

# PRIVACY POLICY FOR EXACT SERVICES

Effective Date: 24 July 2023

**Exact Group B.V., a company registered in The Netherlands with registered number 27225823 whose registered office is at Molengraaffsingel 33, 2629 JD Delft, The Netherlands, along with its subsidiaries, divisions, and affiliates (the "Exact Group"), understands the importance of protecting and safeguarding your privacy and the security of your business data when you use our services ("Exact Services").**

When we refer to personal data in this Privacy Policy ("Privacy Policy"), we mean any information relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural, or social identity ("Personal Data"). When we refer to data, we mean any type of data that is stored, used, and processed when using Exact Services ("Data"). Personal Data is included in the term Data. A reference to "Exact" in this Privacy Policy has the meaning given to it in the Agreement (the "Agreement" is defined below in paragraph 1), or in absence thereof the Exact Group entity providing you with the Exact Services.

This Privacy Policy distinguishes between two kinds of Personal Data:

- Personal Data that we process to be able to provide you with Exact Services and for our own business purposes ("Your Personal Data") for which Exact is the data controller;
- Personal Data that we process solely on your behalf as part of the Exact Services ("Business Data").

This Privacy Policy informs you under which conditions we process Personal Data and what measures we have implemented to protect Personal Data.

## WHEN DOES THIS PRIVACY POLICY APPLY?

This Privacy Policy applies to Exact Services offered by Exact and its affiliates that refer to or incorporate this Privacy Policy. Exact Services may enable you to purchase, subscribe to or use other products and online services from third parties with different privacy practices; these other products and online services will be governed by their respective terms and conditions and policies. Furthermore, this Privacy Policy does not apply to any other services offered by other companies or individuals, including products or sites that may be displayed to you in search results, sites that may include Exact Services, or other sites linked to our services. Exact's marketing sites and other public websites associated with our services and products are governed by the [Exact.com](https://www.exact.com/privacy-statement) Privacy Statement which you can find at [privacy-statement](https://www.exact.com/privacy-statement).

## 1 . YOUR PERSONAL DATA

This paragraph 1 applies only to the processing of Your Personal Data and not to Business Data. Exact is the data controller with regard to the processing of Your Personal Data.

### Your Personal Data in the Exact Services

Before purchasing, registering to, or using the Exact Services you should read the respective agreement and terms and conditions for those Exact Services (together: the "Agreement") carefully; these describe your and Exact's rights regarding the collection and use of Your Personal Data. In order to deliver the Exact Services to you we collect, store, use and process Your Personal Data as further described in this Privacy Policy and the Agreement.

After entering into the respective Agreement for the Exact Services, you can always choose not to provide Your Personal Data to Exact. In this case Exact cannot guarantee to perform the Exact Services to you as stated in the Agreement since Your Personal Data may be required to provide you with all the different functionality of the Exact Services.

### **Which Data does Exact collect and for what purpose is it used?**

Your Personal Data is collected through multiple channels. We collect Your Personal Data when you register to the Exact Services, purchase, or use the Exact Services and contact our support team. This may include Personal Data that has been provided to us by a reseller of the Exact Services, or Personal Data that we have been provided with by your employer, for example to set up your account. Your Personal Data is classified in the following categories:

- **Contact Data:** When you register to the Exact Services it may be necessary to provide us with your contact Data such as your name, email address, physical address, and telephone number. We use your contact Data to establish and fulfil our contract with you and to communicate with you, e.g., sending you service-related messages. In addition, we may use your Contact Data to send you direct marketing communications in relation to other products and services provided by us, where you give us consent. You will always be able to opt-out of electronic direct marketing by following the instructions in the relevant communication.

In our Preference Center you are also able to specify which communications you would like to receive from us or contact us using the contact information set out below.

- **Browser Data:** We log your IP-address and unique device-ID and may assign other electronic identifiers in order to properly deliver the Exact Services or for security purposes;
- **Metadata:** when uploading files, photos and videos, the information with these files, the metadata, is processed. Metadata takes different forms depending on the type of data they relate to, such as the creation and modification date of a file, the title and description of an image, the length and format of a video, or the location data of a photo;
- **Support Data:** In the event you submit a support request we may need to collect the relevant Support Data to fulfil your support request. This Support Data can consist of contact or authentication Data and chat session personalisation or any other Data which we need to solve your support request. For some Services we may register usage data to assist us with your support request;
- **Payment Data:** To complete the financial transactions we need your bank details, organisational tax ID or any other relevant Data;
- **Usage Data:** We may process statistical information about your use of the Exact Services to facilitate our service provision, in particular to improve the user experience, to identify performance issues or other service malfunctions, as well as to pursue our legitimate interests,
- **Cookies:** Exact uses cookies and tracking technologies to deliver the Exact Services and for other purposes detailed in the cookie policy and/or notice on our Exact Services and websites and which you can find at [Exact cookie policy](#). Where required, Exact will ask for consent to place cookies on the user's device.

In addition to the purposes mentioned above, we use Your Personal Data for compliance with applicable laws and protection of Exact's legitimate business interests and legal rights, including, but not limited to, use in connection with legal claims, compliance, regulatory, investigative purposes (including disclosure of such information in connection with legal process or litigation).

### **Sharing and transfer of Your Personal Data**

We may provide Your Personal Data to other Exact Group companies, partners, suppliers and to other organisations that provide services to us, for example for our customer support, to provide technical assistance, for troubleshooting purposes or to comply with legal requirements. Such third parties may include security vendors, App Center partners, help desk providers and other processors.

Your Personal Data may be processed outside the European Economic Area ("EEA"). Where personal data is transferred outside the EEA, we will ensure that it is protected to the same extent as within the EEA. We will transfer personal data to countries with privacy laws that provide the same protection as the EEA, as determined

by decision of the European Commission, or we will ensure that appropriate Standard Contractual Clauses are in place for those countries with privacy laws that do not provide adequate protection. We may rely on the approved binding corporate rules of our suppliers as an appropriate safeguard. To obtain a copy of the relevant transfer mechanism or additional information on transfers, please send your request using the contact details set out in this Privacy Policy

### **Retention of Your Personal Data**

Exact will keep Your Personal Data for the duration of any contractual relationship you or your employer has with us, and, to the extent permitted, after the end of that relationship for as long as necessary to perform the purposes set out in this Privacy Policy. Laws may require Exact to hold certain Personal Data for specified minimum periods. For example, payment transactions in relation to the Exact Services you use are retained for seven years based on applicable tax legislation. In other cases, Exact may retain Your Personal Data for an appropriate period of seven years after any contractual relationship with you ends to protect itself from legal claims, or to administer its business.

### **Your Rights in relation to Your Personal Data**

You have several rights relating to your personal data. You have the right to request access to your Personal Data, correct your Personal Data, delete, or restrict its processing, or ask us to transfer some of Your Personal Data to other organisations. You may also have the right to object to certain processing activities, and to the extent that we have asked you for consent to process your data, you have the right to withdraw this consent. Our commercial communications (such as our newsletters) contain the "unsubscribe" link or a similar way to unsubscribe from these communications.

These rights may be limited in certain situations, for example where we can demonstrate that we are legally obliged to process your data. If you wish to exercise your rights, you can contact us using the contact details set out in this Privacy Policy.

### **Automated decision-making and Your Personal Data**

We do not use automated decision-making to enter into the Agreement with your company. We may use automated decision-making without human intervention, which is permitted by law. Such decisions are solely based on a fully automated process, without any human intervention. If in the future we would switch to automated decision-making that has legal consequences for you or concerns you to a large extent, we will inform you in advance.

## **2. BUSINESS DATA**

This paragraph 2 applies only to the processing of Business Data and not to Your Personal Data. You are the data controller for the processing of your Business Data. Exact acts as a data processor on your behalf and in accordance with your instructions, unless required otherwise by applicable law to which Exact is subject; in such a case, Exact shall inform you of that legal requirement before processing, unless that law prohibits such notice.

Since you are controller for the processing of the Business Data, Exact is not responsible for the lawfulness of the data processing we perform on your behalf. The responsibilities and liabilities for Business Data are set out in the Agreement. In case of conflict with any stipulation in the Agreement, this Paragraph 2 shall prevail.

### **Restrictions on Exact's access and use of your Business Data**

Our personnel are forbidden to access your Business Data unless you have given us your permission for this and/or this access by our personnel (such as customer support, consultants, and administrators) is necessary to operate the Exact Services, or to improve, analyse or support your use of the Exact Services. When permission to access is granted, this access is carefully controlled and logged, and our personnel are obliged to follow our internal security policy regarding the handling of your Business Data. The operational processes and controls which govern access and use of Business Data in the Exact Services by our personnel are rigorously maintained and regularly verified by accredited audit firms.

## **How can you manage the access and use of your Business Data?**

The user management of the Exact Services, including providing access and granting and revoking of permissions within your area of the Exact Services, is your own responsibility. The Exact Services may provide certain functionalities for creating and deactivating users and setting permissions to ensure support of segregation of duties. Log-in details are personal to the individual user and must not be shared with other users.

## **Retention, removal, and retrieval of Business Data**

All Business Data entered and processed by you in the Exact Services will be stored and retained for the duration of the Agreement. After termination of the Agreement the Business Data will be no longer accessible to you. Depending on your Exact Services, your Business Data may be retained for an additional grace period. This grace period varies between 30 days and 6 months depending on your Exact Services. During the grace period the contract can be re-activated without losing Business Data. After the grace period the Business Data will be permanently removed from storage. For the avoidance of doubt, we have no such retention or storage obligations in relation to any Business Data you store 'on premise' while using the Exact Services.

## **Providing assistance**

At your request and at reasonable expense, we will assist you with your obligation as a data controller using the Exact Services to respond to requests from data subjects of seeking to exercise their rights under applicable data protection laws (to the extent that you cannot already deal with such requests through the Exact Services). In addition, and at your request and at reasonable expense, taking into account the nature of processing and the information available to Exact, we will assist you with your obligations in relation to data protection impact assessments and prior consultation procedures with competent data protection authorities.

## **Sub-processors**

You consent to Exact hiring sub-processors to deliver (parts of) the Exact Services and to process your Business Data. Such sub-processors are prohibited from using Business Data for any other purpose than stated in the Agreement and Exact contractually ensures that the sub-processors and their employees will maintain confidentiality regarding the Business Data and will comply with the necessary instructions and security measures as determined in this Privacy Policy.

A list of current sub-processors is available at [Exact sub-processors](#). Exact may update this list and appoint new sub-processors, provided that you are given notice and you do not have a legitimate objection to such changes. Legitimate objections must contain reasonable and documented grounds relating to a sub-processor's non-compliance with applicable data protection legislation. If, in Exact's reasonable opinion, such objections are legitimate, Exact shall refrain from using such sub-processor in the context of the processing of your Business Data. In such cases, Exact may use reasonable efforts to make a change in the Exact Services available to you to avoid the processing of your Business Data by the disputed sub-processor. If Exact is unable to make available such change within a reasonable period of time, you may, as your sole and exclusive remedy and by providing written notice to Exact, terminate your use of the affected Exact Services in accordance with the Agreement or after full payment of a mutually agreed termination fee.

## **Location of Business Data**

Depending on the Exact Services you use, your Business Data may be stored on servers of our sub-processors, which are located in different datacentres. By entering into the Agreement, you consent to your Business Data being stored on the servers of our sub-processors as set out in this Privacy Policy and/or the Agreement. Please note that, depending on your Exact Services, these servers may be located outside of the EEA. The locations of our datacentres for storage purposes are shown in the following table.

For Exact Online customers in:	Location datacentre:
The Netherlands, Belgium.	Ireland and the Netherlands
Germany, France, Spain, UK, and US	Germany

For Private Cloud customers in:	Location datacentre:
The Netherlands, Belgium, France, UK, Spain, Germany, US, Australia, Caribbean, Poland, Malaysia, China, and Singapore	Netherlands

For Exact Purchase to Pay and Exact Proquoro customers in:	Location datacentre:
The Netherlands	Ireland

For Gripp customers in:	Location datacentre:
All countries	The Netherlands

For Exact Venice customers in:	Location datacentre:
All countries	The Netherlands

The infrastructure is configured in a redundant configuration. The Business Data is stored in a multi-tenant environment and all datacentres guarantee a high availability. In order to protect your Business Data and for improved availability and continuity of your Services, we may transfer your Data to other Datacentres within the EEA.

### Applications developed by other companies

The Exact App Center is an online marketplace for mobile and web applications some of which integrate with Exact Services. Any third-party applications which connect to Exact Services on your behalf will handle and process Personal Data. It is your responsibility to ensure compliance to applicable laws and regulations by you and by the third parties who operate these applications. When applications are developed by Exact, this Privacy Policy applies.

### Security breaches

To protect Business Data from unauthorised access, use, modification or accidental loss and destruction, Exact has taken technical and organisational measures to secure the processing of your Business Data (see paragraph 3). Should any security breach occur that impacts Business Data you will be notified without undue delay once the breach has been determined. The term “security breach” shall be understood to mean: any breach of the security measures, as set out in the section “Security measures to protect Personal Data” in paragraph 3, leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Business Data transmitted, stored, or otherwise processed.

Once we notify you of any security breach we shall cooperate with you regarding such incidents, to enable you to investigate the incident. To the extent such security breach was caused by a violation of the requirements of the

Agreement and/or this Privacy Policy by us, we shall make reasonable efforts to identify and to take suitable further steps in respect of the security breach.

Any notifications in connection with a security breach shall be addressed to your contact person as stated in the Agreement.

### **3. ALL PERSONAL DATA**

This paragraph 3 applies to the processing of all Personal Data (including both Your Personal Data and Business Data) by Exact.

#### **Support in the case of termination of the Agreement**

If the Agreement is terminated, specific Exact Services (in particular our Private Cloud solution and Exact Online Services) give you the possibility to download all Data up to the last day of the Agreement. These Datafiles are provided in open format and are accessible with free tools. In addition, various export formats (csv and xml) as well as API's may be available to export Data.

#### **Data protection legislation**

Protecting the privacy and security of Personal Data is of the highest importance to us, and we are committed to compliance with all applicable data protection laws that apply to the Exact Services and processing of your Data, as agreed upon in the Agreement.

#### **Law enforcement requests**

We will not disclose Personal Data to a third party (including law enforcement, other government entities or civil litigants) except as described in this Privacy Policy and in the section "Sub-processors" above, as you direct us or as required by law, an ordinance, or a court order.

#### **Confidentiality**

Exact shall treat all Personal Data as strictly confidential and shall inform all its employees, agents and/or sub-processors engaged in processing the Personal Data of the confidential nature of such Personal Data. Exact shall ensure that all such persons or parties are bound by similar confidentiality obligations.

#### **Security measures to protect Personal Data**

Exact shall take technical and organisational measures to secure the processing of the Personal Data. These measures include, but are not limited to:

- the prevention of unauthorised persons from gaining access to data processing systems (physical access control);
- the prevention of processing systems being used without authorisation (logical access control);
- ensuring that persons entitled to use a data processing system gain access only to such Personal Data as they are entitled to access in accordance with their access rights, and that, in the course of processing or use and after storage, Personal Data cannot be read, copied, modified, or deleted without authorisation (Data access control);
- ensuring that Personal Data cannot be read, copied, modified, or deleted without authorisation during electronic transmission, transport, or storage on storage media, and that the target entities for any transfer of Personal Data by means of data transmission facilities can be established and verified (Data transfer control);
- ensuring that measures are implemented for subsequent checking whether Personal Data have been entered, changed, or removed (deleted), and by whom (input control);
- ensuring that Personal Data are processed solely in accordance with the instructions (control of instructions);
- ensuring that Personal Data are protected against accidental destruction or loss (availability control);
- ensuring that Personal Data collected for different purposes can be processed separately (separation control).

Transferring Personal Data over the internet is at your own risk and you should only enter the Exact Services or transfer Personal Data to and within the Exact Services by using a secure environment.

Exact strongly recommends that you to connect to the Exact Services via secure and encrypted channels (https). The channels are secured based on current best practices and can be verified on <https://www.ssllabs.com/ssltest/analyze.html>. All recommendations for increasing the security or mitigating security issues will be promptly investigated and implemented if appropriate. You should ensure the URL used for the Exact Services is the correct one and the certificate is valid and assigned to Exact. Despite the above mentioned measures, you are solely responsible for implementing appropriate security measures for Personal Data processed when using the Exact Services in accordance with data protection laws applicable to them.

## Changes

We reserve the right to change this Privacy Policy. Any amendments to this Privacy Policy are effective upon posting on this website and/or in our customer portals and we will revise the “last updated” date at the top of this Privacy Policy. You should check this website and our customer portals frequently for recent amendments. Your continued use of the Exact Services will be deemed as acceptance of any amended Privacy Policy.

## Audit and Documentation

The availability and security of the Exact Services will be audited by independent auditors annually and a control framework has been put in place to manage defined risks in these areas. For some of our Exact Services, an ISAE 3402 type 2 report (or similar) is available upon written request.

You have the right to audit Exact’s compliance with Paragraph 2, no more than once per contractual year and at your own cost, only if you have reasonable grounds to believe that Exact has violated a material obligation of this Paragraph 2, or if a competent data protection authority requests this. Subject to a justified written proposal from you and the approval of Exact, such an audit will be performed either i) by Exact or ii) by a qualified, independent third-party security auditor (the "Auditor") who possesses the necessary professional qualifications and is bound by a duty of confidentiality. During such an audit, the Auditor may enter Exact's facilities during normal business hours and examine Exact's work routines, set ups and technical infrastructure provided this does not have unreasonable impact on Exact's business in general and on the IT security of Exact in particular.

At Exact's discretion or at your specific written request, Exact may provide evidence of the suitability of the technical and organisational measures described in this Privacy Policy in the form of current third-party certifications, insofar as available. For this purpose, Exact may also present up-to-date attestations, reports or extracts thereof from independent bodies (e.g., external auditors, internal audit, the data protection officer, the IT security department, or quality auditors) or suitable certification by way of an IT security or data protection audit.

## ENQUIRIES AND COMPLAINTS

If you have any questions or complaints about how we handle the processing of Personal Data or about this Privacy Policy you can address these through the contact details set out below. You always have the right to lodge a complaint with your local data protection authority.

## CONTACT US

### By email

Exact Online The Netherlands	<a href="mailto:support@exactonline.nl">support@exactonline.nl</a>
Exact Online Belgium	<a href="mailto:support@exactonline.be">support@exactonline.be</a>
Exact Online France	<a href="mailto:support@exactonline.fr">support@exactonline.fr</a>
Exact Online Germany	<a href="mailto:support@exactonline.de">support@exactonline.de</a>
Exact Online Spain	<a href="mailto:support@exactonline.es">support@exactonline.es</a>
Exact Online United Kingdom	<a href="mailto:support@exactonline.co.uk">support@exactonline.co.uk</a>
Exact Online USA	<a href="mailto:support@exactonline.com">support@exactonline.com</a>

**Exact bouw** [vrage@bouw7.nl](mailto:vrage@bouw7.nl)  
**Proquro B.V.** [info@proquro.nl](mailto:info@proquro.nl)

### **Our portals**

**Exact Online Support Portal** <https://support.exactonline.com/>  
**Other Exact Services through** <https://customers.exact.com/>  
**Our support portal for Services** <https://www.exact.com/nl/services>

### **By Phone**

Our Customer success department can be reached through:

The Netherlands	+31 (0)15 -711 51 00
Proquro B.V.	+31 (0)55-700 99 00
Exact Bouw	+31(0) 85-401 83 77

All other countries:

Poland	+48 618580601
Spain	+34 912 309 632
Caribbean	+599 (9)-4650077
China	+86 21 5292 5666
Malesia & Singapore:	+603 2081 6888
Australia	+61 (0)2 8448 1900

### **Data Protection Officer**

Exact has appointed a Data Protection Officer for you to contact if you have any questions or concerns about Exact's personal data policies or practices, please send Us an email at [dpo@exact.com](mailto:dpo@exact.com).

Address: Molengraaffsingel 33, 2629 JD Delft, The Netherlands

Telephone number: +31(0)15- 711 51 00