

eKinnex Software Privacy Policy – Ergotron, Inc.

Effective as of May 1, 2020

Ergotron eKinnex Privacy Policy

Ergotron, Inc. (“Ergotron”) recognizes and respects the privacy our services’ users. It is Ergotron’s policy to comply with all applicable privacy and data protection laws. This commitment reflects the value we place on earning and keeping the trust of our customers, business partners, employees and others who share their Personal Information with us.

This eKinnex Software Privacy Policy (this “Policy”) describes how Ergotron protects your privacy when we collect and use Personal Information when using our eKinnex SaaS software solution, as may be onboarded on material you may be using within the framework of your professional occupation (“eKinnex Software”). Unless stated otherwise, as used in this Policy, the term “Personal Information” means information that identifies you personally as a natural person, directly or indirectly, in particular in combination with other information available to us such as an identification number, location data, online identifier or one or more factors specific to your identity as a natural person. Ergotron adheres to the highest ethical standards in gathering, using, and safeguarding customer’s Personal Information. This Policy applies, to all personal data processing performed for the needs of use of eKinnex Software, performed by Ergotron’s business units as well as by our service providers, where any of those parties are either located within or outside the European Union.

By using an eKinnex Software or providing Personal Information to us, you understand the principles for our collection, use and disclosure of your Personal Information as described in this Policy. If you do not agree with the terms therein, you must not provide your Personal Information, and we may not be able to communicate with you or provide certain products or services to you.

Scope of this Policy

Ergotron provides the eKinnex Software to its corporate customers (“Customers”), which subsequently will make the eKinnex Software available to its personnel. For the major part, the Personal Information collected through the use of the eKinnex Software and hosted on its SaaS infrastructure is performed by Ergotron, as a data processor acting on behalf of Customers, themselves acting as data controllers. In order to safeguard your privacy, Ergotron enters into a Data Protection Addendum with its Customers. More information may be available directly from the Customer which employs you.

In addition, Ergotron may also be collecting and processing your Personal Information for the purpose of improving its services, including the eKinnex Software. When performing those activities, Ergotron will be acting solely as a data controller without the involvement of the Customer.

This Policy addresses how Ergotron uses your Personal Information in these different frameworks.

Information We Collect

Information we may request includes:

- When acting on behalf of our Customers (“Processor”): your company name, your company address, your email address, your telephone number(s), login/password to access the eKinnex Software, use of the hardware to which the eKinnex Software is linked, including its geolocation;
 - o With regard to geolocation, when using the eKinnex Software as a mobile application, you will be asked to consent prior to such use. You may withdraw such consent at any time or uninstall the mobile application at any time.

- When acting as a controller (“Controller”): technical information pertaining to the functioning of the eKinnex Software.

When We Collect Information

Examples of when we may ask you to provide Personal Information include, but are not limited to, when you:

- Register to eKinnex Software services and create an account (Processor);
- Use eKinnex Software in the course of your job position (Processor & Controller);
- Ask us to provide you with our support and maintenance services (Processor);
- Contact us, notably in relation with the above (Processor & Controller).

Personal Information may be collected by Ergotron and/or by our third-party service providers acting on our behalf and under our instructions in providing you with our products or services.

Why We Collect Information

We collect your Personal Information in order to conduct our business functions and operate the services contracted by our Customers, which include the following:

- providing you with our products and services as well as support in relation thereto (Processor);
 - o **Legal basis:** Legitimate interest - providing you with the eKinnex Software further to the agreement executed between Ergotron & its Customers
- customizing and improving any of our products or services and performing statistical analysis (Controller);

- **Legal basis:** Legitimate interest - allowing Ergotron to better understand end users' needs, habits and preferences to improve your experience
- complying with a legal requirement or court order (Controller); and
 - **Legal basis:** Necessary for compliance with legal obligations
- defending in, initiating or resolving disputes or legal proceedings and performing or enforcing the agreements to which Ergotron, or one of our business units, is a party (Controller).
 - **Legal basis:** Legitimate interest - allowing Ergotron to enforce or defend its rights

We may otherwise collect, use or disclose your Personal Information, where the collection, use or disclosure is in accordance with this Policy or any agreement you enter into with us; or required or authorized by applicable law, including without limitation applicable privacy and data protection laws, including (EU) Regulation 2016/679 of 27 April 2016 (“GDPR”).

Sharing Personal Information

As a Controller or a Processor, Ergotron will not sell or otherwise provide Personal Information to any third party for marketing purposes without your express consent.

Ergotron may share your Personal Information with other Ergotron business units. When doing so, these other Ergotron business units will use your Personal Information in a manner consistent with the purposes for which it was originally collected and only as permitted under this Policy and all applicable privacy and data protection laws.

Ergotron may also share your Personal Information with third parties we hire to perform support services for us. These third parties are required to use the Personal Information we share with them only to perform services on our behalf and under our instructions, in particular to treat your Personal Information as strictly confidential. In some cases, Ergotron may share your Personal Information with third parties who act as partners with us to provide products and services to our customers. If we do so, we will require our business partners to use the Personal Information we share with them in a manner consistent with the purpose for which it was originally collected (or to which you subsequently consented) and only as permitted under this Policy and all applicable privacy and data protection laws.

In certain, limited circumstances, where permitted by applicable law, we may share or transfer Personal Information to unrelated third parties. For example, we may provide Personal Information to a third party (i) at your request; (ii) to comply with a legal requirement or court order; (iii) to investigate a possible crime, such as identity theft; (iv) in connection with the sale, purchase, merger, reorganization, liquidation or dissolution of Ergotron or an Ergotron business unit; or (v) under similar circumstances. If such an event occurs, we will take appropriate steps to protect your Personal Information.

Overseas Transfers and Disclosures

Some of your Personal Information may be transferred, stored, processed or used outside of the U.S.A. and/or outside of the European Union by Ergotron or by third-party service providers. This may happen if other Ergotron entities or venture partners are overseas, if we outsource certain activities overseas or if transactions, information, services or products have an overseas connection.

Your Personal Information may also be disclosed to third-party service providers which may store your Personal Information in the U.S.A. and European Union, and such other countries in which those parties or their, or our, computer systems may be located from time to time, where it may be used for the purposes described in this Policy.

Where required by applicable privacy and data protection laws, we take steps in order to ensure any overseas transfer of Personal Information is performed in compliance with the appropriate organizational and technical means (including e.g. EU Commission's model clauses for data transfers or European Commission's adequacy decisions). Where such parties are located overseas, you may have rights to enforce such parties' compliance with applicable privacy and data protection laws.

Retention of Personal Information

Ergotron may retain the Personal Information collected in the performance of services related to eKinnex Software as long as necessary to provide the services, products you request or as mandated or permitted by applicable law (e.g., statute of limitations). If your Personal Information is no longer necessary for purposes for which it is processed and we have no legal obligation to retain that Personal Information, we will remove it from our systems and destroy all record of it.

Choices about Your Personal Information

Review and Request Changes to Your Personal Information

You may use your account to access, correct, or view certain Personal Information we have collected and which is associated with your account. To review or request changes to any of your Personal Information, please contact us as described in the “**Contacting Us**” section below.

Marketing Communications

To unsubscribe from our marketing emails, please click the unsubscribe link included in the footer of our emails. You also may submit a request to us as described in the “**Contacting Us**” section below.

YOUR RIGHTS – EUROPEAN UNION AND THE UNITED KINGDOM ONLY

If you are an individual in a country in the European Union or in the United Kingdom, the following applies to you. When Ergotron acts as a Controller, you may exercise those rights directly with us. When Ergotron acts as a Processor, you may exercise those rights with the relevant Customer which employs you.

Right to Access Personal Information

You are entitled to access Personal Information that we hold about you. If you request access to your Personal Information, in ordinary circumstances we will give you access to your Personal Information. However, there may be some legal or administrative reasons to deny access. If we refuse your request to access your Personal Information, we will provide you with reasons for the refusal where we are required by law to give those reasons.

Right to Correct Personal Information

You can access and correct some of your Personal Information through our web sites by contacting us via telephone or email using the details provided below.

We take all reasonable steps to ensure that any Personal Information we collect and use is accurate, complete and up-to-date. To assist us in this, you need to provide true, accurate, current and complete Personal Information about yourself as requested, and properly update the Personal Information provided to us to keep it true, accurate, current and complete. Please tell us, by contacting us in any of the ways specified in this Policy, if any change occurs in the Personal Information you provided us or, if you believe that your Personal Information is inaccurate or incomplete, and we will correct the information.

Right to Restrict Our Use of Personal Information

You have the right to ask us to place a restriction on our use of your Personal Information if one of the following applies to you:

- You contest the accuracy of the information that we hold about you, while we verify its accuracy;
- We have used your information unlawfully, but you request us to restrict its use instead of erasing it;
- We no longer need the information for the purpose for which we collected it, but you need it to deal with a legal claim; or
- You have objected to us using your information, while we check whether our legitimate grounds override your right to object.

Right to Object to Our Use of Personal Information

You have the right to object to our use of your Personal Information where our reason for using it is based on our legitimate interests or your consent (rather than when the reason for using it is to perform an obligation due to you under a contract with us).

Right to Request Deletion of Personal Information

You can ask us to delete your Personal Information if:

- We no longer need it for the purposes for which we collected it;
- We have been using it with no valid legal basis;
- We are obligated to erase it to comply with a legal obligation to which we are subject;
- We need your consent to use the information and you withdraw consent;
- You object to us processing your Personal Information where our legal basis for doing so is our legitimate interests and there are no overriding legitimate grounds for the processing.

However, this right is not absolute. Even if you make a request for deletion, we may need to retain certain information for legal or administrative purposes, such as record keeping, maintenance of opt-out requirements, defending or making legal claims, or detecting fraudulent activities.

If you do exercise a valid right to have your Personal Information deleted, please keep in mind that deletion by third parties to whom the information has been provided might not be immediate and that the deleted information may persist in backup copies for a reasonable period (but will not be available to others).

Right to Make a Complaint

If you have any concerns or complaints regarding our processing of your Personal Information, please contact us as described in the “**Contacting Us**” section below and we will do our best to answer any question and resolve any complaint to your satisfaction.

If you are not satisfied with our answer or the way we process your personal information pursuant to this Policy, you may also have the right to lodge a complaint with a data protection authority or the competent court. If you reside within the European Union, a list of national data protection authorities can be found [here](#). The website for United Kingdom’s data protection authority can be found [here](#).

Limitations on the Collection, Use and Disclosure of Personal Information

To the extent required by applicable European law, whenever Ergotron collects Personal Information while performing eKinnex Software related services, Ergotron will:

- Collect, use, disclose and transfer your Personal Information only with your consent when required, depending on the sensitivity of the Personal Information, legal requirements, direct marketing by third parties and other factors. You have the right to withdraw your consent at any time without affecting the lawfulness of the processing based on consent before its withdraw;

- Collect your Personal Information only for specific, limited and legitimate purposes. This information we collect will be relevant, adequate and not excessive for the purposes for which it is collected;
- Process your Personal Information in a manner consistent with the purpose for which it was originally collected or to which you have subsequently consented;
- Take commercially reasonable steps to ensure that your Personal Information is reliable for its intended use, accurate, complete, and, where necessary, and subject to your updates, kept up-to-date;
- Not use your Personal Information for direct marketing purposes by Ergotron without giving you an opportunity to “opt-out”; and,
- Take appropriate measures, by contract or otherwise, to provide adequate technical and organizational protection for Personal Information that we collect and use, and for Personal Information that is disclosed to a third party or transferred to another country, including transfers within Ergotron.

Legal Basis for Processing Your Personal Information

The legal basis for collecting and using your Personal Information will depend on the Personal Information concerned and the specific context in which we collect it, which is discussed below. We primarily use your information to authenticate your right to use the eKinnex Software.

NOTICE TO NEVADA RESIDENTS

Nevada law allows Nevada residents to opt-out of the sale of certain types of personal information. Subject to several exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to a person for the person to license or sell the information to additional persons. We do not currently sell personal information as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt-out of sales and we will record your instructions and incorporate them in the future if our policy changes. Opt-out requests may be sent Privacy@ergotron.com.

NOTICE TO CALIFORNIA RESIDENTS

The California Consumer Privacy Act (“CCPA”) requires that we provide California residents with a privacy policy that contains a comprehensive description of our online and offline practices regarding the collection, use, disclosure, and sale of personal information and of the rights of California residents regarding their personal information. This section of the Privacy Policy is intended solely for, and is applicable only as to, California residents. If you are not a California resident, this does not apply to you and you should not rely on it.

The CCPA defines “personal information” to mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California resident or household. Personal information does not include publicly available, deidentified or aggregated information. For purposes of this “**Notice to California Residents**” section, references to “Personal Information” are to this definition as distinguished from how we use that phrase in other portions of this Policy.

Your rights under the CCPA may be dependent upon the capacity in which we are acting. When acting on behalf of our Customers, we act as a “service provider” under the CCPA and our collection of Personal Information is done on behalf of our Customers. When acting on our own behalf, we act as a “business” under the CCPA and our collection of Personal Information is done on our own behalf.

Right to Know about Personal Information Collected, Disclosed, or Sold

If you are a California resident, you have the right to request that we disclose what Personal Information we have collected about you in our capacity as a business under the CCPA. This right includes the right to request any or all of the following:

- (1) Specific pieces of Personal Information that we have collected about you;
- (2) Categories of Personal Information that we have collected about you;
- (3) Categories of sources from which the Personal Information was collected;
- (4) Categories of Personal Information that we sold (if applicable) or disclosed for a business purpose about you;

- (5) Categories of third parties to whom the Personal Information was sold (if applicable) or disclosed for a business purpose; and
- (6) The business or commercial purpose for collecting or, if applicable, selling Personal Information.

The CCPA defines “sell” to mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a California resident’s Personal Information to another business or a third party for monetary or other valuable consideration.

Collection of Personal Information

Collectively acting in our service provider and business capacities, we currently collect and, in the 12 months prior to the Effective Date of this Privacy Policy, have collected the following categories of Personal Information about California residents directly from them:

- Identifiers (name, email address and account name)
- Unique personal identifier (assigned drawer access PIN)
- Telephone number
- Geolocation
- Professional or employment-related information (company name and address)

In addition to the purposes stated in the “**Why We Collect Information**” section above, we collected the above Personal Information for the following business or commercial purposes:

- Maintaining or servicing accounts
- Processing or fulfilling orders and transactions
- Providing customer service
- Providing access to the eKinnex Software
- Verifying customer information
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity
- Debugging to identify and repair errors that impair existing intended functionality
- Undertaking internal research for technological development and demonstration

- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us

Disclosure or Sale of Personal Information

In the 12 months preceding the Effective of this Privacy Policy, we disclosed the Personal Information described above to cloud service providers for the purpose of storing and processing the information in order to provide the subject service. We also disclosed the Personal Information to our end-use customer in our capacity as a processor/service provider. We did not sell the Personal Information described above to any third parties in the 12 months preceding the Effective Date of this Privacy Policy. We do not knowingly collect or sell the Personal Information of minors under 16 years of age.

Right to Request Deletion of Personal Information

If you are a California resident, you have the right to request that we delete the Personal Information about you that we have collected in our capacity as a business under the CCPA. However, per the CCPA, we are not required to comply with a request to delete if it is necessary for us to maintain the Personal Information in order to, for example, complete a transaction, detect security incidents, comply with a legal obligation, or otherwise use the Personal Information, internally, in a lawful manner that is compatible with the context in which you provided the information.

How to Submit a Request to Know or Delete

You may submit a request to know through our interactive webform available [here](#) or by calling us at 1-800-888-8458.

If you submit a request to delete online, you may be asked to confirm separately that you want your Personal Information deleted.

Our Process for Verifying a Request to Know or Delete

If we determine that your request is subject to an exemption, we will notify you of our determination. If we determine that your request is not subject to an exemption, we will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request. We will verify your identity either to a “reasonable degree of certainty” or a “reasonably high degree of certainty” depending on the sensitivity of the Personal Information and the risk of harm to you by unauthorized disclosure or deletion as applicable.

For requests to access categories of Personal Information and for requests to delete Personal Information that is not sensitive and does not pose a risk of harm by unauthorized deletion, we will verify your identity to a “reasonable degree of certainty” by verifying at least two data points that you previously provided to us and which we have determined to be reliable for the purpose of verifying identities.

For requests to access specific pieces of Personal Information or for requests to delete Personal Information that is sensitive and poses a risk of harm by unauthorized deletion, we will verify your identity to a “reasonably high degree of certainty” by verifying at least three pieces of Personal Information previously provided to us and which we have determined to be reliable for the purpose of verifying identities. In addition, you will be required to submit a signed declaration under penalty of perjury stating that you are the individual whose Personal Information is being requested.

Right to Opt-Out of Sale of Personal Information

If you are a California resident, you have the right to direct us to stop selling your Personal Information. We do not sell Personal Information as it is defined in the CCPA.

Right to Non-Discrimination for the Exercise of a California Resident’s Privacy Rights

We will not discriminate against California residents if they exercise any of the rights provided in the CCPA as described in this section “**Notice to California Residents.**” As such, we will not deny goods or services to that California resident; charge different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; provide a different level or quality of goods or services to the California resident; or suggest that the California resident will receive a different price or rate for goods or services or a different level or quality of goods or services. However, we are permitted to charge a California resident a different price or rate, or provide a different level or quality of goods or services, if that difference is reasonably related to the value provided to us by the individual’s data.

Authorized Agents

If you are submitting a request on behalf of a California resident, please submit the request through one of the designated methods discussed above. After submitting the request, and if the request is not subject to an exemption or exception, we will require additional information to verify your authority to act on behalf of the California resident.

Data Disclosure to Third-Parties

We do not disclose personal information obtained through our eKinnex Software to third-parties for their direct marketing purposes. Accordingly, we have no obligations under California Civil Code § 1798.83.

Changes to this Policy or our Privacy Statements

We reserve the right to update or modify this Policy at any time and without prior notice by posting the revised version of this Policy on our Ergotron web sites. Where such changes are substantial, we notify you of the expected changes prior to their entry into force.

Accessibility

We are committed to ensuring this Policy is accessible to individuals with disabilities. If you wish to access this Policy in an alternative format, please contact us as described below.

Contacting Us

If you would like to contact us for any reason regarding our privacy practices and/or would like to discontinue our use of your personal information, please write to us at the following address:

Outside of the European Union:

Ergotron, Inc.
Attention: Legal Department
1181 Trapp Road
St. Paul, MN 55121
Privacy@ergotron.com

Within the European Union or the United Kingdom:

Ergotron Europe
Attention: Privacy
Beeldschermweg 3 3821 AH
Amersfoort UT 3821 AH
Netherlands
PrivacyEU@ergotron.com