

## PRIVACY DECLARATION

(for MODUM's Software-as-a-Service Solutions)

Version: 13 August 2020

### 1. Controller, Contact Information and Supervisory Authority

modum.io AG, Poststrasse 5-7, 8001 Zurich, Switzerland (“**MODUM**” or “**we**”) is the controller of your data in the context of this Privacy Declaration. You can notify us on any data protection related concerns at our postal address with an additional line “Attn. Data Protection Counselor” or by email to [info@modum.io](mailto:info@modum.io) with the subject “Data Protection”.

The competent Supervisory Authority for data protection matters in Switzerland is the Federal Data Protection and Information Commissioner, Feldeggweg 1, CH-3003 Bern, Switzerland, (<http://www.edoeb.admin.ch>).

### 2. Scope and Subject of this Privacy Declaration

MODUM operates and provides various types of Software-as-a Service Solutions (each a “**SaaS Solution**”) which allow, among others, measurement of environmental conditions (e.g. temperature) during shipments as well as automation and optimization of supply chain processes. “**You**” are:

- a. our customer or other business partner (prospect, current or former) of or related to our SaaS Solution (or one of our customer's or other business partner's clients or subcontractors);
- b. an individual working for such organization;
- c. a user of the SaaS Solution; and/or
- d. an addressee or recipient of a shipment for which the SaaS Solution is being applied.

This Privacy Declaration explains how we may collect and use personal data about you within the scope described above and your rights in relation to such information.

This Privacy Declaration is not necessarily a comprehensive description of our data processing. The privacy policy on our website [www.modum.io](http://www.modum.io) supplements this Privacy Declaration. It is possible that other privacy declarations or similar documents are applicable to specific circumstances.

### 3. Our data processing principles

We process personal information in accordance with the Swiss Data Protection Act (“**DPA**”) and to the extent applicable the EU General Data Protection Regulation (“**GDPR**”).

### 4. Purpose and legal basis for the processing of data

We process personal data primarily in order to conclude and perform contracts with you or the organization you work for, as well as in order to comply with our legal obligations.

In addition, we may process personal data for the following purposes, which are in our or a third parties' legitimate interest, where those legitimate interests are not overridden by your rights or interests:

- a. System administration, security and stability and other administrative purposes;
- b. Quality assurance testing and maintenance of certifications (e.g. ISO certifications);
- c. Statistical evaluations (e.g. for assessment of operational performance or benchmarking);
- d. Trend analysis (e.g. statistical reports on an aggregate basis about users' browsing patterns);
- e. Maintenance, improvement and development of products, services, systems and processes;
- f. Monitoring or recording of telephone conversations for quality control and training purposes;
- g. Control by supervisory bodies or control bodies (e.g. auditing);
- h. Performance of a contract with a customer or other business partner other than you or the organization you work for (e.g. where our customer provides us information about you as recipient of a shipment);
- i. Assertion of legal claims and defense in legal disputes and official proceedings;
- j. Storage of blocked data, if deletion is not possible or only with disproportionate effort due to the special type of storage;
- k. Prevention and investigation of criminal offences.

### 5. Type of information we process

Personal data we process about you may include:

- a. Contact information and other basic information, e.g. name / surname, address, phone number, email address, delivery address or billing address;
- b. User data, meaning data relating to you as user of the SaaS Solution, such as credentials to authenticate you with the SaaS Solution (e.g. email address), contact details and roles and permissions assigned to you within the SaaS Solution;
- c. Usage data, meaning data generated when you interact with the SaaS Solution, such as logs on when you access your account, you look at a shipment, you stop a logger or if you change a shipment profile;
- d. Other information collected via technology when you interact with the SaaS Solution, including but not limited to information automatically provided by your browser, such as your IP address, the domain name from which you access our SaaS Solution (referrer URL); browser type and version, operating system of your device, name of your access-provider, location data of infrastructure, language settings, etc.
- e. Contact details and delivery address of recipients of shipments for which one of our customers or business partners has applied the SaaS Solution.

We collect this information when (i) you or the organization you work for interact with us or one of our customers or other business partners, for example when you communicate with our staff, complete our contact forms, enter into or perform a contract with us, or (ii) when our customer or other business partner (or one of their clients or sub-contractors) set-ups an account or sub-account for you in our SaaS Solution, or (iii) you interact with our SaaS Solution, or (iv) when you are a recipient of a shipment for which one of our customers or business partners or one of their clients or subcontractors has used the SaaS Solution.

## 6. Origin of data other than from you

To the extent it is required (i) for the provision of our SaaS Solution and the performance of related contracts, (ii) for the provision of our services or the conduct of our business, and/or (iii) to comply with applicable laws and regulations, we process personal data received from third parties (e.g. our customer's client is your employer and provides us information about you to grant you access to our SaaS Solution).

In addition, if our customer or other business partner (or its client or subcontractor) or an individual working for such organization applies our SaaS Solution for a shipment, we may receive personal information about the addressee or recipient of such shipment, in particular name, first name, delivery address and contact details.

## 7. Cookies and Analytics tools

Certain components of our SaaS Solution use cookies. Cookies are small pieces of information sent by an organization to your computer and stored on your hard drive to allow that that part of the SaaS Solution recognizes you when you visit. They collect statistical data about your browsing actions and patterns.

It is possible to switch off cookies by setting your browser preferences. Please refer to your browser settings for instructions on how to do so. Turning cookies off may result in a loss of functionality of our SaaS Solution.

## 8. Location of data storage and processing

The data that we collect from you may be processed in, transferred to, and/or stored at a location inside the European Economic Area ("EEA"), European Union ("EU") or Switzerland. The data that we collect from you may also be processed in, transferred to and stored at a location outside the EEA, EU and Switzerland, subject to us having taken all steps required by applicable law relating to the transfer of personal data abroad.

## 9. Disclosure of your data and categories of recipients

Subject to the provisions of applicable law, we may disclose your personal data to

- a. third party service providers, (i) to implement our obligations which we have to you, including but not limited to delivery of ordered products by courier, sending postal mail, e-mail or SMS, or (ii) which provide services to us, such as hosting services, consulting, audit, payment processing, or generally in relation with the purposes of data processing described in this Privacy Declaration; provided that such third party needs access to the data to perform its services and does not independently use such data;
- b. a bank, card issuer, payment service provider, to the extent required to provide a payment to you;
- c. other third parties (i) If we are involved in a merger, acquisition or sale of all or part of our business or assets; (ii) in order to comply with legal, regulatory or court obligations; (iii) In order to protect the rights, property or safety of us, our customers or others; or (iv) as otherwise provided in this Privacy Declaration.

## 10. Your Rights

You may assert the following rights as further set out in the Swiss DPA or the GDPR, as applicable:

- a. Right of access by the data subject (Art. 8 DPA; Art. 15 GDPR);
- b. Right to rectification or erasure (Art. 5 DPA; Art. 16 and 17 GDPR);
- c. Right to restriction of data processing (Art. 15 DPA; Art. 18 GDPR);

- d. Right to data portability (Art. 20 GDPR);
- e. Right to object the data processing (Art. 21 GDPR).

In addition, you have the right lodge a complaint with our data protection counselor or a competent data protection authority (see clause 1 above).

In general, exercising these rights requires that you are able to prove your identity (e.g., by a copy of identification documents where your identity is not evident otherwise or can be verified in another way).

#### **11. Data retention**

We process and retain your personal data as long as required for the performance of our contractual obligation and compliance with legal obligations or other purposes pursued with the processing, as well as beyond this duration in accordance with legal retention and documentation obligations. Personal data may be retained for the period during which claims can be asserted against us or to the extent we are legally obliged to do so or if legitimate business interests require further retention (e.g., for evidence and documentation purposes). As soon as your personal data are no longer required for the above-mentioned purposes, they will be deleted or blocked the extent possible.

#### **12. Obligation to Provide Personal Data to Us**

In the context of our business relationship you must provide us with any personal data that is necessary for the conclusion and performance of a business relationship with you or the organization you work for or for receiving access to our SaaS Solution. Without such data, we will usually not be able to enter into or carry out a contract with you (or the organization you work for) and /or to grant you access to the SaaS Solution.

#### **13. Data security**

We have appropriate technical and organizational measures in place to protect your personal data from loss, unauthorized access or misuse. Please be aware that despite regular checks, no system can provide complete protection against all hazards.

Unfortunately, the transmission of data via the internet is not completely secure; we can therefore not guarantee the security of your personal data transmitted to and from our SaaS Solution. We are not responsible for damages incurred which are outside our reasonable control, including malfunctions that could jeopardize the security of the servers on which a database containing personal data is hosted.

#### **14. Changes to this Privacy Declaration**

We may amend this Privacy Declaration from time to time for any reason. We will notify you of any changes by posting the new Privacy Declaration in our online help center and changing the "Version" date above. You should consult this Privacy Declaration regularly for any changes. In case of relevant amendments, we may further notify you by email or other appropriate means.