

# Ongage

## Privacy Notice

*Recently Updated: December 2019*

This Privacy Notice (“**Privacy Notice**”), is an integral part of our [Terms and Conditions](#), and governs the processing and transfer of personal data collected or processed by Ongage in connection with its Sites, Services and the Platform.

Any capitalized terms not defined herein shall have the meaning ascribed to them in the Terms.

If you choose to use the Services, register and interact with the Platform or otherwise provide data to us, you explicitly agree to the use of such data in accordance with this Privacy Notice, and represent and warrant that you will comply with the provisions herein. You may not use the Services or the Platform or submit any data through them if you do not agree to any of the terms hereunder. This Privacy Notice shall not be construed in any manner to derogate from the Terms or any other agreement or understanding between Ongage and you.

Please note, that the Platform and/or Services may contain links to other websites, products or services offered by third parties, which are not governed by this Privacy Notice. This Privacy Notice does not apply to the practices of entities which are not controlled by Ongage.

### **THE HIGHLIGHTS:**

- **You are not required by law to provide us with any Personal Data. Sharing Personal Data with us is entirely voluntary.**
- **You may not share Personal Data about other people with us which you are not authorized to share or use.**
- **Our Services are intended for Users and Recipients over the age of 16. Children under such age are not permitted to use the Services. If you are under such age you should cease to use the Services immediately. You may not use the Services to send emails to Recipients under the age of 16.**
- **You may be entitled under applicable law to request to review, amend, erase or restrict the processing of your Personal Data.**
- **We do not sell, trade, or rent Users' or Recipients' Personal Data to third parties. We only share Personal Data with third parties in connection with the provision of the Services to our Users, or other limited circumstances as specified herein.**
- **If you have any questions or requests regarding the processing of your Personal Data, or would otherwise like to contact us in connection with this Privacy Notice, please send us an email to: [info@ongage.com](mailto:info@ongage.com)**

**1. *What are Personal Data, and what data is collected by Ongage?***

“**Personal Data**”, means information which identifies a natural person, including, but not limited to, first and last name, phone number, email address, billing information, etc.

Personal Data does not mean information about a company or organization, but does include information about such corporate entity's employees and consumers.

**Personal Data regarding Users' Employees:**

We collect certain Personal Data regarding Users' employees which interact with the Platform and initiate and perform activities on behalf of our clients. Such Personal Data includes: name, work email address, access authorizations to the Platform (user name and password), customer support communications and data regarding the use of our Platform.

**Personal Data regarding private Users:**

If you are using the Platform as an private User (namely, not on behalf of a corporate entity), in addition to the above Personal Data, we also collect your payment information. If you contact us on various customer support issues of other matters, we may also collect data associated with these communications.

**Personal Data regarding Recipients:**

We store Personal Data uploaded to the Platform by Users in connection with their Recipients of emails, this data includes full name, email address, and other information uploaded by the user or from third parties.

**Non-Personal Data**

We collect non-personal data regarding Users and Recipients concerning their use of the Platform and the Services, such as the scope, frequency, latency, pages accessed, what and when the User or Recipient views on the Sites and how he/she interacts with content and materials displayed through our Services, certain device identifiers, and other technical information regarding the device used to access the Services, such as model and operating system.

**Special Categories of Personal Data**

We do not knowingly collect or process any Personal Data constituting or revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning a person's health or data concerning a person's sex life or sexual orientation. Moreover, we do not monitor the data users upload to our Platform, therefore you may not upload any Personal Data, especially personally identifiable information or sensitive data on our Platform"

In the event you become aware that such data has been posted to the Platform or collected by us unintentionally, please inform us immediately.

## 2. Cookies

Yes, we use cookies and similar technologies. The way in which we, and third parties placing cookies in connection with the Services, use cookies and collect data, is explained in our [COOKIE POLICY](#).

## 3. How and why Ongage processes data

### Non-Personal Data

Non-Personal Data is used mainly for click stream analysis in order to maintain and develop our Platform and Services, including among others, in order to measure and understand the level of engagement with the Services, for general business analytics and in order to provide a more personalized experience and tailored content, for ensuring the technical functioning of our network, to help prevent fraudulent use of the Services and for developing new services and features.

### Personal Data

Personal Data is only used for limited purposes, as specified below.

Type of Data	Purposes of Processing	For EU persons - Legal Basis under the GDPR
<b><u>Personal Data regarding Users' Employees:</u></b> Name, work email address, and access authorizations to the Platform (user name and password).	To provide the Services to the User; to process transactions made on the Platform, to identify employees authorized by the User to access the Platform and perform activities.  To resolve any disputes, communicate with you regarding customer service and support issues, and to respond to questions or comments and help resolve any problems.	- The employee's active consent, as demonstrated by the employee's actions upon registration to the Services and provision of Personal Data to Ongage.  - Necessity of processing for the purposes of the legitimate interests of the User and Ongage.
<b><u>Personal Data regarding private Users:</u></b> Name, email address, access authorizations to the	To provide the Services to the User.  To resolve any disputes, communicate with you	Performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

Platform, payment information, bank account information, customer support issues.	regarding customer service and support issues, and to respond to questions or comments and help resolve any problems.	
<b><u>Personal Data regarding Recipients:</u></b> Name, email address, and other information uploaded by the customer or from third parties.	To provide the Services to our Users.	Necessity of processing for the purposes of the legitimate interests of the User and Ongage.
<b><u>Commercial materials and newsletters</u></b> In the event a you sign up to receive our newsletter or other marketing materials, you will be requested to provide your email address.	To send you our newsletter and other marketing materials.	Your consent.

In addition, we may use certain Personal Data to prevent potentially prohibited or illegal activities, fraud, misappropriation, infringements, identity thefts and any other misuse of the Platform or the Services and to enforce the Terms, as well as to protect the security or integrity of our databases and the Services, and to take precautions against legal liability. Such processing is based on our legitimate interests.

**4. Will Ongage Share Personal Data With Others? [Please Confirm or update]**

WE DO NOT SELL ANY PERSONAL DATA TO NON-AFFILIATED THIRD PARTIES FOR THEIR MARKETING PURPOSES.

**Non-Personal Data**

Non-Personal Data, aggregate and statistical or otherwise anonymized data may be shared without limitation with third parties at our discretion. This information does not contain Personal Data and is used to develop content and services for our Users.

**Personal Data**

We may share Personal Data only under the following limited circumstances:

- With trusted partners and third parties who assist us in operating the Services and conducting our business, such as fraud prevention, bill collection, marketing, account maintenance and technology services.
- With the third party vendors, our users and customers.
- With our affiliates and connected companies, such as subsidiaries, sister-companies and parent companies.
- With third parties if necessary to comply with a legal requirement, for the administration of justice, to protect your vital interests or the vital interests of others, to protect the security or integrity of our databases or the Services, to take precautions against legal liability, or in the event of a corporate sale, merger, reorganization, dissolution or similar event.
- Other third parties with your consent to do so.

**5. *Will Ongage transfer Personal Data internationally?***

Our databases are currently located in the state of Ireland.

If you are an EU resident, we will take appropriate measures to ensure that your Personal Data receives an adequate level of data protection when it is being transferred out of the EU. If you are a resident of a jurisdiction where the transferring of your Personal Data requires your consent, then your consent to this Privacy Notice includes your express consent for such transfer of your data.

**International Transfer of Personal Data under the GDPR**

In the event that the User is an EU entity, the transfer of Personal Data internationally shall be made pursuant to the Standard Contractual Clauses attached to our Data Processing Agreement, in accordance with Article 46(2)(c) of the GDPR, or via another mechanism permitted under the GDPR (such as an adequacy decision).

**Marketing Materials**

If you are an EU resident, we will not send you promotional materials unless you have explicitly consented to receive such materials from us.

In the event you provided such consent, but wish to rescind it, you may at any time choose not receive such communications, by contacting us at [info@ongage.com](mailto:info@ongage.com), or clicking the appropriate link in the communication itself.

**6. *Data Subjects' Rights***

For information regarding your rights in connection with your Personal Data, see our [Users Rights Policy](#).

**7. Will I receive promotional materials from Ongage?**

We may send you promotional materials to the email provided by you to Ongage. You may at any time choose to opt-out and to not receive such communications, by contacting us at [info@ongage.com](mailto:info@ongage.com), or clicking the appropriate link in the communication itself.

If you are an EU resident, please see the section – **Additional Information for EU Residents**.

**8. Persons under 16**

Our Platform is a general audience Platform, which is not directed to persons under 16 years old. If a parent or guardian becomes aware that his/her child has provided us with Personal Data without their consent, he/she should contact us immediately.

We do not knowingly collect or solicit Personal Data from people under 16 years old. If we become aware that a person under 16 years old has provided us with Personal Data, we will delete such data from our databases.

If you are a User, please be aware that you may not upload to the Platform any data concerning persons under the age of 16, and you may not send emails to Recipients who are under 16 years old. Doing any of the above constitutes an infringement of our Terms and may result in the suspension or Termination of the User's Account.

**9. Changes and Updates**

We may update this Privacy Notice from time to time. We encourage you to periodically review this Privacy Notice to stay informed about our practices related to the collection and processing of Personal Data.

**10. PRIVACY NOTICE FOR CALIFORNIA RESIDENTS UNDER THE CALIFORNIA CONSUMER PRIVACY ACT**

This section for California Residents under the California Consumer Privacy Act of 2018 (“**CCPA**”) supplements the information contained in our general Privacy Notice and applies solely to all visitors, users, and others who reside in the State of California (“**Consumers**” or “**you**”), as defined under the CCPA. Any terms defined in the CCPA have the same meaning when used in this Privacy Notice. Further, this Privacy Notice is an integral part of our Privacy Policy and thus, definitions used herein but not defined herein shall have the meaning ascribed to them in our Privacy Policy.

As required under the CCPA, we will update this Privacy Notice **every 12 months**. The last revision date will be reflected in the “Recently Updated” heading located at the top of the Privacy Notice.

**TYPES OF PERSONAL INFORMATION WE COLLECT**

Under the CCPA, “Personal Information” is defined as any information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household or device. The categories of Personal Information that we collect (and has collected within the last 12 months), are detailed in the table below.

Please note that, under the CCPA Personal Information does not include: publicly available information from government records and deidentified or aggregated consumer information, information excluded from the

CCPA’s scope (e.g., health or medical information covered by applicable laws such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA)); and information covered by certain sector-specific privacy laws (e.g., the California Financial Information Privacy Act (FIPA)).

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, or other similar identifiers.	<b>Yes</b>
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  Some personal information included in this category may overlap with other categories.	<b>No</b>
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	<b>No</b>
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<b>No</b>
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	<b>No</b>
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	<b>Yes</b>

G. Geolocation data.	Physical location or movements.	<b>No</b>
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	<b>No</b>
I. Professional or employment-related information.	Current or past job history or performance evaluations.	<b>No</b>
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	<b>No</b>
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	<b>Yes</b>

**HOW WE COLLECT INFORMATION**

Depending on the nature of your interaction with us, we may collect the above detailed information from you, as follows: (i) directly from you, for example, if you contact us; (ii) indirectly from you, for example, from observing your actions on our website; (iii) from third-party business partners such as analytics providers.

**USE OF PERSONAL INFORMATION**

We may use, or disclose the Personal Information we collect for one or more of the following business purposes:

- To fulfill or meet the reason you provided the information. For example, if you contact us with an inquiry and share your name and contact information, we will use that Personal Information to respond to your inquiry.
- To provide, support, personalize, and develop our website and Services, as well as improve our Services.
- For security and fraud detection purposes, and to maintain the safety, security, and integrity of our Services.
- For testing, research, analysis, and product development, including to develop and improve our Services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal Information or as otherwise set forth in the CCPA.



- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding.

We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

### **SHARING DATA**

We may disclose your Personal Information to a third party for a business purpose. When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.

We share your Personal Information with the following categories of third parties:

- (i) Service providers
- (ii) Data aggregators
- (iii) Business Partners

### **DISCLOSURES OF PERSONAL INFORMATION FOR A BUSINESS PURPOSE**

In the preceding twelve (12) months, the Company has disclosed the following categories of Personal Information for a business purpose:

Category A: Identifiers.

Category F: Internet or other similar network activity.

### **SALES OF PERSONAL INFORMATION**

In the preceding twelve (12) months, Company has not sold Personal Information.

### **YOUR RIGHTS REGARDING YOUR PERSONAL INFORMATION**

The CCPA provides consumers with specific rights regarding their Personal Information. Please review our [Privacy Rights Policy](#) regarding your rights under applicable law.

You may exercise any or all of your above rights in relation to your Personal Information by filling out the [Data Subject Request](#) (“DSR”) form available here <https://www.ongage.com/wp-content/uploads/2020/05/data-subject-request-form.pdf> and send it to our privacy team at: [info@ongage.com](mailto:info@ongage.com)

### **CONTACT US**

If you have any questions or concerns regarding privacy issues, or if you wish to be provided with any other information related to our privacy practices, please contact us at:

***Ongage Ltd.***

[info@ongage.com](mailto:info@ongage.com)

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