



XY Sense Privacy Policy

Last updated: November 19, 2021

This Privacy Policy describes how XY Sense Pty Ltd. and its affiliates and subsidiaries (collectively, “**XY Sense**,” “**us**,” “**we**,” or “**our**”) collect, use, and share your personal information in connection with our websites located at www.xysense.com, app.xysense.io, and any other websites we operate that link to this Privacy Policy (collectively, the “**Site**”), our social media pages, and our email communications (collectively, and together with the Site, the “**Service**”), and the choices you have with respect to your personal information.

This Privacy Policy does not apply to any personal information that may be collected by our customers in connection with their use of XY Sense products, where applicable. For more information about the privacy practices of a customer of XY Sense, please visit their privacy policy or contact the customer for more information.

By using the Service, you agree to the collection and use of your personal information as described in this Privacy Policy.

Types of Personal Information Collected

Personal Information You Provide

We may collect the following personal information that you provide through the Service or otherwise:

- **Contact information**, such as first and last name, email address, mailing address, phone number, title, company name, and location.
- **Professional information**, such as your organization, job role, area of expertise, or business interests.
- **Account information**, such as the username and password you create when registering for an account and information about your use of the Service (such as how many sensors you have registered).
- **Preferences**, such as your marketing or communication preferences.
- **Communications**, including information associated with your inquiries to us and any feedback you provide when you chat or otherwise communicate with us.
- **Order information**, such as transaction details and information about your orders and the products you have purchased from us.
- **Other information** that you choose to provide but is not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

Personal Information Collected Automatically

We, our service providers, and our business partners may automatically log information about you, your computer or mobile device and your activity over time on our Service and other sites and online services, such as:

- **Online activity information**, such as the website you visited before browsing to the Service, pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and duration of access.
- **Device information**, such as your computer or mobile device operating system type and version number, wireless carrier, manufacturer and model, browser type, screen resolution, IP address, unique identifiers, and general location information such as city, state, or geographic area.

Like many online services, we use cookies and similar technologies to facilitate some of the automatic data collection described above, such as:

- **Cookies**, which are text files that websites store on a visitor's device to uniquely identify the visitor's browser or to store information or settings in the browser for the purpose of helping you navigate between pages efficiently, remembering your preferences, enabling functionality, helping us understand user activity and patterns, and facilitating online advertising. For more information, please visit our [Cookie Policy](#).
- **Web beacons**, also known as pixel tags or clear GIFs, which are typically used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked, typically to compile statistics about usage of websites and the success of marketing campaigns.

Personal Information Received from Third Parties

We may receive or collect personal information about you from third parties, such as:

- **Your Organization**. We may receive personal information about you from your organization.
- **Public Sources, Data Providers, and Social Media Platforms**. We may also collect personal information about you from public sources (such as your organization's website), data providers, social media platforms, and other business partners.
- **Third Party Integrations**. When you use a third party integration to create an account on the Service, the third party will provide us with certain personal information about you to facilitate the registration and maintenance of your account.



Referrals

Users of the Service may have the opportunity to invite colleagues or other contacts to the Service and share their contact information with us. Please do not provide us with someone's contact information unless you have their permission to do so.

Sensitive Personal Information

Unless we specifically request it, we ask that you not provide us with any sensitive personal information (e.g., information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Service, or otherwise to us.

Use of Personal Information

XY Sense may use personal information for the following purposes and as otherwise described in this Privacy Policy or at the time of collection:

To Provide and Maintain the Service

We may use personal information to:

- create, manage, and maintain your account and registration as a user of the Service;
- develop, comply with, and undertake the purchase contract for the products, items, or services you have purchased or any other contract with us through the Service.
- contact you by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation;
- attend and manage your requests to us and communicate with you about the Service and related matters;
- provide and operate the Service and our business;
- monitor and improve your experience on the Service;
- respond to your inquiries, chats, and support tickets; and
- process your transactions, send you invoices, and monitor your orders.

Research and Development

We may use your information for research and development purposes, including to improve the Service, understand and analyze the usage trends and preferences of our users, and develop new features, functionality, and services. As part of these activities, we may create



aggregated, de-identified, or other anonymous data from personal information we collect. We make personal information into anonymous data by removing information that makes the data personally identifiable to you. We may use this anonymous data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

Direct Marketing

We may send you XY Sense-related or other direct marketing communications as permitted by law. You may opt-out of our marketing communications as described in the “Your Choices” section below.

Interest-Based Advertising

We may work with third-party advertising companies and social media companies to help us advertise our business and to display ads on our Service and other sites. These companies may use cookies and similar technologies to collect information about you (including the device data and online activity data described above) over time across our Service and other sites and services or your interaction with our emails, and use that information to serve ads that they think will interest you. You can learn more about your choices for limiting interest-based advertising in the “Your Choices” section below.

To Comply with Laws and Regulations

We will use your personal information as we believe necessary or appropriate to comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

For Compliance, Fraud Prevention, and Safety

We may use your personal data and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) maintain the safety, security, and integrity of our Service, products and services, business, databases and other technology assets; (b) protect our, your or others’ rights, privacy, safety or property (including by making and defending legal claims); (c) audit our internal processes for compliance with legal and contractual requirements and internal policies; (d) enforce the terms and conditions that govern the Service; and (e) prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

With Your Consent

In some cases we may specifically ask you for your consent to collect, use, or share your personal information, such as when required by law.



Retention of Personal Information

XY Sense will retain your personal information only for as long as is necessary for the purposes of collection, including to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

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

Transfer of Personal Information

Your information, including personal information, is processed at XY Sense's operating offices in Australia, the United States, and in any other places where the parties and service providers involved in the processing are located. It means that this information may be collected, used, stored, and transferred to locations outside of your state, province, country or other governmental jurisdiction. Data protection laws in the locations where we handle your personal information may not be as protective as those from your home country or jurisdiction.

By providing your personal information, where applicable law permits, you hereby specifically and expressly consent to such transfer and processing and the collection, use, and disclosure set forth herein or in any applicable terms of service.

European users may view the section below titled "Notice to European Users" for additional information about data transfers.

Disclosure of Personal Information

We may share your personal information with the entities and individuals listed below or as otherwise described in this Privacy Policy or at the point of collection.

Business Transactions

XY Sense may disclose your personal information to third parties in connection with any business transaction (or potential transaction) involving a merger, acquisition, sale of shares or assets, financing, acquisition, consolidation, reorganization, divestiture, or dissolution of all or a portion of our business (including in connection with a bankruptcy or similar proceedings).



Related Companies

We may share information collected about you with our affiliates, subsidiaries, or other related companies.

Service Providers

We share personal information with third parties and individuals who perform functions on our behalf and help us run our business. For example, service providers help us perform technical maintenance (including maintenance of network equipment and electronic communications networks), website hosting, maintenance services, database management, web analytics, billing, payment processing, marketing, and other services.

Law Enforcement

Under certain circumstances, XY Sense may be required to disclose your personal information to law enforcement, government authorities, and other parties if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

Compliance and Other Legal Requirements

XY Sense may disclose your personal information in the good faith belief that such action is necessary to comply with a legal obligation, protect and defend the rights or property of XY Sense, prevent or investigate possible wrongdoing in connection with the Service, protect the personal safety of users of the Service or the public, protect against legal liability, and for the other compliance and protection purposes described in the section above titled "Use of Personal Information."

Professional Advisors

We may share your personal information with persons, companies, or professional firms providing XY Sense with advice and consulting in accounting, administrative, legal, tax, financial, debt collection, and other matters.

Advertising Partners

We may also share personal information collected about you with third parties who we partner with for advertising campaigns and other activities in connection with our Service, or that collect information about your activity on the Service and other online services to help us advertise our products and service. Some of these partners may also use hashed customer lists that we share with them to deliver ads to you and to similar users on their platforms.



Security

The security of your personal information is important to us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your information, we cannot guarantee its absolute security.

Your Choices

In this section, we describe the rights and choices available to all users.

Accessing and Correcting Your Personal Information

You may access or request to change your personal information by emailing us at support@xysense.com.

Promotional Emails

You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by contacting us as described below. You may continue to receive service-related and other non-marketing emails.

Cookies

Most browsers let you remove and/or stop accepting cookies from the websites you visit. To do this, follow the instructions in your browser's settings. Many browsers accept cookies by default until you change your settings. If you do not accept cookies, however, you may not be able to use all functionality of the Service and our Site may not work properly. For more information about cookies, including how to see what cookies have been set on your browser and how to manage and delete them, visit www.allaboutcookies.org. You may also visit our [Cookie Policy](#).

Advertising Choices

You can limit the use of your information for interest-based advertising by blocking third-party cookies in your browser settings, using browser plug-ins/extensions, and/or using your mobile device settings to limit the use of the advertising ID associated with your mobile device. You can also opt out of interest-based ads from companies participating in the following industry opt-out programs by visiting the linked websites: the Network Advertising Initiative (http://www.networkadvertising.org/managing/opt_out.asp), the European



Interactive Digital Advertising Alliance (<http://www.youronlinechoices.eu/>), and the Digital Advertising Alliance (optout.aboutads.info). The opt-out preferences described here must be set on each device and/or browser for which you want them to apply. Please note that we also may work with companies that offer their own opt-out mechanisms or do not participate in the opt-out mechanisms described above, so even after opting-out, you may still receive some cookies and interest-based ads from other companies. If you opt-out of interest-based advertisements, you will still see advertisements online but they may be less relevant to you.

Do Not Track

Some browsers may be configured to send “Do Not Track” signals to the online services that you visit. We currently do not respond to “Do Not Track” or similar signals. To find out more about “Do Not Track,” please visit <http://www.allaboutdnt.com>.

Declining to Provide Information

We need to collect personal information to provide certain services. If you do not provide the information requested, we may not be able to provide those services.

Children's Privacy

Our Service is not intended for use by anyone under the age of 16. We do not knowingly collect personally identifiable information from anyone under the age of 16. If you are a parent or guardian and you are aware that your child has provided us with personal information, please contact us. If we become aware that we have collected personal information from anyone under the age of 16 without verification of parental consent as required by law, we take steps to remove that information from our servers.

Your California Privacy Rights (California's Shine the Light law)

Under California Civil Code Section 1798 (California's Shine the Light law), California residents with an established business relationship with us can request information once a year about sharing their personal information with third parties for the third parties' direct marketing purposes.

If you are a California resident and would like to request more information under the California Shine the Light law, please submit your request in writing to the email address listed in the section titled “Contact Us” below with “Shine the Light” in the subject line. The request must include your name, street address, city, state, and ZIP code and an attestation that you are a California resident. We are not responsible for requests that are not labeled or sent properly, or that do not have complete information.

Links to Other Websites and Services

Our Service may contain links to other websites and online services that are not operated by us. These links are not an endorsement of, or representation that we are affiliated with, any third party. If you click on a third party link, you will be directed to that third party's site or service. In addition, our content may be included on web pages or online services that are not associated with us. We have no control over and assume no responsibility for the content, privacy policies or practices of any third party sites or services. Other websites and services follow different rules regarding the collection, use and sharing of your personal information. We encourage you to review the privacy policies of other websites and other online services that you visit or use.

Changes to this Privacy Policy

We may update our Privacy Policy from time to time. We will notify you of any changes by posting the new Privacy Policy on this page and changing the "Last Updated" date at the top of this Privacy Policy. In some cases, such as where required by law, we may notify you about any updates by sending you any email, posting a notice on the Site about the update, or using other reasonable means. In all cases, your continued use of the Service following posting of changes constitutes your acceptance of such changes. We encourage you to review this Privacy Policy periodically for any changes.

Notice to European Users

The information provided in this section applies only to individuals in the European Union, the European Economic Area, and the United Kingdom (collectively, "**Europe**").

Except as otherwise specified, references to "personal information" in this Privacy Policy are equivalent to "personal data" governed by European data protection legislation.

Controller

The controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation is XY Sense Pty Ltd., Level 2, 105 -115 Dover St, Australia.

Legal Bases for Processing



The legal bases of our processing of your personal information as described in this Privacy Policy will depend on the type of personal information and the specific context in which we process it. However, the legal bases we typically rely on are set out in the table below. We rely on our legitimate interests as our legal basis only where those interests are not overridden by the impact on you (unless we have your consent or our processing is otherwise required or permitted by law). If you have questions about the legal basis of how we process your personal information, contact us at privacy@xysense.com.

Processing Purpose (as described above in the "Use of Personal Information" section)	Legal Basis
To Provide and Maintain the Service	Processing is necessary to perform the contract governing our operation of the Service, or to take steps that you request prior to engaging our services. Where we cannot process your personal data as required to operate the Service on the grounds of contractual necessity, we process your personal information for this purpose based on our legitimate interest in providing you with the products or services you access and request.
Research and Development	Processing is based on our legitimate interests in performing research and development as described in this Privacy Policy.
Direct Marketing	Processing is based on your consent where that consent is required by applicable law. Where such consent is not required by applicable law, we process your personal information for these purposes based on our legitimate interests in promoting our business and showing you tailored relevant content.
Interest-Based Advertising	Processing is based on your consent where that consent is required by applicable law. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the Service.
To Comply with Laws and Regulations	Processing is necessary to comply with our legal obligations.
For Compliance, Fraud Prevention, and Safety	Processing is necessary to comply with our legal obligations or based on our legitimate interests in protecting our or others' rights, privacy, safety, or property.

With Your Consent	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the Service.
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Use for New Purposes

We may use your personal information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your personal information for an unrelated purpose, we will notify you and explain the applicable legal basis.

Your Rights

European data protection laws give you certain rights regarding your personal information. You may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by contacting us at privacy@xysense.com or at the mailing address listed below. We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may contact us or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

Cross-Border Data Transfer

If we transfer your personal information to a country outside of Europe such that we are required to apply additional safeguards to your personal information under European data



protection laws, we will do so. Please contact us using the information below for further information about any such transfers or the specific safeguards applied.

Contact Us

If you have any questions about this Privacy Policy or would like to lodge a complaint, you can contact us by email at privacy@xysense.com or by writing to us at XY Sense, Attn: Privacy, Level 2, 105 -115 Dover St, Cremorne, Victoria, 3121, Australia.