

# PRIVACY POLICY

## Introduction

The new European data protection legislation called EU's General Data Protection Regulation (GDPR) came into force on May 25, 2018 and replaced the Data Protection Directive from 1995. This is a step forward to a transparent collection and use of personal data. Although, our Company is based in Switzerland and active mostly in Swiss jurisdiction, we have clients that are citizens of the EU countries. Therefore, the regulatory changes in this area are important and, a full compliance with the new GDPR rules is a priority for us. You will find an updated Privacy Policy reflecting the last changes below. This document will clarify why and in which way we may collect personal data and where, how and for which purposes we may use it. The Privacy Policy applies to the website, platform and services of the Company.

This Privacy Policy takes effect immediately for every new user and starting from 25. May 2018 for the existing users as well.

Please, read our Privacy Policy carefully. If you have any questions or concerns about our Privacy Policy contact us via [info@opnplatform.com](mailto:info@opnplatform.com).

The Company acknowledges the Privacy Principles defined in the Article 5 of the GDPR, in particular Lawful, Fair and Transparent Data Processing, Limiting the Purpose, Minimizing Collection, Being Accurate, Limiting Storage Time, Protection and Confidentiality.

Any information stored by the Company is treated as confidential. All information is stored securely and is accessed by authorized personnel only. Company implements and maintains appropriate technical, security and organisational measures to protect Personal Data against unauthorized or unlawful processing and use, and against accidental loss, destruction, damage, theft or disclosure.

## Definitions

For the purposes of this Privacy Policy the following terms will be used with the following meaning:

*Company* is Open Packaging Network AG, incorporated in Zug, Swiss Confederation. The Company can be both a data controller and data processor, depending on what data it has and what the Company is doing with the data.

*Consent* of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

*Controller* means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

*Data Subject* is any identified or identifiable natural person, whose personal data is processed by the Company, including but not limited to the Users of the Company.

*Personal Data* any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

*Platform* is an OPN Platform located at the Company's Website, which offers services in the packaging industry.

*Processing* is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

*Processor* means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

*User* is any person who visits or uses the website, platform or other services of the Company.

*Website* is a Company's website with the address [www.opnplatform.com](http://www.opnplatform.com).

## **What information do we collect?**

We collect, use and save the personal data according to the requirement of law and taking in account the existing legal limitations or upon prior consent of the data subject. In general, we collect the following information: name, email, IP-address, post address and index, date of birth, telephone number, email. This information can be collected in different ways, including during the users' registration, use of the platform and the services offered, filling in a contact form, signing up for a newspaper, other subscriptions or participating in our marketing offers/surveys etc.

## **Collecting the personal data of Users.**

If you visit or use our Website or Platform this section applies to you. The Company may collect, record and analyse personal data of the Users to its Website. We may record your IP address and use cookies (see Section "Cookies Policy"). Company may collect and process any Personal Data that the User volunteers to the Company in the website's forms, such as when you register, sign up for information and newsletters or use our chats.

In order to comply with Anti-Money Laundering Act (AMLA), the Company may require to follow the KYC procedures. By collecting and storing the information and documents of the KYC procedures, the Company fulfils its obligation under the Law of the Swiss Confederation.

Company gathers data about visits to the website, including numbers of Users and visits, geo-location data, length of time spent on the site or pages clicked.

## **Cookies Policy**

Our Website uses cookies to distinguish you from other visitors and users of our site. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site.

### **What is a cookie?**

A cookie is a small file that can be placed on your device that allows us to recognise and remember you. It is sent to your browser and stored on your computer's hard drive or tablet or mobile device.

We use cookies to obtain information about your visits and about the device you use to access our website, including for:

- understanding how you use our site,
- showing you information that is relevant to you,
- showing you services that are relevant to you,
- marketing and analytic purposes.

This includes where available, your IP address and pseudonymous identifiers, operating system and browser type and, depending on the cookie, also includes the reporting of statistical data about our users' browsing actions and patterns.

### **Types of Cookies**

*Session cookies* only last for the duration of a session. They will disappear from your computer when you close the browser or turn your computer off.

*Persistent cookies* remain on your computer even after you close the browser or turn off the device. They are activated each time a user visits the website that created that particular cookie.

### **Google Analytics**

Company uses the web analytics service provider Google Analytics. These are services provided by Google Inc. (Google). Google uses cookies and text files that are stored on your computer to analyse your usage of the Website. The information generated by cookies about your usage of the Website (including your IP address) is transmitted to and stored on Google servers in the United States.

You can withdraw your consent to data collection and retention at any time with future effect. For more information about Google's terms, see below.

Google Analytics Opt-Out:

<https://tools.google.com/dlpage/gaoptout?hl=en>

Basic description of how Google uses cookies to deliver personalized ads and how users can disable this on mobile devices:

<https://policies.google.com/technologies/ads?hl=en>

General external tool for users to disable personalized ads based on online tracking:  
<http://optout.networkadvertising.org/?c=1#!/>

Personalized ads can also be disabled via the following Google link:  
<https://www.google.com/settings/ads/anonymous?hl=en>

### **Facebook Analytics**

Company uses Facebook Analytics which is an analytics service provided by Facebook, Inc. The information collected through the service is specified in the privacy policy of the service  
<https://www.facebook.com/policy.php>

### **How you can control and delete cookies**

If you are visiting our website, the pop-up window will give you an opportunity to agree to our Cookies Policy.

You can also set up your browser to delete or refuse some or all of them, or to notify you when you are sent a cookie and therefore choose whether or not to accept it. You may also delete or refuse some or all of the cookies at any time by contacting the Company. If you choose not to receive our cookies, we cannot guarantee that your experience will be as fulfilling as it would otherwise be.

### **Information we receive from other sources.**

We may receive information about the Data Subject if the Data Subject use any of the other websites we operate or the other services we provide. We may also receive information about the Data Subject from any of business partners to whom the Data Subject may have given details with permission for them to send it to us.

### **How do we use personal information?**

We may use the personal information of the Data Subject:

- to administer our website and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to improve our site to ensure that content is presented in the most effective manner for you and for your computer;
- to allow you to participate in interactive features of our service, when you choose to do so;
- as part of our efforts to keep our site safe and secure;
- to make suggestions and recommendations to you and other users of our site about goods or services that may interest you or them;
- to carry out polls and surveys;
- to deliver marketing and events communication;
- to conform with our legal obligations;
- to provide goods and services.

## **What legal basis do we have for processing your personal data?**

The primary condition for the processing the personal data of the data subject is a consent to the processing of his or her personal data according to the Art. 6 (1) lit. a GDPR. If no other legal basis for data processing applies, the Company can only collect personal data upon prior consent of the Data Subject.

Each data subject shall have the right granted by the European legislator to withdraw his or her consent to processing of his or her personal data at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. If the data subject wishes to exercise the right to withdraw the consent, he or she may at any time directly contact the Company.

If the processing of personal data is necessary for the performance of a contract to which the data subject is party, as is the case, for example, when processing operations are necessary for the supply of goods or to provide any other service, the processing is based on Article 6(1) lit. b GDPR. The same applies to such processing operations which are necessary for carrying out pre-contractual measures, for example in the case of inquiries concerning our products or services. Is our Company subject to a legal obligation by which processing of personal data is required, such as for the fulfilment of tax obligations, the processing is based on Art. 6(1) lit. c GDPR. This case also refers to the KYC procedures required by law. In rare cases, the processing of personal data may be necessary to protect the vital interests of the data subject or of another natural person. The processing would be based on Art. 6(1) lit. d GDPR. Finally, processing operations could be based on Article 6(1) lit. f GDPR. This legal basis is used for processing operations which are not covered by any of the abovementioned legal grounds, if processing is necessary for the purposes of the legitimate interests pursued by our Company or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

## **When do we share personal data?**

We may share information about the Data Subject with selected third parties including:

- Business partners, suppliers and sub-contractors for the performance of any contract we enter into with them.
- Advertisers and advertising networks that require the data to select and serve relevant adverts to the data subject.
- Analytics and search engine providers that assist us in the improvement and optimisation of our site.

We may disclose your personal information to third parties:

- In the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- If we or substantially all of our assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.
- If we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our terms of use and other agreements or to protect our rights, property, or safety or that of our customers or others.

**Where do we store and process personal data?**

The personal information of the Data Subject is stored on our server in Switzerland.

**How long do we keep your personal data for?**

The criteria used to determine the period of storage of personal data is the respective statutory retention period. After expiration of that period, the corresponding data is routinely deleted, as long as it is no longer necessary for the fulfilment of the contract, the initiation of a contract or legal obligation of document storing.

**Rights of the data subject**

The Company respects the rights of the Data Subject protected by the GDPR:

1. **The Right to be informed** – Provide transparent information about data processing.

Each data subject shall have the right granted by the European legislator to obtain from the controller the information as to whether or not personal data concerning him or her are being processed. If a data subject wishes to avail himself of this right of confirmation, he or she may, at any time, contact the Company.

2. **The right of access** – Let individuals access any data you've processed from them.

Each data subject shall have the right granted by the European legislator to obtain from the controller free information about his or her personal data stored at any time and a copy of this information. Furthermore, the European directives and regulations grant the data subject access to the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the controller rectification or erasure of personal data, or restriction of processing of personal data concerning the data subject, or to object to such processing;
- the existence of the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject.

Furthermore, the data subject shall have a right to obtain information as to whether personal data are transferred to a third country or to an international organisation. Where this is the case, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer.

If a data subject wishes to avail himself of this right of access, he or she may at any time contact the Company.

3. **The Right of rectification** – Let individuals rectify incomplete or inaccurate data.

Each data subject shall have the right granted by the European legislator to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

If a data subject wishes to exercise this right to rectification, he or she may, at any time, contact the Company.

4. **The right to erasure** – Individuals can request you delete their data.

Each data subject shall have the right granted by the European legislator to obtain from the controller the erasure of personal data concerning him or her without undue delay.

5. **The right to restrict processing** – Individuals can block the processing of their data.

Each data subject shall have the right granted by the European legislator to obtain from the controller restriction of processing where one of the following applies:

- the accuracy of the personal data is contested by the data subject, for a period enabling the controller to verify the accuracy of the personal data.
- the processing is unlawful and the data subject opposes the erasure of the personal data and requests instead the restriction of their use instead.
- the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims.
- the data subject has objected to processing pursuant to Article 21(1) of the GDPR pending the verification whether the legitimate grounds of the controller override those of the data subject.

If one of the aforementioned conditions is met, and a data subject wishes to request the restriction of the processing of personal data stored by the Company, he or she may at any time contact the Company.

6. **The right to data portability** – Individuals can reuse their data for other services.

Each data subject shall have the right granted by the European legislator, to receive the personal data concerning him or her, which was provided to a controller, in a structured, commonly used and machine-readable format. He or she shall have the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, as long as the processing is based on consent pursuant to point (a) of Article 6(1) of the GDPR or point (a) of Article 9(2) of the GDPR, or on a contract pursuant to point (b) of Article 6(1) of the GDPR, and the processing is carried out by automated means, as long as the processing is not necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Furthermore, in exercising his or her right to data portability pursuant to Article 20(1) of the GDPR, the data subject shall have the right to have personal data transmitted directly from one controller to another, where technically feasible and when doing so does not adversely affect the rights and freedoms of others.

In order to assert the right to data portability, the data subject may at any time contact the Company.

7. **The right to object** – Individuals can object to the processing of their data.

Each data subject shall have the right granted by the European legislator to object, on grounds relating to his or her particular situation, at any time, to processing of personal data concerning him or her, which is based on point (e) or (f) of Article 6(1) of the GDPR. This also applies to profiling based on these provisions.

8. **The Right in relation to automation** – Individuals are protected from automated decision making processes.

### **Third Party Sites**

Our site may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

### **Changes to our privacy policy**

Any changes we may introduce to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please, check back frequently to see any updates or changes to our privacy policy.

### **Contact**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to:

### **Open Packaging Network AG**

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