

## ABLY PRIVACY POLICY

v2.2

Effective Date: 26 April 2019

### INTRODUCTION

Welcome to the Aply privacy policy. Aply respects your privacy, is committed to protecting your personal data, and is compliant with applicable data protection law. This privacy policy will inform you as to how we look after certain of your personal data and tell you about your privacy rights and how the law protects you. Please refer to the Glossary below to understand the meaning of some of the terms used in this privacy policy.

By using the Aply services, sites and applications we control, you consent to:

- the collection and use of the personal data (limited to the data described in paragraph 2), as set forth in this Policy;
- the use of cookies (as explained below);
- emails sent to you for account management purposes; and
- emails (of which you may opt-out at any time) sent to notify you of promotions and other activity.

### 1. IMPORTANT INFORMATION AND WHO WE ARE

This privacy policy aims to give you information on how Aply collects and processes your personal data through your use of this website and your interactions with Aply staff (including any data you may provide through this website when you sign up to our newsletter). This policy only applies to the personal data described in paragraph 2, in Aply's role as a data controller. This policy does not apply to any content, data or information processed, stored, or hosted by our customers using Aply's offerings in connection with an Aply account; in such case Aply is a data processor for its customers.

This website is not intended for children under 16, and we do not knowingly collect data relating to children, or direct marketing at children. If you believe that we have collected information about a child under 16, please contact us at [privacy@ably.io](mailto:privacy@ably.io), so that we may delete the information.

#### CONTROLLER

Aply is the data controller with respect to the personal data described under this privacy policy (collectively referred to as "we", "us" or "our" in this privacy policy).

We have appointed a Data Protection Officer ("DPO") who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the DPO using the details set out below.

#### CONTACT DETAILS

If you have any questions about this privacy policy or our privacy practices, please contact our DPO in the following ways:

Full name of legal entity: Aply Real-Time Ltd.

Email address: [privacy@ably.io](mailto:privacy@ably.io)

Postal address:  
Labs Atrium,  
The Stables Market,  
Chalk Farm Road,

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We respect your right

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Deleted: Policy explains how Aply collects, stores, uses and discloses information from ...

Deleted: when you use Aply products, services, mobile applications and websites. This Policy applies to users of the Aply "Service", defined ...

Deleted: the services, APIs, and functionality we make available either through our website at [ably.io](http://ably.io) and related site pages (the "Website"), via separate sites, repositories or servers under our control, or through third party sites that utilize our services and functionality, as well as through our device software ("Software"). This Policy does not apply to websites, applications, or services that do not display or link to this Policy or that display or link to different privacy statements; nor does this Policy apply to practices of companies that we do not control or to people we do not employ or manage...

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In this Privacy Policy, "we," "us," "its" and "our" refer to Aply Real-time Ltd. ("Aply"), organized under the laws of England. Please read carefully this Privacy Policy ("Policy") relating to your use of Aply applications, services and websites. ¶  
**A. Introduction** ¶

Deleted: accepting the Policy during account registration, you expressly consent to our collection, storage, use and disclosure ...

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It may be possible for you to browse certain parts of the Website without telling us who you are or revealing any information that enables us to directly identify you as an individual. However, you may lose anonymity once you give us personal information about you, and by doing so, you agree to the collection, transfer and storage of that information to our servers and to the terms of this Privacy Policy

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We

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London, UK  
NW1 8AB

Data Protection Officer: Matthew O'Riordan

You have the right to make a complaint at any time to the supervisory authority for data protection issues in the EU Member State in which you reside. We would, however, appreciate the chance to deal with your concerns before you approach the supervisory authority, so please contact us in the first instance.

### CHANGES TO THE PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES

We keep our privacy policy under regular review and may modify this policy from time to time. If we make any changes to this Policy, we will post the amended terms and change the "Revised" date above.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### THIRD PARTY LINKS

Our sites and service may include links to or may interact with third party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third party sites, plug-ins and applications, and are not responsible for their privacy statements.

### TRACKING

We do not engage in the collection of personal data from users across third party sites or applications. We do not knowingly enable other parties to collect personal data about our users' activities over time and across different sites or services.

## 2. THE DATA WE COLLECT ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, position in your organisation, log-in credentials, and name of organisation.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Transaction Data** includes details about products and services you have purchased from us.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy policy. When you use our service, we automatically collect certain Aggregated Data sent to us by your computer, mobile device or other access device, such as a device ID or unique identifier, device type, model and brand, geo-location information, computer, network and connection information, access times, operating system and browser version, type and language. This policy does not restrict or limit our collection and use of Aggregated Data.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity,

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Deleted: ("Nonpersonal Data"; together with Personal Data, collectively "Information"). ¶  
*Personal Data*¶

When you register for an account, and in the course of your use of the Service, we collect the following Personal Data: your log-in information (username and password), email address, any profile or biographical information you elect to provide, company details, any personally identifying information to the extent revealed in your Content (as that term is defined in the Aply Terms of Service and, if applicable, financial information, including credit card and/or bank account numbers, that you provide to us in exchange for your commercial use of the Service as agreed in writing separately between us. ¶  
*Nonpersonal Data*¶

When you use our Service, we automatically collect Nonpersonal...

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religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data), nor do we collect any information about criminal convictions and offences.

*Cookie Policy*

We may automatically collect Information using "cookies," which are small files placed on your hard drive that may uniquely identify your browser and collect certain Information about you. Among other things, cookies help us analyze our web page flow, customize our service, measure promotional effectiveness, and promote trust and safety. Certain features are only available through the use of cookies, and generally we need to use cookies to help identify you and maintain your signed-in status. You are always free to decline cookies via your browser settings, although doing so may interfere with your use of the site. You may encounter cookies from third parties that we do not control,

We may additionally collect Information using pixel tags, web beacons or other web site usage tracking technologies. Web beacons (also known as "tracking pixels") are electronic images that may be used in the service or in emails that we send to you. We may use web beacons to deliver cookies, count visits, understand usage and campaign effectiveness and to tell if an email has been opened and acted upon. Such devices are used to collect nonpersonal data, such as the identity of the applicable internet service provider, the IP address of the user's personal computer, the type of browser software and operating system in use, the date and time of site access, the website address, if any, from which the user linked to the site and other similar traffic-related information. We also may aggregate such information with similar data collected from other users. However, we do not use such data in any way to create or maintain personal data about you.

Most web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove cookies and to reject cookies. If you choose to remove or reject cookies, this could affect certain features of our service. For further information about cookies, including how to refuse cookies, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org).

The following is a list of the cookies that may be used and installed on your computer or device:

Name	Purpose	Duration	Source	Type
<u>_ga</u>	Site analytics	2 years	<u>Google</u>	Analytical
<u>_gid</u>	Site analytics	1 day	Google	Analytical
<u>_gac UA-36212453-1</u>	Site analytics	90 days	Google	Analytical
<u>_fbp</u>	Campaign tracking	3 months	Facebook	Analytical
<u>intercom-id-ua39m1ld</u>	Live chat user	8 months	Intercom	Analytical
<u>utm_campaign &amp; utm_source</u>	Campaign tracking	1 year	Ably	Analytical
<u>_ably_session</u>	Maintain session state	< 1 day	Ably	Duration
<u>cookie_test</u>	Determine cookie support	< 1 day	Ably	Duration
<u>remember_user_token</u>	Authentication across sessions	2 weeks	Ably	Functional
<u>bnr.x &amp; newsletter</u>	Preferences	1 year	Ably	Functional
<u>_cfduid</u>	CDN cacheing	1 year	Cloudflare	Functional
<u>intercom-session-ua39m1ld</u>	Live chat	1 week	Intercom	Functional

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Explanation:

**Functional** - these cookies are necessary for our sites to function properly.

**Analytical** - these cookies allow us to understand how visitors use our sites, so we can measure and improve how it works.

**Duration** - cookies may be session-only, in which they expire at the end of each browser session, or may expire at a certain date.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you, and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

### 3. HOW IS YOUR PERSONAL DATA COLLECTED?

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity and Contact Data by filling in forms or by corresponding with us by post, phone, email, live interaction, or otherwise. This includes personal data you provide when you:
  - apply for and in furtherance of the use of our products or services;
  - request marketing to be sent to you;
  - enter a survey; or
  - give us feedback or contact us.
- **Third parties or publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:
    - (a) analytics providers, such as Google, based inside and outside the EU;
    - (b) search information providers based inside and outside the EU.
  - Contact and Transaction Data from providers of technical, payment and delivery services.
  - Identity and Contact Data from publicly available sources.

### 4. HOW WE USE YOUR PERSONAL DATA

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

You have the right to withdraw consent to marketing at any time by contacting us.

Purposes for which we will use your personal data

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We will process your personal data only where there is a lawful basis to do so, specifically:

- where we need to perform the contract with you, including:
  - using your information to deliver, or contact you regarding, your order; and
  - updating you with any changes to the contract between us.
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests, including:
  - to deliver relevant content to you;
  - to make suggestions and recommendations to you about goods or services that may be of interest to you; and
  - to establish, exercise and/or defend our legal rights including in any legal proceedings.
- where we need to comply with a legal or regulatory obligation, including:
  - complying with any applicable regulatory requirements in terms of anti-money laundering rules;
  - undertaking conflict of interest checks; or
  - data protection rules.
- where you have consented to the particular use of your data, including:
  - sending you marketing emails; and
  - taking part in surveys.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please contact us if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

We do not use personal data for the purpose of using automated decision making or profiling.

#### Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

#### Promotional offers from us

We may use your identity and contact information to decide which products, services and offers may be relevant for you.

You will receive marketing communications from us if you have requested information from us or purchased goods or services from us and you have not opted out of receiving that marketing.

#### Third-party marketing

We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

#### Opting out

You can ask us or third parties to stop sending you marketing messages at any time by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a product/service purchase or other transactions.

#### Change of purpose

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- We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

- If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

- Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. DISCLOSURES OF YOUR PERSONAL DATA

We may share your personal data with the parties set out below for the purposes set out in paragraph 4, including to:

- External Third Parties as set out in the *Glossary*.
- Third parties in connection with the sale, transfer or merger of our shares, business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal data in the same way as set out in this privacy policy.
- Our affiliated entities and our service providers, consultants or other contractors, in order to support or enhance our products, services and business operations, or to make available and consummate transactions. Such parties' use and processing of personal data will be subject to security or confidentiality obligations consistent with this policy and applicable law.
- As required to comply with applicable law or lawful requests or process, or to enforce our terms and agreements, and to protect the rights, safety and property of Ably, our agents, employees, customers, and others.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

## 6. INTERNATIONAL TRANSFERS

- Some of our External Third Parties are based outside the European Economic Area (EEA) so their processing of your personal data will involve a transfer of data outside the EEA.

- Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- Subject to the points below, we will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 7. DATA SECURITY

- We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those

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We do not engage in the

Deleted: collection of Personal Data from users across third party sites or applications. We do not knowingly allow other parties to collect your Personal Data about your online activities over time and across different Web sites or services when you use the Service.¶

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Services Via Third Party Applications¶

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We may provide Services functionality via or to third party applications. In such context, we collect only Nonpersonal Data as described in this Policy (such as device IP address, device model, brand, operating system, version, language/country and timezone, network and connection information). Any Personal Data that may be collected by such third parties is subject to such third parties' policies and practices, over which we exercise no control. We will not be liable for the acts and omissions of such third parties or for any loss of privacy, use or control of data caused by such third parties. You must contact such third party application developers for any requests, questions or [1]

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employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. DATA RETENTION**

We will only retain your personal data for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you.

To determine the appropriate retention period for personal data, we consider the amount, nature and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

## **9. YOUR LEGAL RIGHTS**

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the right to:

**Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

**Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. However, please note that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:

- If you want us to establish the data’s accuracy.
- Where our use of the data is unlawful but you do not want us to erase it.
- Where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims.
- You have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to

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perform a contract with you.

- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us, .....

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- No fee usually required

- You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

- What we may need from you

- We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

- Time to respond

- We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10. JURISDICTION**

We are located in the United Kingdom. All matters relating to privacy issues are governed by the laws of the United Kingdom.

## **11. GLOSSARY**

**Comply with a legal obligation** means processing your personal data where it is necessary for compliance with a legal obligation that we are subject to.

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. 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. 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). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

- **Performance of Contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract, .....

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**Profiling** means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

- **External third parties**

- Service providers acting as processors based inside and outside the EU, who provide IT and system administration services and secure cloud-based information services.



- Professional advisers acting as processors or joint controllers including lawyers, bankers, auditors and insurers based inside and outside the EU, including in the United Kingdom, who provide consultancy, banking, legal, insurance and accounting services.
- Such third party recipients include: Amazon Web Services, Autopilot, De-depuley, Dropbox, EchoSign / Adobe Sign, Flatly, Freshdesk (Freshworks), Google Apps, Heroku, Intercom, MailChimp, PipeDrive, Prospect.io, SendGrid, Slack, Stripe, Upscribe, Xero

**Page 6: [1] Deleted** **Legal Team** **4/26/19 2:11:00 PM**



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