

Ongage

User Rights Policy

Last updated: December, 2022

As required under applicable laws, and specifically the EU General Data Protection Regulations (“**GDPR**”), the California Consumer Privacy Act of 2018 (“**CCPA**”), the California Privacy Rights Act of 2020 effective January 1, 2023 (“**CPRA**”), the Virginia Consumer Data Protection Act of 2021 (“**CDPA**”), the Colorado Consumer Protection Act (“**CPA**”) and other federal, state laws, the Israeli Protection of Privacy Law (“**IPPL**”), etc. (all collectively shall be defined as “**Data Protection Laws**”), individuals are permitted to make certain requests and exercise certain rights regarding their Personal Data or Personal Information (as such term is defined under Data Protection Regulations) and depending on their jurisdiction.

Ongage Ltd. (collectively, “**Company**” or “**we**” or “**us**”), value the privacy rights of our Users (as defined in our [Privacy Policy](#); collectively “**you**” or “**yours**”). Thus, we have designed this data subjects’ rights policy (“**Privacy Rights Policy**” or “**Policy**”) as an overview of your rights regarding your Personal Data, under Data Protection Laws. This Policy applies solely to your rights concerning Personal Data / Personal Information (as defined under the applicable law) processed by us.

Any DSRs submitted to us shall be processed by us in our capacity as a “Data Controller”. Please note that if you are a Recipient (i.e., end user of our Customers), the “Data Controller” of your data is the Customer. If we receive a DSR by a Recipient, we will notify the relevant Customer. We will act in accordance with our Customers instructions in relation to data subject’s requests.

YOUR RIGHT TO ACCESS

You have a right to request us to confirm whether we process certain Personal Data related you, as well as a right to obtain a copy of such Personal Data, with additional information regarding how and why we use this Personal Data.

The GDPR and CCPA provide different protections, the GDPR enables access to all Personal Data processed by the controller, however the CCPA "Access Right" applies **only** to Personal Information collected in the 12 months **prior** to the request. After we receive such request, we will analyse and determine the veracity and appropriateness of the access request and provide you with the applicable confirmation of processing, the copy of the Personal Data or a description of the Personal Data and categories of data processed, the purpose for which such data is being held and processed, and details about the source of the Personal Data that was not provided by you. Our response detailed above will be provided within the period required by law (please see additional information under “**Response Timing and Format**” below).

YOUR RIGHT TO AMEND YOUR PERSONAL INFORMATION

I. Deletion

The Company **must execute** the right to erase in the following cases: if the data was processed based on consent (and the data subject withdraw his consent); the Data Subject objected to the processing; the data **is no longer needed** for the original processing purpose; there is no other legal ground for processing; no overriding legitimate ground for processing; there is a statutory obligation to erasure.

However, the right to erase is not absolute and the Company can refuse erase request in the following exceptions: (i) when colliding with the right of freedom of expression and information; (ii) the data is necessary to comply with legal obligations; (iii) the data is necessary for the defence of legal claims; (iv) the data is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

II. Rectification

The Company must ensure that all Personal Data that it holds and uses about a data subject is correct. If such data is not accurate, a data subject has the right to require that the Company updates such data so it is accurate. In addition, if the Company has passed on incorrect information about a data subject to a third party, the data subject also has a right to oblige the Company to inform those third parties that this information should be updated. As our Customer, you can correct certain data provided under your Account (as defined in our [Privacy Policy](#)), such as contact information, through the Account settings.

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YOUR RIGHT TO BE INFORMED

You have the right to be informed with the Company's details (e.g., name, address, etc.), as well as why and how we process Personal Data. This right includes, among others, the right to be informed with the identity of the business, the reasons and lawful basis for processing Personal Data, and additional information necessary to ensure the fair and transparent processing of Personal Data. Further, under the CCPA, you have the right to be informed on the categories of Personal Information collected, sold, disclosed by us in the **previous** 12 months, therefore we ensure our privacy policy discloses all of the above and is updated every 12 months. For more information, please see our [Privacy Policy](#) and [CCPA Privacy Notice](#).

YOUR RIGHT TO RESTRICT PROCESS OF PERSONAL INFORMATION

A data subject may limit the purposes for which the Company may process its Personal Data. The Company's processing activities may be restricted if: the accuracy of the data is contested; processing is unlawful and data subject requests restriction instead of erasure; the Company no longer needs the data for its original purpose, but the data is still required to establish, exercise or defend legal rights; or consideration of overriding grounds in the context of an erasure request.

YOUR RIGHT TO OBJECT

Under the lawful basis of our **legitimate interests** and with regards to Personal Data processed by us (such as direct marketing), you may object to our processing on such grounds. However, even if we receive your objection, we will be permitted to continue processing the Personal Data in the event that (subject to applicable laws and regulations):

- (i) our legitimate interests for processing override your rights, interests and freedoms;
- (ii) the processing of such Personal Data is necessary to establish, exercise or defend a legal claim or right, etc.

DATA PORTABILITY

You may request us to send or "port" your Personal Data held by us to a third-party entity, however note, the Data Protection Laws apply differently to this right, thus, we will handle this according to the jurisdiction you are subject to.

YOUR RIGHT TO OPT-OUT OF AUTOMATED DECISION MAKING

In certain circumstances, you have the right to opt-out of the use of automated decision making in relation to your Personal Information.

YOUR RIGHT TO NOT BE DISCRIMINATED

Under the CCPA, you must not be discriminated for exercising any of your rights, including by denied goods or services, charging you with different fees for goods or services, including through the use of discounts or other benefits or imposing penalties; suggested you will receive a different price or rate for goods or services.

Notwithstanding the above it is allowed to set up schemes for providing financial incentives and you can opt-in to become part of them.

YOUR RIGHT TO OPT-OUT OF "SALE" OR "SHARE" OF PERSONAL INFORMATION

Where applicable, you have the right to cease sharing or selling your information as defined in the CCPA and CPRA. The CCPA originally defined broadly a "sale" of personal information, to include most circumstances in which the business makes personal information available to a third party for monetary or other valuable consideration. The CPRA further adds the definition of "share" of personal information, to include circumstances in which the business makes personal information available to a third party specifically for the purpose of cross-context behavioural advertising, even if no money is exchanged. For more information, please review our [CCPA Privacy Notice](#).

YOUR RIGHT TO LIMIT USE AND DISCLOSURE OF SENSITIVE PERSONAL INFORMATION

The CPRA defines "*sensitive personal information*" as personal information that reveals (a) consumer's Social Security or other state identification number; (b) a consumer's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account; (c) consumer's geolocation; (d) consumer's racial or ethnic origin, religious or philosophical beliefs, or union membership; (e) the contents of a consumer's mail, email, or text messages, unless the business is the intended recipient of the communication; and (f) consumer's genetic data.

In addition, "*sensitive personal information*" includes processing of biometric information for purposes of identifying a consumer; personal information collected and analysed concerning a consumer's health, and personal information collected and analysed concerning a consumer's sex life or sexual orientation.

In other words, with the exception of political opinions, "*sensitive personal information*" under the CPRA includes and expands upon the "special categories of personal data" listed in the GDPR.

YOUR RIGHT TO LODGE A COMPLAINT WITH SUPERVISORY AUTHORITY

If you believe your privacy rights have been breached, you the right to file a complaint with your national supervisory authority according to your jurisdiction. Specifically, with regards to Personal Data collected about you in the EEA or UK, please contact the applicable [EU Data Protection Authority](#).

RESPONSE TIMING AND FORMAT

We will process the request within the time frame under the applicable [Data Protection Laws](#), e.g., within 30 days from the receipt of the request subject to GDPR and between 10-45 days from receipt of a request subject to CCPA. We reserve the right to extend the aforementioned period by the time specified in the Data Protection Laws if the request is complex or numerous or we require additional information.

The processing of the request is free of charge; however, we may want to reserve the right to charge a reasonable fee to cover certain administrative costs (such as providing additional copies of the data) or for handling manifestly unfounded or excessive requests.

Note that, you might not be eligible to exercise all or part of the rights detailed above – this depends on your jurisdiction and the applicable Data Protections Laws, our relationship, and our rights to refuse or retain data under applicable Data Protection Laws. Where we are not able to provide you with the information for which you have asked or otherwise fulfil your request, we will endeavour to explain the reasoning for this and inform you of your rights

Further, note, under the CCPA your rights only apply to the Personal Information collected 12 months prior to the request and you are not entitled to submit more than 2 requests in a 12 months period.

SUBMIT YOUR DSR

In order to submit a request to exercise individual rights pursuant to the Data Protection Laws, please complete the [Data Subject Request form](#) and send it to our privacy team at: dpo@ongage.com.