

General Privacy policy and Terms of service

This policy is based on Regulation (EU) 2016/679 of the European Parliament and of the Council (“General Data Protection Regulation” or “GDPR”).

This Privacy Policy (“Policy”) describes the information that Enersense Solutions Oy (“Enersense”) gathers on or through the Service, how Enersense uses and discloses such information, and the steps Enersense takes to protect such information. By purchasing or using the Service, you accept the privacy practices described in this Policy.

Definitions

“**Client**” means a customer and contractual partner of Enersense, who uses the Enersense E-Sense Service.

“**Enersense**” means Enersense Solutions Oy, who is processing personal data on behalf of the Client

“**Service**” means Enersense E-Sense project platform software.

“**Client Data**” means personal data, reports, addresses, and other files, folders or documents in electronic form that a User of the Service stores within the Service.

“**Personal Data**” means any information relating to an identified or identifiable natural person.

“**User**” means a representative of a Client or of a Client’s contractual partner, who uses the Service by logging in to the Service.

Personal Data collected on the Service

We collect different types of information on or through the Service. The legal basis for Enersense’s processing of personal data is primarily that the processing is necessary for providing the Service in accordance with the Client agreement. The processing may also be based on Enersense’s legitimate interests such as, when the personal data is used for Service

improvements or communication with the Client or the User as defined below in section “How We Use the Information We Collect”. We may also process data upon your consent, asking for it as appropriate.

Personal Data Collected by Clients. A Client or User may store or upload into the Service Client Data. Enersense has no direct relationship with the individuals whose Personal Data it hosts as part of Client Data. Each Client is responsible for providing notice to its employees, subcontractors and third persons concerning the purpose for which Client collects their Personal Data and how this Personal Data is processed in or through the Service as part of Client Data.

“Automatically Collected” Information. When a User uses the Service, we may automatically record certain information from the User’s device by using various types of technology. This “automatically collected” information includes IP address or other device address or ID, web browser and/or device type, the pages or other content the User views or interacts with on the Service, and the dates and times of the visit, access, or use of the Service.

How We Use the Personal Data We Collect

We use the information that we collect in a variety of ways in providing the Service and operating our business, including the following:

Operations

We may use the information to operate, maintain, enhance and provide all features of the Service, to provide the services and information that you request, to respond to comments and questions and to provide support to users of the Service. We process Client Data solely in accordance with the directions provided by the applicable Client.

Improvements

We use the information to understand and analyze the usage trends and preferences of our Users, to improve the Service, and to develop new products, services, features, and functionality. Should this purpose require Enersense to process Client Data, then the data will only be used in anonymized or aggregated form.

Communications

We may use a User’s email address or other information – other than Client Data – to contact that User for administrative purposes such as customer service, to address intellectual property infringement, right of privacy violations or defamation issues related to the Client Data or Personal Data posted on the Service.

To Whom We May Disclose Your Personal Data

Except as described in this Policy, we will not intentionally disclose the Personal Data or Client Data that we collect or store on the Service to third parties without the consent of the applicable Client. We may disclose information to third parties if you consent to us doing so, as well as in the following circumstances:

Service Providers

We work with third party service providers who provide application development, hosting, maintenance, and other services for us. These third parties may have access to, or process Personal Data or Client Data as part of providing those services for us. We limit the information provided to these service providers to that which is reasonably necessary for them to perform their functions, and our contracts with them require them to maintain the confidentiality of such information.

Authorities, Legal Process and Compliance

We may disclose Personal Data to authorities to the extent we are under statutory obligation to do so. Such authorities include tax authorities, police authorities, enforcement authorities and supervisory authorities in relevant countries.

We also reserve the right to disclose Personal Data or other information that we believe, in good faith, is appropriate or necessary to (i) take precautions against liability, (ii) protect ourselves or others from fraudulent, abusive, or unlawful uses or activity, (iii) investigate and defend ourselves against any third-party claims or allegations, (iv) protect the security or integrity of the Service and any facilities or equipment used to make the Service available, or (v) protect our property or other legal rights, enforce our contracts, or protect the rights, property, or safety of others.

Change of Ownership

Information about Users, including Personal Data, may be disclosed and otherwise transferred to an acquirer, successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets and only if the recipient of the User Data commits to a Privacy Policy that has terms substantially consistent with this Privacy Policy.

Client Data may be physically or electronically transferred to an acquirer, or successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar

transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets, for the sole purpose of continuing the operation of the Service, and only if the recipient of the Client Data commits to a Privacy Policy that has terms substantially consistent with this Privacy Policy.

Transfers outside EU/ETA

Personal Data may not be transferred to countries outside the EU/EEA. The Service is hosted in a datacenter located in Helsinki, Finland.

Your Choices

Access, Correction, Deletion

We respect your privacy rights and provide you with reasonable access to the Personal Data that you may have provided through your use of the Service. If you wish to access the Personal Data we hold about you, or to request that we correct, delete or transfer any information about you that we have, you may contact Enersense's Data Protection Officer by email at dpo@enersense.com.

At any time, you may object to the processing of your Personal Data, on legitimate grounds, except if otherwise permitted by applicable law. If you believe your right to privacy granted by applicable data protection laws has been infringed upon, please contact Enersense's Data Protection Officer by email at dpo@enersense.com.

This provision does not apply to Personal Data that is part of Client Data. In this case, the management of the Client Data is subject to the Client's own Privacy Policy, and any request for access, correction or deletion should be made to the Client responsible for the uploading and storage of such data into the Service.

Third-Party Services

The Service may contain features or links to web sites and services provided by third parties. Any information you provide on third-party sites or services is provided directly to the operators of such services and is subject to those operators' policies, if any, governing privacy and security, even if accessed through the Service. We are not responsible for the content or privacy and security practices and policies of third-party sites or services to which links or access are provided through the Service. We encourage you to learn about third parties' privacy and security policies before providing them with information.

How We Protect Your Personal Data

We follow generally accepted industry standards to protect the information submitted to us, both during transmission and once we receive it. We implement the following technical and organisational measures to safeguard the processing of Personal Data:

- Ensure that all persons authorised to process the Personal Data have committed themselves to confidentiality
- All personnel are provided with data security training
- System access needs username and a password
- Usernames and passwords are stored encrypted in non-human readable format
- Access rights management is controlled only by Enersense employees by the Client's request
- System is developed with privacy by design principles where all functionalities are tested with all user roles to ensure privacy in all levels
- System is security audited by 3rd party company in yearly basis
- The Data Processor is monitoring suspicious activity within the activity with users geolocation based data, unsuccessful logins and data manipulation attempts.
- System uses TLS and SSL protocols
- All traffic between client and System is encrypted with 128-bit SSL encryption
- Server is authenticated with a certificate provided by RapidSSL RSA CA 2018, Digicert
- Server facilities are located in a secured location in the European Union area and are monitored 24/7, security personnel and only selected persons have access to the facilities itself, and only if needed.

How Long We Process Your Personal Data

We only retain the Personal Data collected from a User for as long as the User's account is active or otherwise for a limited period of time as long as we need it to fulfill the purposes for which we have initially collected it, unless otherwise required by law. Where we keep your Personal Data for other purposes than those of the performance of the Service, such as bookkeeping, we keep the personal data only if necessary and/or mandated by laws and regulations for the respective purpose.

Specific examples are:

- Bookkeeping regulations: up to ten years
- Details on performance of an agreement: up to ten years after end of customer relationship to defend against possible claims

Data Controller and Data Processor

Enersense does not own, control or direct the use of any of the Client Data stored or processed by a Client or User via the Service. Only the Client is entitled to direct the use of such Client Data. Enersense does not directly access such Client Data except as authorized by the Client, or as necessary to provide Services to the Client.

Because Enersense does not collect or determine the use of any Personal Data contained in the Client Data and because it does not determine the purposes for which such Personal Data is collected, the means of collecting such Personal Data, or the uses of such Personal Data, Enersense is not acting in the capacity of data controller in terms of the European Union's General Data Protection Regulation (Regulation (EU) 2016/679, hereinafter "GDPR") and does not have the associated responsibilities under the GDPR. Enersense should be considered only as a processor on behalf of its Clients as to any Client Data containing Personal Data that is subject to the requirements of the GDPR. Except as provided in this Privacy Policy, Enersense does not independently cause Client Data containing Personal Data stored in connection with the Services to be transferred or otherwise made available to third parties, except to third party subcontractors who may process such data on behalf of Enersense in connection with Enersense's provision of Services to Clients. Such actions are performed or authorized only by the applicable Client.

The Client is the data controller under the GDPR for any Client Data containing Personal Data, meaning that such party controls the manner such Personal Data is collected and used as well as the determination of the purposes and means of the processing of such Personal Data within the Service.

Enersense is not responsible for the content of the Personal Data contained in the Client Data or other information stored on its servers (or its subcontractors' servers) at the discretion of the Client or User nor is Enersense responsible for the manner in which the Client or User collects, handles disclosure, distributes or otherwise processes such information.

Changes and Updates to this Policy

Please revisit this page periodically to stay aware of any changes to this Policy, which we may update from time to time. If we modify the Policy, we will make it available through the Service, and indicate the date of the latest revision, and will comply with applicable law. Your continued

use of the Service after the revised Policy has become effective indicates that you have read, understood and agreed to the current version of the Policy.

How to Contact Us

Please contact us with any questions or comments about this Policy, your Personal Data, our use and disclosure practices, or your consent choices by email at privacy@enersense.com. If you have any concerns or complaints about this Policy or your Personal Data, you may contact Enersense's Data Protection Officer by email at dpo@enersense.com.

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