

Welcome, and thank you for your interest in Element. Element Industrial Solutions Inc. (“Element,” “we,” “our,” or “us”) and our web site at www.elementindustrialsolutions.com (the “Site”), as well as all related web sites, networks, embeddable widgets, SaaS software, downloadable applications, (including tablet applications), and other services provided by us and on or through which a link to this Privacy Policy (this “Policy”) is displayed (collectively, together with the Site, our “Service”).

This Policy describes how Element collects, uses, processes, discloses, and safeguards information we obtain through the Service and in connection with our customer, partner, and vendor relationships. It also tells you about your rights and choices with respect to your information, and how you can contact us if you have any questions or concerns.

In addition to the activities described in this Policy, we may process Personal Information provided by our customers that we process as a data processor on behalf and on the instructions of these customers, which are the entities responsible for the data processing. To understand how a customer processes your Personal Information, please refer to that customer’s privacy policy.

This Policy is incorporated into and is subject to the Element agreement concluded with the Customer who subscribes the Service, either through the Terms of Service or a Subscription Agreement (the “**Agreement**”).

1. How this Privacy Policy applies

This Policy applies to:

- (i) the use of the Service by a user pursuant to the Agreement (e.g. employee of the Customer, Affiliate of the Customer, etc.).
- (ii) the use of the Site by any individual which has not subscribed to an Agreement and is not a beneficiary of user pursuant to an Agreement.
- (iii) any other processing of Personal Information carried out by Element as data controller, within the meaning of the applicable data protection legislation.

Any processing of your Personal Information provided in this Policy will be carried out by Element in accordance with applicable data protection legislation, as defined by mandatory applicable laws (the “**Data Protection Laws**”).

In particular, when providing Services to EU based Customers or users of the Service, Element undertakes to comply with the European Data Protection Regulation 2016/679 of the European Parliament and Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and (iii) any applicable Data Protection Laws and regulation of the EEA Member States, Switzerland and the United Kingdom.

2. Personal Information We Collect

For the purpose of this Policy, “Personal Information” means any information relating to an identified or identifiable individual. We obtain Personal Information relating to you from various sources described below.

Where applicable, we indicate whether and why you must provide us with your Personal Information, as well as the consequences of failing to do so. If you do not provide Personal Information when requested, you may not be able to benefit from the Service if that information is necessary to provide you with the Service or if we are legally required to collect it.

a. Personal Information Provided by You

Account Registration. If you register to use the Service, then you must provide us with your name, company name, email address and a password in order to create an account and user profile.

User Content. We will collect any information you post through the Service (“User Content”) within the limits and conditions set out in this Policy. For example, when you interact with other users by sending them messages, the Site will process the information you provide in such submissions, to the extent permitted under applicable law.

Communications. We will collect any information which you provide to us through your communications e.g., when you communicate with our customer support team.

Partners and Vendors. We use Personal Information collected from our business partners and vendors to manage those relationships.

Job Applications. If you apply for a job at Element, we may process your Personal Information to evaluate your application.

b. Personal Information Collected via Automated Means

In addition to information that you provide to us, we may collect information about you and your use of the Service via automated means, such as cookies and similar technologies, including “clear gifs” or “web beacons.”

Please review your web browser “Help” file to learn the proper way to modify your settings with regard to such automated data collection. Please note that if you delete, or choose not to accept, such technologies, you may not be able to use the features of the Site to their fullest potential.

Cookies and Similar Technologies. When you use the Service, we may send one or more cookies – small text files containing a string of alphanumeric characters – to your device. The cookies we use in connection with the Service include the following:

- (i) First-party cookies

We may use both session cookies and persistent cookies to automatically collect certain information.

- A session cookie disappears after you close your browser.
- A persistent cookie remains after you close your browser and may be used by your browser on subsequent visits to the Service.

The automatically collected information may include your IP address or other device address or ID, web

browser and/or device type, the web pages, or sites that you visit just before or just after you use the Site, the pages or other content you view or otherwise interact with on the Site, and the dates and times that you visit, access, or use the Site. We also may use these technologies to collect information regarding your interaction with email messages, such as whether you opened, clicked on, or forwarded a message. This information is gathered from all users.

We use this information to assess how many users access or use our Site, which content, products, and features of our Site most interest our visitors, what types of offers our customers like to see, and how our service performs from a technical point of view.

(ii) Third-party cookies

Google Analytics. We work with Google Analytics, which uses cookies and similar technologies to collect and analyze information about use of the website and report on activities and trends. You can learn about Google’s practices by going to <https://www.google.com/policies/privacy/partners/>, and opt out of them by downloading the Google Analytics opt-out browser add-on, available at <https://tools.google.com/dlpage/gaoptout>.

The deposit of these cookies requires your consent. You can accept or decline them.

Third Party Web Beacons and Third-Party Buttons. We may also implement third-party content or advertising on the Site that may use clear gifs or other forms of web beacons, which allow the third-party content provider to read and write cookies to your browser in connection with your viewing of the third-party content on the Site. Additionally, we may implement third party buttons (such as Facebook “like” or “share” buttons) that may allow third parties to collect information about you through such third parties’ browser cookies, even when you do not interact with the button. Information collected through web beacons and buttons is collected directly by these third parties, and Element does not participate in that data transmission. Information collected by a third party in this manner is subject to that third party’s own data collection, use, and disclosure policies.

You can learn about their privacy policy practices below:

- Facebook: https://fr-fr.facebook.com/payments_terms/privacy
- Instagram: <https://help.instagram.com/519522125107875>
- LinkedIn: <https://fr.linkedin.com/legal/privacy-policy>

The deposit of these cookies requires your consent. You can accept or decline them.

c. Personal Information Obtained from Third Parties

Integrated Services. You may be given the option to access or register for the Service through the use of your username and passwords for certain services provided by third parties (each, an “**Integrated Service**”), such as through the use of your Facebook credentials (through Facebook Connect), or otherwise have the option to authorize an Integrated Service to provide Personal Information or other information to us. We collect your Personal Information from such Integrated Service when you use your credentials for an Integrated Service to log into the Service. For example, when you log in with your Facebook credentials, we collect the information you have authorized Facebook to share with us, such as your name, email address, gender, date of birth, current city, and profile picture. We may also obtain other non-public information with your permission. You should check your privacy settings on each Integrated Service to understand and change the information sent to us through each Integrated Service. Please review each Integrated Service’s terms of use and privacy policies carefully before using their services and connecting to our Service.

3. How We Use Personal Information We Collect

We may use Personal Information we collect for the following purposes:

Internal and Service-Related Usage. We use your Personal Information to operate, maintain, enhance and provide all features of the Service, to provide services and information that you request, to respond to comments and questions and otherwise to provide support to users.

Analytics and Improving the Service. We use your Personal Information to understand and analyze the usage trends and preferences of our users, to improve the Service, and to develop new products, services, feature, and functionality.

Communications. We may use your email address or other Personal Information (i) to contact you for administrative purposes such as customer service, to address intellectual property infringement, privacy violations or defamation issues related to your User Content posted on the Service or (ii) to send communications, including updates on promotions, relating to products and services offered by us and by third parties we work with. Generally, you have the ability to opt-out of receiving any promotional communications as described below under “Your Choices.”

Tailored Content. We may use your Personal Information to: (i) personalize our services, such as remembering your information so that you will not have to re-enter it during your visit or the next time you visit the Service; (ii) provide customized advertisements, content, and information.

Aggregate Data. We may de-identify and aggregate information to monitor and analyze the effectiveness of Service and third-party marketing activities and to monitor aggregate site usage metrics such as total number of visitors and pages viewed, to the extent possible under applicable Data Protection Laws.

Partners and Vendors. We use Personal Information collected from our business partners and vendors to manage those relationships.

Job Applications. If you apply for a job at Element, we may process your personal Information to evaluate your application.

Legal. We may use your Personal Information to enforce our End User License Agreement and Agreement to defend our legal rights, to comply with our legal obligations and internal policies.

Other Purposes. We also may use your Personal Information as may be described in a notice to you at the time the information is collected, or in any other manner to which you consent.

If you are located in the European Economic Area, we only process your Personal Information based on a valid legal ground, including when:

- You have consented to the use of your Personal Information.
- We need your Personal Information to provide you with the Service, including for account registration and to respond to your inquiries.
- We have a legal obligation to use your Personal Information.
- We or a third party, have a legitimate interest in using your Personal Information. In particular, we have a legitimate interest in using your Personal Information to conduct business analytics, and otherwise improve the safety, security, and performance of our Services. We only rely on our or a third party’s legitimate interests to process your Personal Information when these interests are not overridden by your rights and interests.

4. How We Disclose Your Personal Information.

Except as described in this Policy or otherwise disclosed to you at the time of the collection, we will not disclose your Personal Information to third parties without your consent. We may disclose information to third parties in the following circumstances:

- **Element affiliates and subsidiaries.** We may disclose Personal Information about you with our affiliates and subsidiaries.
- **Other users.** Any Personal Information that you voluntarily choose to include on or through the Service, including information in a publicly accessible area of the Service (such as a public profile page) or information you share with or allow to be shared with other users, will be available to anyone who has access to that

content, including other users.

- **Service Providers.** We work with third party service providers to provide website or application development, hosting, maintenance, and other services for us. These third parties may have access to or process your Personal Information as part of providing those services for us. We limit the information provided to these service providers to that which is necessary for them to perform their functions, and we require them to agree to maintain the confidentiality of such information. These service providers may be based outside the European Economic Area. You may contact us at the address set forth below to obtain a copy of the safeguards we use to transfer Personal Information outside of the European Economic Area.
- **Other Third Parties.** We may also share Personal Information about you with other third parties in the following circumstances:
 - **In Aggregated Form.** We may make certain automatically collected, aggregated, or otherwise de-identified information available to third parties for various purposes, including (i) compliance with various reporting obligations; (ii) for business or marketing purposes; or (iii) to assist such parties in understanding our users' interests, habits, and usage patterns for certain programs, content, services, advertisements, promotions, and/or functionality available through the Service.
 - **To Comply with Legal Obligations.** We may disclose your Personal Information if required to do so by law or in the good-faith belief that such action is necessary to comply with the applicable law in response to a court order, judicial or other government subpoena or warrant, or to otherwise cooperate with law enforcement or other governmental agencies.
 - **To Protect and Enforce Our Rights.** We also reserve the right to disclose your Personal Information that we believe, in good faith, is appropriate or necessary to (i) take precautions against liability, (ii) protect ourselves or others from fraudulent, abusive, or unlawful uses or activity, (iii) investigate and defend ourselves against any third-party claims or allegations, (iv) protect the security or integrity of the Service and any facilities or equipment used to make the Service available, or (v) protect our property or other legal rights (including, but not limited to, enforcement of our agreements), or the rights, property, or safety of others.
 - **In case of Merger, Sale, or Other Asset Transfer.** Information about our users, including Personal Information, may be disclosed and otherwise transferred to an acquirer, or successor or assignee as part of any merger, acquisition, debt financing, sale of assets, or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets.
 - **With Your Consent.** We also may disclose your Personal Information as may be described in a notice to you at the time the information is collected, or in any other manner to which you consent.

5. Your Rights and Choices

Account Information. You may, of course, decline to share certain Personal Information with us, in which case we may not be able to provide to you some of the features and functionality of the Service. You may update, correct, or delete your profile information and preferences at any time by accessing your account settings page on the Service. If you wish to access or amend any other Personal Information we hold about you, or to request that we delete any information about you that we have obtained from an Integrated Service, you may contact us at privacy@elementindustrial.com. Please note that while any changes you make will be reflected in active user databases instantly or within a reasonable period of time, we may retain all Personal Information you submit for backups, archiving, prevention of fraud and abuse, analytics, satisfaction of legal obligations, or where we otherwise reasonably believe that we have a legitimate reason to do so, to the extent permitted under applicable law.

Opt-Out. If you receive commercial email from us, you may unsubscribe at any time by following the instructions

contained within the email. You may also opt-out from receiving commercial email from us, and any other promotional communications that we may send to you from time to time, by sending your request to us by email at privacy@elementindustrial.com or by writing to us at the address given at the end of this policy. We may allow you to view and modify settings relating to the nature and frequency of promotional communications that you receive from us in the user account functionality on the Service.

Please be aware that if you opt-out of receiving commercial email from us or otherwise modify the nature or frequency of promotional communications you receive from us, it may take up to ten (10) business days for us to process your request, and you may receive promotional communications from us that you have opted-out from during that period, unless we are required by applicable law to process your request within a shorter period of time. Additionally, even after you opt-out from receiving commercial messages from us, you will continue to receive administrative messages from us regarding the Service.

Privacy Settings. Although we may allow you to adjust your privacy settings to limit access to certain Personal Information, please be aware that no security measures are perfect or impenetrable. To the fullest extent permitted under applicable law, we are not responsible for circumvention of any privacy settings or security measures on the Service. Additionally, we cannot control the actions of other users with whom you may choose to share your information. Further, even after information posted on the Service is removed, caching and archiving services may have saved that information, and other users or third parties may have copied or stored the information available on the Service. To the fullest extent permitted under applicable Data Protection Laws, we cannot and do not guarantee that information you post on or transmit to the Service will not be viewed by unauthorized persons.

Do Not Track. Some web browsers incorporate a “Do Not Track” feature. Because there is not yet an accepted standard for how to respond to Do Not Track signals, our website does not currently respond to such signals.

Other Rights. If you are located in the European Economic Area, you may have the following additional rights:

- to access to and receive information about the Personal Information we maintain about you,
- to update and correct inaccuracies in your Personal Information.
- to restrict or to object to the processing of your Personal Information.
- to have the information anonymized or deleted, as appropriate, or.
- to exercise your right to data portability to easily transfer your Personal Information to another company.

In addition, you may also have the right to lodge a complaint with a supervisory authority, including in your country of residence, place of work or where an incident took place.

- Withdraw any consent you previously provided to us regarding the processing of your Personal Information, at any time and free of charge. We will apply your preferences going forward and this will not affect the lawfulness of the processing before your consent withdrawal.

Those rights may be limited in some circumstances by local law requirements, to the extent permitted by Data Protection Laws.

6. Third-Party Services

This Policy applies only to the processing of your Personal Information by Element. The Service may contain features or links to Web sites and services provided by third parties. The policies and procedures described in this Policy do not apply to the processing of your Personal Information by third parties or through third party Web sites or services. Any information you provide on third-party sites or services is provided to the operators of such sites or services and is subject to those operators’ policies, if any, governing privacy, and security, even if accessed through the Service. We are not responsible for the content or privacy and security practices and policies of third-party sites or services to which links or access are provided through the Service. We encourage you to learn about third parties’ privacy and security policies before providing them with information.

7. Children's Privacy

Protecting the privacy of young children is especially important. Our Service is not directed to children under the age of 16, and we do not knowingly collect (and do not wish to collect) Personal Information from children under the age of 16 without obtaining parental consent. If you are under 16 years of age, then please do not use or access the Service at any time or in any manner. If we learn that Personal Information has been collected on the Service from persons under 16 years of age and without verifiable parental consent, then we will take the appropriate steps to delete such Personal Information. If you are a parent or guardian and discover that your child under 16 years of age has obtained an account on the Service, then please alert us at privacy@elementindustrial.com and request that we delete that child's Personal Information from our systems.

8. Data Security

We use certain physical, organizational, and technical measures and safeguards that are designed to appropriately protect Personal Information against accidental or unlawful destruction, accidental loss, unauthorized alteration, unauthorized disclosure or access, misuse, and any other unlawful form of processing of the Personal Information in our possession. However, we cannot ensure or warrant the security of any information you transmit to us or store on the Service, and you do so at your own risk. We also cannot guarantee that such information will not be accessed, disclosed, altered, or destroyed by breach of any of our physical, organizational, or technical safeguards. The foregoing is subject to requirements under applicable law to ensure or warrant information security.

If we become aware of a security breach, then we may attempt to notify you electronically so that you can take appropriate protective steps. We may also post a notice through the Service if a security breach occurs. Depending on where you live, you may have a legal right to receive notice of a security breach in writing and without undue delay. To receive such notice, please contact us at privacy@elementindustrial.com.

9. Data Retention

We take measures to delete your Personal Information or keep it in a de-identified form that does not permit identifying you, when your Personal Information is no longer necessary for the purposes for which we process it, unless we are required by law to retain your Personal Information for a longer period. When determining the retention period for particular Personal Information, we take into account various criteria, such as the type of services requested by or provided to you, the nature and length of our relationship with you, possible re-enrolment with our services, the impact on the services we provide to you if we delete some information from or about you, and mandatory retention periods provided by applicable law.

10. Changes and Updates to this Policy

Please revisit this page periodically to stay aware of any changes to this Policy, which we may update from time to time. If we modify the Policy, we will make the modified Policy available through the Service and indicate the date of the latest revision. In the event that the modifications materially alter your rights or obligations hereunder, we will make reasonable efforts to notify you of the change. For example, we may send a message to your email address, if we have one on file, or generate a pop-up or similar notification when you access the Service for the first time after such material changes are made. Your continued use of the Service after the revised Policy has become effective indicates that you have read, understood, and agreed to the current version of the Policy.

11. How to contact us

Element Industrial Solutions, Inc. is the entity responsible for the processing of your Personal Information as described in this Policy. If you have any questions or comments about this Policy, your Personal Information, our use and disclosure practices, your consent choices, or if you would like to exercise your rights, please contact us by email at privacy@elementindustrial.com or write to us at:

Element Industrial Solutions.
1600, 421 7th Avenue SW,
Calgary, Alberta, T2P 4K9, Canada