

# NEC UNIVERGE™ BLUE PRIVACY POLICY

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### 1. INTRODUCTION

In this Privacy Policy, NEC Nederland B.V. or the reseller of Services (“Company”) means the entity that is providing you services and with whom you entered into the Master Service Agreement described below. Note that Company’s licensors, vendors and service providers may act in Company’s place with respect to any portion of this Privacy Policy.

### 2. WHAT IS THE PURPOSE OF THIS PRIVACY POLICY?

Company created this Privacy Policy (“Policy”) to demonstrate our firm commitment to the privacy of our customers, resellers, affiliates and visitors to our websites and mobile applications (and those of our vendors and affiliates)

### 3. HOW DOES COMPANY DEFINE “PERSONAL DATA”

In this Privacy Policy, “Personal Data” means any information about an identified or identifiable individual, in accordance with the meaning of the General Data Protection Regulation (GDPR), or the applicable data protection law for the country in which you are located. Personal Data is collected, obtained or otherwise processed by Company in the following situations:

- Through access to or use of Company’s Univerge Blue websites; and
- Through the submission of information by prospective customers, resellers or affiliates to Company for purposes of receiving more information about our services; and
- When a new customer, reseller or affiliate of Company creates a Company account; and
- When a new customer, reseller or affiliate of Company purchases our services (the “Services”), including as the term “Services” may be defined in your Master Service

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Agreement, Customer Ownership Partner Agreement, Agency Partner Agreement, Revenue Share Partner Agreement or other agreement with Company (the “Agreement”); and

- When a current customer or affiliate of Company uses our platform or Services or contacts our customer service or technical support team.

***By visiting our websites, creating a Company account, purchasing Services, or using our platform or Services, you accept the practices set forth in this Privacy Policy.***

### **4. WHAT IS THE SCOPE OF THIS PRIVACY POLICY?**

This Privacy Policy only covers Personal Data collected by Company. Company's websites may contain links to third-party websites. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that Company does not accept any responsibility or liability for these policies. Please check the applicable third-party privacy policies before you submit any data to such third-party websites.

### **5. WHAT ARE COMPANY’S GUIDELINES REGARDING CHILDREN?**

Company requires that all account holders be 18 years of age or older. In addition, our websites and Services are not designed for or directed to children under the age of 18, and Company does not knowingly collect or maintain Personal Data about any person under the age of 18. If you believe Company has collected any Personal Data from or about any person under 18, please contact the Company.

### **6. WHAT ABOUT MY USE OF COMPANY FORUMS?**

Company may make chat rooms, forums, message boards, news groups and similar media, including social media, available to you. Please remember that any information that is disclosed in these areas may become public and you should exercise caution when deciding to disclose any Personal Data in any of these areas.

### **7. WHAT KIND OF INFORMATION DOES COMPANY COLLECT?**

Company may collect the following information, which may include Personal Data:

- Personal Data that you voluntarily provide when using our websites or Services, including contact information (e.g., email address, name, telephone number, home or work address, and ZIP code) and billing information (e.g., credit card number, bank account number and billing address);
- Personal Data that is generated through your actions by using our Services, which is collected, used and processed by Company solely for the purpose of delivering the Service to you;
- Technical standard information sent by your browser during visits to our websites or your use of our Services, including IP address, the type of device being used, your device's operating system, location information internet or network activity, language preference and browser type;
- Information about general usage of our website collected by using a cookie file which is typically stored on the hard drive of your computer. Please see the “Cookies section.

## 8. HOW DOES COMPANY USE, STORE AND RETAIN INFORMATION?

Company may use, store and retain information, which may include Personal Data, in the following ways:

- To provide you with information regarding the status of your account, to determine your tax status, and to bill you for our Services;
- To operate, provide and maintain the Services, including providing you with information and Services that you request from Company, delivering customer service or technical support, and carrying out Company's obligations arising from any agreement entered into between you and Company, including the Agreement;
- To manage our existing and prospective relationships with customers, resellers, distributors, vendors, service providers and affiliates, including accounting, auditing, billing and fee collection;
- To administer, test, analyze and improve Company's Services and to facilitate marketing services by Company and its marketing partners, including providing you with information about available Services and related products and services;
- To gather broad demographic and statistical information, and other de-identified or aggregated information, which Company may use for purposes such as understanding broad demographic trends and statistical information;
- To notify you about changes to the Services, welcome letters, billing reminders, technical notifications and security announcements;
- To comply with applicable legal requirements, industry standards and Company's procedures and policies, to enforce our Agreements, and to defend our legal rights.

Company only processes your Personal Data based on a valid legal ground, including when:

- You have consented to the use of your Personal Data for example, to provide you with tailored advertising; If Company do so, Company will provide you with full details of the Personal Data that we would like to process and the reason, so that you can carefully consider whether you wish to consent.  
In this case, Company would like to remind that you may withdraw your consent at your desired time.
- We need your Personal Data to provide you with the Services, including for account creation, the delivery of our Services, responding to your inquiries, and providing customer service and technical support ;We have a legal obligation to use your Personal Data, such as the obligation to protect intellectual property rights and restrict content available on the Service based on your location; or
- We have a legitimate interest in using your Personal Data. In particular, we have a legitimate interest in using your Personal Data to personalize our Services and provide you with tailored content, conduct business analytics, and otherwise improve the security and performance of our Services. We only rely on our legitimate interests to process your Personal Data when these interests are not overridden by your rights and interests. We may also share this information with third parties for this purpose.

If you are an existing customer, unless you ask Company to provide you with additional marketing information, we will only contact you by electronic means (e-mail or by posting to your account with Company). Where required under applicable law, we will only send you marketing communications with your consent.

Your Personal Data will be stored by us in accordance with applicable data protection laws to the extent necessary for the processing purposes outlined in this Privacy Policy. Your Personal Data will be deleted or made anonymous in accordance with Company's policies.

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### 9. HOW DOES COMPANY SHARE INFORMATION?

Company may disclose your information, including Personal Data, as follows:

- To entities within the Company's group and third-party business partners, consistent with the purposes described above;
- Billing information to organizations who process billing information on our behalf;
- In de-identified or aggregated form to third parties, such as usage information to our service and license providers for licensing compliance, licensing usage calculation, billing and support purposes; or
- To vendors and contractors retained in connection with the provision of the Services or support of Company's business. For example, Company may use service providers to measure Service usage and Service performance metrics; monitor security aspects of our Services and infrastructure; provide data storage services; and deliver customer service or technical support. Company will only release information that is needed to deliver the service for which the third- party vendor has been contracted. These vendors are required to maintain strict security and confidentiality of the information and are prohibited from using it for any other purposes other than in accordance with Company's instructions and policies.

In addition, Company may access and release your information, including Personal Data, under the following circumstances:

- Occasionally, Company may be required by law enforcement or judicial authorities to disclose your personal data to the applicable law enforcement authorities. Company will do so, upon receipt of a court order or subpoena, (mandatory legal process) to cooperate with a law enforcement investigation or if Company otherwise believe disclosure is necessary to exercise, establish or defend our legal rights. We reserve the right to report to law enforcement authorities any activities that we, in good faith, believe to be unlawful.
- If we obtain your consent or permission to disclose or release your information, which Company may obtain in various ways. For example, Company may present you with an "opt-in" prompt when you access the Services (the administrative control panel for the Services and associated websites
- If Company, any of its websites or Services or a related asset or line of business is acquired by, transferred to, or merged with another company.

## **TRANSFERS OF PERSONAL DATA**

Company complies with EU data protection law and any, other applicable data protection law for the country in which you are located, when transferring your Personal Data.

Your Personal Data will be transferred to and processed in countries outside the EEA, including amongst others, the United States. These countries may not have similar data protection laws to the EEA. If Company transfers your Personal Data outside of the EEA, it will protect it as described in this Privacy Policy or as required by applicable law. However, we take adequate measures to ensure that your Personal Data will at all times be protected in accordance with applicable regulations as described in the Data Processing Agreement that forms part of the Agreement.

## **10. IS MY PERSONAL DATA SECURE?**

Company takes reasonable steps in an effort to ensure that your Personal Data is treated securely and in accordance with this Privacy Policy and requires its suppliers to do the same. Company maintains administrative, technical and physical safeguards that are intended to appropriately protect Personal Data against accidental or unlawful destruction, accidental loss, unauthorized alteration or access, misuse, and any other unlawful form of processing of the Personal Data in our possession. Your contact and financial information is submitted via a secure (HTTPS) connection and stored in the Company database protected by a firewall. Any payment transactions will be encrypted using SSL technology.

Although Company uses reasonable efforts to protect your Personal Data, transmission via the Internet is not completely secure. Therefore, Company cannot guarantee the security of your Personal Data transmitted using our websites or Services, and any transmission is at your own risk.

## **11. YOUR RIGHTS AND CHOICES**

You have the right to request that Company not contact you or use your Personal Data for purposes which are not reasonably necessary for the administration of our websites and/or the provision of Services. If you wish to exercise this opt-out right or to terminate your account, you may indicate a preference to stop receiving further marketing communications from us by accessing available termination or opt-out features in the administrative control panel for your Account, by “opting out” by following the unsubscribe instructions provided in the communication you receive, or by contacting Company by e-mail (at such address as is provided on Company’s website or in the Agreement). Where required under applicable law, we will only send you marketing communications with your consent.

Please note that you cannot unsubscribe from certain correspondence from us regarding our provision of Services to you, including messages relating to your Account, unless you stop using our Services. In addition, certain information may be required in order to use our websites or Services; as such, the only practicable method to opt out of providing information in connection with the use of those websites or Services would be to refrain from subscribing to or using those websites or Services.

If you have any questions about this Privacy Policy, the privacy practices of our websites or Services, or your dealings with our websites or Services, please feel free to contact us.

You may also revise your contact and financial information associated with your account, or terminate your account subject to contract conditions.

## YOUR DATA PROTECTION RIGHTS

You have control over the Personal Data that Company hold on you, these rights and how to use them are explained below:

- **Right to Withdraw Consent:** You may withdraw your consent to the processing of your Personal Data at any time.
- **Right to Access:** You can request access to the Personal Data Company holds on you with some limited exceptions.
- **Right to Rectify:** If you feel the Personal Data Company holds on you is inaccurate, you can ask Company to correct or update it.
- **Right to Erasure:** You can request that Company erase your Personal Data, unless it is necessary for compliance with a legal obligation or for the establishment, exercise, or defense of legal claims. This right may be limited by law.
- **Right to Restrict the Processing:** You have the right to request that Company restrict processing if you contest the accuracy and wish to verify it, it has been unlawfully processed, or Company no longer needs the data but you need it to assert, exercise or defend legal claims.
- **Right to Object:** You have the right to object to the processing of your Personal Data if you disagree with any legitimate interest or public interest Company has relied upon to process your Personal Data.
- **Right to Data Portability:** You have the right to receive your Personal Data in a structured, commonly used and machine-readable format where your Personal Data is processed in reliance either on your consent or because such processing is necessary for the performance of a contract, and the Personal Data, in either case, is processed by automatic means.

Please contact the Company if you want any of the information above or want your rights further explained.

If you believe that your data protection rights may have been breached, you have the right to lodge a complaint to the applicable supervisory authority or to seek judicial remedy.

## 12. COOKIES

What are Cookies?

Cookies are small text files that are placed on your device or browser when you make use of Company's websites, services, applications and/or administrative control panel. These allow Company's services to function more efficiently, for example, storing and honoring your settings or preferences, combating fraud, providing advertising, and analyzing how Company's services perform. Some cookies only last for a short duration and expire at the end of a session, for example, when you close a browser window. These are known as "session cookies." Other cookies last longer and remain stored on your browser

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or device and can, for example, track your settings or activities on several sites. These are known as “persistent cookies.”

### How does Company Use Cookies?

When you access Company’s websites, services, applications and/or administrative control panel, Company may send one or more cookies (and/or similar technologies) to your computer. By sending you cookies with values that are unique, Company may be able to uniquely identify your web browser or device when you access Company’s websites, services, applications and/or administrative control panel. Company may use both “session” and “persistent” cookies to collect, store, and sometimes track various types of information.

### Why Does Company Use Cookies?

Company uses cookies to retain your session states and to offer you a personalized experience on Company’s websites, services, applications and/or administrative control panel. You can review the “Help” file in your browsers or mobile devices to learn the proper way to modify your cookie settings. Please be aware, however, that the use of cookies is necessary for the use of the administrative control panels and certain other aspects of Company’s websites, services, applications and/or administrative control panel.

### What Are the Different Types of Cookies Used by the Company?

The following are the different types of cookies that Company uses and why Company uses them:

#### Necessary Cookies

Company uses cookies that are necessary so Company’s website and Services can operate. These are required to monitor the functionality of Company’s site, improve security, and/or allow you to make use of functions such as the Partner Portal and web chat.

#### Performance Cookies

Company uses cookies to assess the performance of Company’s website, Services and administrative control panel to improve your user experience. This includes analyzing how users use Company’s website, Services and control panel and making sure they remain up and operational.

#### Functional Cookies

Company uses cookies that help with functionality when accessing or using Company’s website or Services. For example, cookies may be used to authenticate your credentials when you log into your account or to save your preferences or location settings.

#### Advertising or Targeting Cookies

Company uses cookies to deliver content tailored to you. Company also uses cookies to help measure the effectiveness of Company’s marketing campaigns. Company also partners with some authorized third parties who may place cookies on your device when you interact with Company’s website or Services.

When you visit one of Company’s websites, advertising companies may place a cookie or similar technologies on your computer and may collect certain information about your use of Company’s websites. These companies may use this information, as well as information they collect from your use of other websites, to display advertisements on the Internet about products and services they believe you may be interested in. You can learn more about this practice, and can learn about your

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choices with respect to the use of this information about you for customizing advertisements, at [www.aboutads.info/choices](http://www.aboutads.info/choices).

### “Do Not Track” Notice

There is no accepted standard on how to respond to Do Not Track (DNT) signals, and Company does not respond to such signals. You can learn about DNT at [www.allaboutdnt.com](http://www.allaboutdnt.com).

### **13. HOW IS THIS PRIVACY POLICY UPDATED?**

Company reserves the right to change this Privacy Policy at any time. Any changes to the Privacy Policy will be posted to at least one of our websites, including at <https://www.univerge.blue/legal>.

In the event that the changes materially alter your rights or obligations under this Privacy Policy, we will make reasonable efforts to notify you of the change. For example, we may send a message to your email address, if we have one on file, or generate a pop-up or similar notification when you access our Services or administrative control panel for the first time after such material changes are made. In addition, we will obtain your consent prior to any new uses of your Personal Data, as may be required by law.

Your continued use of our Services constitutes your acceptance of the terms of the Privacy Policy as amended or revised by us from time to time.