDRESS]. If you are of the opinion that we do not respect your Personal Data, you could also go to the Luxembourg Data Protection Authority and ask for advice or mediation.

## **Contact details**

In case you have any questions concerning this Privacy Statement or the processing of your Personal Data by FeneTech, please contact us via the contact information below.

FeneTech Inc.  
260 Campus Drive  
Aurora, OH 44202  
E-mail: [data.protection@fenetech.com](mailto:data.protection@fenetech.com) or  
Telephone: 330-995-2830

## **Changes and implementation**

We reserve the right to change this Privacy Statement. Changes shall be published on our website. It is recommended to consult this Privacy Statement regularly in order to be well-informed of the alterations. If we make significant changes to the Privacy Statement, we shall inform the clients that are registered with us with their e-mail address.

This Privacy Statement shall take effect as of June 20, 2018. The Privacy Statement can be consulted and downloaded for free via our website: [www.fenetech.com](http://www.fenetech.com)

This Privacy Statement was last updated on June 20, 2018.