Portal Privacy Notice

Last updated September 2019

This privacy notice ("Privacy Notice") explains how SherWeb Inc. ("SherWeb" or "We") collects, uses and shares your Personal Data when you create an Account or use this administrative web-based platform ("Portal") as a User.

If your legal entity (or the legal entity to which you are related, for example, as an employee) has an agreement with SherWeb to provide the Services ("Customer"), this Privacy Notice is incorporated by reference in your Master Service Agreement ("MSA"). Your use of the Portal under the MSA is subject to this Privacy Notice. Unless otherwise defined in this Privacy Notice, capitalized terms have the meaning given in the MSA.

SherWeb is committed to ensuring that your privacy is protected. Should we ask you to provide certain Personal Data by which you can be identified when using the Portal, you can be assured that it will only be used in accordance with this Privacy Notice.

SherWeb may change this Privacy Notice from time to time by updating this page. You should check this page from time to time to ensure that you are happy with any changes.

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1. Definitions

Unless otherwise defined in this Privacy Notice, capitalized terms have the meaning given in the MSA.

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

“Processing/To Process/Processed” means any operation or set of operations which is performed upon Personal Data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
“Third Party” means 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.

2. Scope of this Privacy Notice

This Privacy Notice governs our security and privacy practices in connection with any access to and use of the Portal. This Privacy Notice does not apply to our security and privacy practices in connection with your access to and use of SherWeb Services in general. These security and privacy practices are detailed in and governed by our Service Data Privacy Statement and our Master Service Agreement, available here, or such other applicable agreement between you and SherWeb relating to your access to and use of such Services (collectively referred to as the “MSA”). This Privacy Statement does not apply to our security and privacy practices in connection with your access to and use of SherWeb’s website (www.sherweb.com). These security and privacy practices are detailed in and governed by SherWeb Privacy Policy.

3. Personal Data We Collect

We collect Personal Data about you in the following ways:

Information That You Provide Us

Account Information
We may collect first and last name, email address, postal address, phone number and other similar contact data about Customer’s authorized employees, consultant or independent contractors.

Payment Data
We collect data necessary to process your payment if you make purchases, such as your payment instrument number (such as a credit card number), and the security code associated with your payment instrument.

Credentials
We collect passwords, password hints and similar security information used for authentication and Account access.

Feedback and correspondence
We collect your feedback and messages when you respond to surveys, report a problem with the Portal or other Services, receive customer support or otherwise communicate with Sherweb via the Portal.

Transaction information
We collect details about purchases you make through the Portal and billing details.

Information we get from others
We may obtain additional information about you from third party sources to enrich your experience with the Portal and provide you with more relevant information in the Service.
Information automatically collected
Meta Data, Cookies and other Tracking Technologies
Whenever a User interacts with the Portal, SherWeb uses Cookies and other tracking technologies to automatically receives and records information sent by browsers or mobile apps, which may include information about the device, IP address, “cookie” information, the type of browser and device being used to access the Portal, screen resolution, browser language, device settings, application IDs, unique device identifiers, usage data and crash data. “Cookies” are identifiers SherWeb transfers to the browser or device of the Account User that allow SherWeb to recognize the Account User and their browser or device along with how our Portal is being utilized.

Session recording
We also use an application session recording solution to record the Account Users’ use of the Portal and we may link such recordings to the Account User and the Customer Account to optimize our support services and better resolve technical problems. Such recordings are only used to provide technical support services under the Agreement.

Analytics
We collect analytics information when you use our Portal to help us improve the Portal and related content. We may also share anonymous data about your actions on our Portal with third-party service providers of analytics services to optimize our services and content.

4. How We Use Information That We Collect

We use your Personal Data for the following purposes or as otherwise described to you at the time of collection:

To provide the Service
We use your Personal Data for a variety of purposes, including to:

- operate our business;
- provide, operate, maintain and enhance our Services;
- enable you to access and use the Services, including the Portal;
- manage and communicate with you regarding your Account, including by sending you Service announcements, technical notices, updates, security alerts, and support and administrative messages;
- process and complete transactions, and send you related information, including purchase confirmations and invoices;
- respond to your requests for support or assistance; and
- to better understand your needs and interests, and personalize your experience with the Service.
To send you marketing communications
Unless you have specifically requested not to receive electronic commercial messages from SherWeb, we may send you SherWeb-related marketing communications as permitted by law but will provide you with the ability to opt out.

To analyze the performance of the Portal
We may create aggregated and other anonymous data from our users’ Personal Data. We make Personal Data into anonymous data by removing information that makes the data personally identifiable to you. We may use this anonymous data and share it with third parties for our lawful business purposes.

For security, compliance, fraud prevention and safety
We may use your Personal Data as we believe appropriate to (a) investigate or prevent violation of the law or our MSA; (b) secure the Service; (c) protect our, your or others’ rights, privacy, safety or property; and (d) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

For compliance with law; legal claims
We may use your Personal Data as we believe appropriate to (a) comply with applicable laws, lawful requests and legal process, such as to respond to subpoenas or requests from government authorities; (b) where permitted by law in connection with a legal investigation; and (c) to prosecute or defend legal claims.

With your consent
In some cases we may ask for your consent to collect, use or share your Personal Data, such as when you let us post your testimonials or endorsements in the Service.

5. How we share your Personal Data
This section discusses how SherWeb may share your Personal Data with third-parties in the context of the Portal.

We will not sell, distribute or lease your Personal Data to third parties unless we have your permission or are required by law to do so. We may share and disclose your personal data in the following limited circumstances:

Affiliates
We may disclose your Personal Data to our subsidiaries and corporate affiliates for use consistent with this Privacy Notice.

Third-Party Processors
SherWeb may retain the services of Third-Parties to process your Personal Data on behalf of SherWeb in connection with the purposes identified above (“Processors”). Such Processors have entered into written agreements with SherWeb in accordance with applicable requirements. SherWeb maintains an up-to-date list of the names and locations of all Processors engaged in processing Personal Data, including a description of their processing activities, which is available
upon request by contacting privacy@sherweb.com. Our Processors are obligated to Process your Personal Data only in accordance with our specific instructions and in accordance with the terms of this Privacy Notice and any written agreement entered into with SherWeb. These Processors include, for example, analytics companies, product feedback or help desk software providers, chat platform providers, email service providers and others.

Payment Processor
Any payment card information you use to make a purchase on the Portal is collected and processed directly by our payment processor, Paysafe and we never receive or store your full payment card information. Paysafe commits to complying with the Payment Card Industry Data Security Standard (PCI-DSS) and using industry standard security. Paysafe may use your payment information in accordance with its own Privacy Policy here: https://www.paysafe.com/uk/paysafegroup/privacy-policy/.

Professional Advisors
SherWeb may disclose your Personal Data to professional advisors, such as lawyers, bankers, auditors and insurers, where necessary in the course of the professional services they render to us.

Compliance with Laws
SherWeb may share or disclose data to comply with legal or regulatory requirements and to respond to lawful requests, court orders and legal processes.

Enforcing Our Rights, Preventing Fraud, and Safety
SherWeb may share or disclose data to protect and defend the rights, property, or safety of us or third parties, including enforcing contracts or policies, or in connection with investigation and preventing fraud.

Changes to our Business Structure
SherWeb may share or disclose data if we engage in a merger, acquisition, bankruptcy, dissolution, reorganization, sale of some or all of SherWeb’s assets, financing, acquisition of all or a portion of our business, a similar transaction or proceeding, or steps in contemplation of such activities (e.g. due diligence).

6. International Transfers

We may transfer the information we collect about you to countries other than the country where we originally collected it for the purposes of storage and processing of data and operating our services. Those countries may not have the same data protection laws as your country. However, when we transfer your information to other countries, we will protect that information as described in this Privacy Notice and take steps, where necessary, to ensure that international transfers comply with applicable laws.
7. Location of Personal Data

The Service Data is hosted on SherWeb’s servers located in data centers in the United States and Canada. Default location is based on Customer location and can be modified by Customer once the Services are provisioned, subject to applicable fees.

8. How we protect your Personal Data

We are committed to ensuring that your personal data is secure. In order to prevent unauthorized access or disclosure, we have put in place appropriate technical and organisational measures to safeguard and secure the personal data we process. We have built our Portal using industry-standard encryption and authentication tools to protect the security of personal data.

We also use technological measures such as secure routers and firewalls to help protect personal data. Information collected through the Portal is encrypted before it travels over the Internet using industry-standard technology for conducting secure online transactions. Unfortunately, because of its nature, we cannot guarantee against the loss or misuse of personal data transmitted over the Internet.

If, despite all our efforts, a data breach does occur, we shall do everything in our power to limit the damage. In case of a data breach which is likely to result in a high risk, and depending on the circumstances, we will inform you about remedial actions to prevent any further damage. We always inform the relevant supervisory authority or authorities without undue delay.

9. Personal Data Retention

We will retain your Personal Data for as long as Customer maintains an Account for our Services, or as needed to provide our Services, comply with our legal obligations, resolve disputes and enforce our agreements. If we have no ongoing legitimate business need to process or retain Personal Data, we will either delete or anonymize it, or, if this is not possible (for example, because your personal data has been stored in backup archives), then we will securely store your and isolate it from any further processing until deletion is possible.

10. Organization-Administered Accounts

Where the Service is provided to you through a Customer, that Customer is the administrator of the Service and Account and SherWeb acts only as its service provider. We are not responsible for the privacy or security practices of these organizations, which have their own privacy policies, and we encourage you to contact them with your privacy-related questions or requests to access, correct or delete your Personal Data. Please note that the Customer’s administrator designated in the Account may be able to:

- require you to reset your Account password;
- restrict, suspend or terminate your access to the Service, including Your access to the Portal;
• restrict, suspend or terminate your rights and permission in the Account;
• access information in and about your use of the Account;
• access or retain information stored as part of the Account;
• change the email address associated with the Account;
• change the primary contact of the Account and the authorized users of the Account;
• change the information, including the Account profile information; and
• restrict your ability to edit, restrict, modify or delete information.

Please contact your organization or refer to your administrator’s organizational policies for more information.

11. Your Privacy Rights

Access, Correction, Amendment or Deletion Requests
SherWeb shall promptly notify a Customer if SherWeb receives a request from an individual for access to, correction, amendment or deletion of that person’s Personal Data. SherWeb shall not respond to any such individual request without the Customer’s prior written consent except to confirm that the request relates to that Customer.

SherWeb shall provide Customers with cooperation and assistance in a reasonable period of time and to the extent reasonably possible in relation to any request regarding Personal Data to the extent Customers do not have access to such Personal Data through their respective uses of the Services.

Customers may update or change their Account Information by editing their profile or organization record directly on the Portal.

If you are a Customer or otherwise provide us with Personal Data in connection with your use of our Services, we will delete this information upon your request, provided that, notwithstanding such request, this information may be retained for as long as you maintain an Account for our Services, or as needed to provide you with our Services, comply with our legal obligations, resolve disputes and enforce our agreements.

Regulatory Enquiries and Complaints
SherWeb shall, to the extent legally permitted, promptly notify a Customer if it receives an enquiry or complaint from a data protection authority in which that Customer is specifically named. Upon a Customer’s request, SherWeb shall provide the Customer with cooperation and assistance in relation to any regulatory inquiry or complaint involving SherWeb’s processing of Personal Data.

Legal Requests
In certain situations, SherWeb may be required to disclose Service Data in response to lawful requests by public authorities, to respond to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims. SherWeb may also share such
information with relevant law enforcement agencies or public authorities if we believe same to be necessary in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Master Subscription Agreement, or as otherwise required by law.

**Opt-Out (marketing communications)**

You can opt out of receiving marketing communications from us by updating your email preferences through SherWeb Email Preferences Center or following the unsubscribe instructions included in our marketing communications.

### 12. How to Contact SherWeb

Please feel free to contact us if you have any questions about SherWeb’s Privacy commitments or practices. You may contact us at privacy@sherweb.com or at our mailing address below:

SHERWEB INC.
Attn: Director, Legal – Contracts and Compliance
95 South Jacques-Cartier Blvd, Suite 400
Sherbooke (QC) Canada
J1J 2Z3
Email: privacy@sherweb.com

### 13. Additional Information for European Users

If you are an individual from the European Economic Area (EEA), the following additional information applies to you.

**Legal Basis for Processing (EEA only):**

We are required to inform you of the legal bases of our processing of your personal information, which are described in the table below. If you have questions about the legal basis of how we process your personal information, contact us at privacy@sherweb.com. Our legal basis for collecting and using the personal data will depend on the personal data concerned and the specific context in which we collect it. However, we will normally collect personal data from you only where: (a) we have your consent to do so, (b) where we need the personal data to perform a contract with you (e.g. to deliver the Services you have requested), or (c) where the processing is in our or a third party’s legitimate interests (and not overridden by your data protection interests or fundamental rights and freedoms). In some cases, we may also have a legal obligation to collect personal data from you, or may otherwise need the personal data to protect your vital interests or those of another person.

Where we rely on your consent to process the personal data, you have the right to withdraw or decline your consent at any time. Please note that this does not affect the lawfulness of the processing based on consent before its withdrawal.
If we ask you to provide Personal Data to comply with a legal requirement or to perform a contract with you, we will make this clear at the relevant time and advise you whether the provision of your personal data is mandatory or not (as well as of the possible consequences if you do not provide your personal data). Similarly, if we collect and use your personal data in reliance on our (or a third party’s) legitimate interests which are not already described in this Notice, we will make clear to you at the relevant time what those legitimate interests are.

<table>
<thead>
<tr>
<th>Purpose of processing</th>
<th>Legal Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide the Service</td>
<td>Your organization or the organization to which you are related have entered a contract with us and we need to use your Personal Data to provide services requested or take steps that you request prior to providing services.</td>
</tr>
<tr>
<td>To send you marketing communications</td>
<td>These processing activities constitute our legitimate interests. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Data for our legitimate interests.</td>
</tr>
<tr>
<td>To analyze the performance of the Portal</td>
<td></td>
</tr>
<tr>
<td>For security, compliance, fraud prevention and safety</td>
<td>We do not use your Personal Data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).</td>
</tr>
<tr>
<td>For compliance with law; legal claims</td>
<td>Processing is necessary to comply with our legal obligations</td>
</tr>
<tr>
<td>With your consent</td>
<td>Processing is based on your consent. Where we rely on your consent you have the right to withdraw it anytime in the manner indicated in the Service or by contacting us at <a href="mailto:privacy@sherweb.com">privacy@sherweb.com</a>.</td>
</tr>
</tbody>
</table>

**Cross-Border Data Transfer**

SherWeb Inc. is a Canadian corporation and Canada benefits from an adequacy decision for cross-border transfers of personal data issued by the European Commission. Cross-border data transfers to a recipient in a third country may take place without the need to obtain any further authorization, if the European Commission has decided that such third country ensures an adequate level of data protection. The basis for this principle is that such jurisdictions provide sufficient protection for the rights and freedoms of data subjects without the need for further safeguards. In December 2001, Canada achieved adequacy status for transfers from the EU to Canada of personal data subject to the jurisdiction of the Personal Information Protection and Electronic Documents Act (PIPEDA).
If we transfer your personal information out of the European Economic Area or Switzerland and are required to apply additional safeguards to your Personal Data under European data protection legislation, we will do so. Such safeguards may include applying the European Commission Model contracts for the transfer of personal data to third countries described here, or for transfers to third parties in the United States, ensuring they participate in the EU-U.S. Privacy Shield Framework or Swiss-U.S. Privacy Shield Framework. Please contact us for further information about any such transfers or the specific safeguards applied.