

# NDI Privacy Notice

**Last Updated: March 17, 2023**

Your privacy is important to us. Please read this Privacy Notice carefully to learn how we collect, use, share, and otherwise process information relating to individuals (“Personal Data”), and to learn about your rights and choices regarding your Personal Data. For information about state-specific privacy rights, including the rights of residents of California, Virginia, Colorado, Nevada, Utah, or Connecticut, please [click here](#).

Northern Digital Inc. (“NDI”) is the controller of your Personal Data as described in this Privacy Notice, unless specified otherwise. This Privacy Notice applies to the collection and processing of Personal Data collected by us when you visit our branded websites that link to this Privacy Notice; use our online products and services as an authorized user where we act as a controller of your Personal Data; visit our branded social media pages; visit our facilities; communicate with us (including emails, phone calls, texts or fax); or register for, attend or take part in our events, webinars, trade shows or contests.

## **1. Collection of Personal Data.** We collect three types of Personal Data from you:

- *Information You Provide:* We collect and record any information that you provide to us directly, including any personal identifiers, professional or employment-related information, financial account information, commercial information, visual information, or internet activity information that you provide to us through this website or other medium.
- *Information We Collect Automatically:* We automatically collect and store information about your use of this website and our services. To do so, we may use cookie technology and other online identifiers to track your IP address, web browser, geolocation, or your activity on this site.
- *Other Information We Collect:* We may combine data from other sources with Personal Data we from you. These other sources may be from third parties or from publicly available sources. This may include information related to your employment, education, commercial interactions, and internet activity.

In some cases, the collection and processing (see Section 2 below) of Personal Data is required for you to receive certain products or services. Personal Data does not include information that is anonymized or aggregated such that you cannot be identified from it.

If you provide us or our service providers with any Personal Data relating to other individuals, you represent that you have the authority to do so and have obtained any necessary consent for the information to be used in accordance with this Privacy Notice. If you believe that your Personal Data has been provided to us improperly or want to exercise your rights relating to your Personal Data, please contact us by using the information in Contact Us section (Section 16) below.

## **2. Processing your Personal Data.** Where required by law, we obtain your consent to use and process your Personal Data for these purposes. Otherwise, we rely on other legal bases to collect and process your Personal Data. We process your Personal Data for the following purposes:

- *Providing our services and website access:* We process your Personal Data relating to your access of our services/website (e.g., name, IP address, internet activity, account information, geolocation data, etc.) to ensure both you and we meet our obligations under the applicable contract, terms of use, or service agreement and to project future demand as well as improve

our websites and services; absent a contractual relationship, we process your Personal Data to further our legitimate interest in operating and improving our websites and services.

- *Securing our websites and services:* We process your Personal (e.g., name, IP address, internet activity, account information, geolocation data, etc.) as part of our efforts to maintain, monitor and secure our website and services. This may include aggregating data, verifying accounts, investigating suspicious activity, and enforcing our terms and policies to the extent necessary to further our legitimate interest in maintaining a safe and secure website, products and services and in protecting our rights and the rights of others.
- *User Account Management:* If you have registered for an account with us, we process your Personal Data (e.g., name, IP address, internet activity, account information, geolocation data, etc.) to manage your user account for the purpose of meeting our obligations to you according to the applicable contract or terms of service.
- *Responding to contact requests:* If you contact us electronically or by phone, we process your Personal Data (e.g., name, IP address, internet activity, account information, geolocation data, etc.) to perform our contract with you, or, if no contract applies, to the extent it is necessary for our legitimate interest in responding to your inquiry and communicating with you. We may record and process communications for training, quality assurance, and administration purposes. If required under applicable law, we will obtain your prior consent or give you the option to object to a call being recorded.
- *Managing payments:* We may process your financial information and other Personal Data (e.g., name, IP address, internet activity, account information, geolocation data, etc.) to verify financial information and to collect or make payments to the extent that doing so is required to fulfil our contract with you.
- *Tracking office visitors:* If you visit our facilities, we may process your Personal Data (e.g., name, government identifiers) for security, health, or safety reasons (including any NDAs our visitors may be required to sign) to the extent such processing is necessary to further our legitimate interest in protecting our offices and our confidential information against unauthorized access.
- *Marketing and Advertising:* We may process your Personal Data (e.g., name, IP address, internet activity, account information, geolocation data, etc.) to advertise to you, conduct market research, and to provide other personalized content based upon your Personal Data to the extent it is necessary for our legitimate interest in advertising our websites, services or products. Where legally required, we will obtain your consent before engaging in any marketing or advertising.
- *Complying with legal and safety obligations:* We process your Personal Data ((e.g., name, IP address, internet activity, account information, geolocation data, etc.) when cooperating with public and government authorities, protecting our legal rights, conducting audits, and protecting against abuse of our services and products. Any such processing is based on our legitimate interest in protecting our legal rights or, when applicable, complying with a legal obligation to which we are subject.

In some cases, we may provide specific services or offerings subject to separate or supplemental privacy policies. In those cases, we will prominently inform you of those policies and provide those policies in an easily accessible format.

**3. Protecting Personal Data.** We take commercially reasonable precautions to protect the Personal Data in our possession from loss, misuse, unauthorized access, disclosure, alteration, or destruction. While we follow generally accepted standards to protect Personal Data, no method of storage or transmission is 100% secure or error-free. Personal Data you send to or from the website or via e-mail may not be secure, and we encourage you to contact us about more secure ways to share sensitive information when necessary. Where you use passwords, ID numbers, or other special access features on this site, it is your responsibility to safeguard them and to log out of any accounts you access after your sessions.

**4. Your Individual Rights.** You may have certain rights relating to your Personal Data based on applicable local data protection laws, including from individual US state privacy laws (e.g., California, Virginia), Canadian privacy laws, and the EU/UK General Data Protection Regulation. Depending on the applicable laws these rights may include the right to:

- Request and receive copies of your Personal Data that we hold;
- Request additional information about how we process your Personal Data;
- Correct inaccurate or incomplete Personal Data (taking into account our use of it);
- Request deletion of your Personal Data;
- Restrict or object to our processing of your Personal Data, including restricting the sale or sharing of your data or its use for cross-context behavioral marketing. Where we process Personal Data for direct marketing purposes (either by us or third parties) or for cross-context behavioral marketing, you may not have to provide a specific reason for such objection;
- Require us (if possible) to transfer your Personal Data to another controller (*i.e.*, data portability);
- Limit the use or disclosure of your sensitive Personal Data;
- Restrict certain disclosures of your Personal Data to third parties;
- Not be subject to a decision based solely on automated processing, including profiling, which produces legal effects; and
- Withdraw your consent to the processing of your Personal Data (to the extent we base processing on consent and not on another lawful basis).

We will not discriminate against you, in any manner prohibited by applicable law, for exercising these rights. You may exercise these rights, to the extent applicable, by sending us an email at [privacy@ndigital.com](mailto:privacy@ndigital.com), writing to us at 103 Randall Drive, Waterloo, Ontario, Canada N2V 1C5, making the request via our website at [www.ndigital.com](http://www.ndigital.com), or by calling +1 (877) 634 6340. We will respond to any such requests within 30 days of receipt.

If you are not happy with how NDI handles your Personal Data and we cannot provide you with a satisfactory resolution to your request, you also have the right to lodge a complaint with a supervisory body for data protection in your jurisdiction. If you wish to pursue any of these rights, please contact us using the details set out at the end of this Notice below.

**5. Personal Data Retention.** Personal Data will be stored for as long as the information is required to fulfill our legitimate business needs or the purposes for which the Personal Data was collected, or for such period as is required by law.

**6. Data Transfers to Countries Outside the EU/EEA.** Data entered on our website are transferred to a server in the U.S. and stored there. Your data may be used and disclosed by the

Company and its divisions, holding companies, subsidiaries and affiliates, or other entities outside the European Union (EU) and the European Economic Area (EEA) including in the U.S. Please note that in countries outside the country in which you live a different standard of data protection might apply than the standard that you are used to in your own country.

**7. Disclosing Personal Data to Third Parties.** [Option 1: We do not sell or share Personal Data about you to unrelated companies for their independent use. We may share your Personal Data with the categories of recipients described below:

- NDI's divisions, holding companies, subsidiaries, and affiliates.
- Third party service providers or other entities that perform services on our behalf, help us provide you with our products and services, and that otherwise support our relationship with you (such as shipping or direct mailing organizations). These third-party service providers have access to personal information needed to perform their functions but may not use it for other purposes. Further, they must process the Personal Data in accordance with this Privacy Notice and as permitted by applicable data protection laws.
- Law enforcement, government agencies, or other regulators to comply with law or legal requirements, to enforce our agreements, and to protect our rights and the property or safety of NDI, our users, or third parties.
- Transactional parties if we, or some or all of our assets, acquire or are acquired by another entity, including through a sale or in connection with a bankruptcy.
- Your employer or coworkers if you receive our products or services in connection with your employment.

We may also share Personal Data that has been deidentified or aggregated with third parties for any purpose.

**8. Promotional and Marketing Policy.** We may ask you to consent to being contacted by us for promotional and marketing purposes. However, you may opt-out of receiving promotional or marketing emails at any time by notifying us as a reply to any unwanted e-mail, by using the unsubscribe function in our newsletter, contacting us at [privacy@ndigital.com](mailto:privacy@ndigital.com), or by writing to us at Northern Digital Inc., 103 Randall Drive, Waterloo, Ontario, Canada N2V 1C5. Requests to unsubscribe from NDI e-mails may take 5 business days to process.

**9. Cookies and Tracking Technologies.** Please see our [Cookies and Tracking Technologies Notification below](#).

**10. Third-party Websites.** The website may contain links to other third-party sites. When you click on one of these links you are visiting a website operated by someone other than us and the operator of that website may have a different privacy policy. We are not responsible for their individual privacy practices, so we encourage you to investigate the privacy policies of such third-party operators.

**11. Children.** Our website is not intended for children under 16 years of age. No one under age 16 may provide any information to us through this website. We do not knowingly collect Personal Data from children under 16. If you are under 16, do not access, use, or provide any information on the website or on or through any of its features. If we learn we have collected or received Personal Data from a child under 16 without parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please contact us by sending us an email

at [privacy@ndigital.com](mailto:privacy@ndigital.com) or writing to us at NDI, 103 Randall Drive, Waterloo, Ontario, Canada N2V 1C5.

**12. Data Breaches.** While we work hard to reduce the risk of data breaches, we have dedicated controls and procedures in place for when such situations, along with the procedures that are required to make notifications to you and to the relevant Supervisory Authority as appropriate.

**13. Changes to this Privacy Policy.** We may update this Privacy Policy at our discretion to reflect changes we deem necessary or to satisfy legal requirements. We will post a prominent notice of material changes on our websites.

**14. Contact Us.** We welcome comments and questions regarding this Privacy Policy. Any such questions should be directed via e-mail to [privacy@ndigital.com](mailto:privacy@ndigital.com). Additionally, you may make your request in writing to NDI, 103 Randall Drive, Waterloo, Ontario, Canada N2V 1C5.

## **ADDITIONAL STATE-SPECIFIC PRIVACY RIGHTS**

Provisions in the California Consumer Privacy Act (CCPA), Virginia Consumer Data Protection Act (VDCPA), Colorado Privacy Act (CPA), Utah Consumer Privacy Act (UCPA), Nevada Senate Bill 220, and Connecticut Data Privacy Act (CTDPA) require some or all of the following disclosures. These disclosures supplement the Privacy Notice above and areas effective as of March 20, 2023.

**Categories of personal information collected.** The personal information that NDI collects, or has collected from consumers in the twelve months prior to the effective date of this Disclosure, fall into the following categories established by the California Consumer Privacy Act:

- identifiers (e.g., name, address, phone number, IP address);
- financial and commercial information (e.g., credit card numbers, purchase history);
- internet or other online activity information;
- geolocation data (e.g., computer/device location);
- audio or visual information;
- professional/educational information;
- sensitive personal information (including government-issued identifiers, account log-in, and precise geolocation”) and
- inferences drawn from any of the above.

**Categories of personal information disclosed for a business purpose.** In the 12 months prior to the effective date of this Disclosure, NDI has disclosed to the third parties identified in the “Disclosing Personal Information to Third Parties” section of the Privacy Notice above personal information that falls into the following categories established by the California Consumer Privacy Act:

- identifiers;
- protected classifications;
- financial and commercial information;

- internet or other online activity information;
- geolocation data;
- audio or visual information; and
- professional/educational information.

**Sources from which we collect your Personal Data.** We collect the categories of Personal Data listed above from the following types of sources: data analytics companies, ad networks, social networks, internet service providers, service providers that help us to run our business, and data resellers such as data management platforms. We also collect Personal Data automatically via cookies, web beacons, and other tracking technologies when you use our websites, online services, or mobile apps.

**Purposes for which we use your Personal Data:** We use your Personal Data for the purposes listed in Section 2 of the main privacy notice above.

**California Privacy Rights Act Sensitive Personal Information Disclosure.** The categories of data that NDI collects and discloses for a business purpose include "sensitive personal information" as defined under the California Privacy Rights Act. NDI does not use or disclose sensitive personal information for any purpose not expressly permitted by the California Privacy Rights Act.

**Right to Access, Delete, or Restrict the Use of Personal Data:** Residents of California, Virginia, Colorado Connecticut, Nevada and Utah may have the right to exercise some or all of the rights described in Section 4 of the Privacy Notice. Depending on your data choices and where you reside, certain of these rights may be limited or unavailable. You may exercise these rights by sending us an email at [privacy@ndigital.com](mailto:privacy@ndigital.com), writing to us at 103 Randall Drive, Waterloo, Ontario, Canada N2V 1C5, making the request via our website at [www.ndigital.com](http://www.ndigital.com), or by calling +1 (877) 634 6340. We will respond to any such requests within 30 days of receipt.

**No sale of Personal Data.** NDI has not sold or shared any Personal Data of consumers, as those terms are defined under the California Consumer Privacy Act, in the 12 months prior to the effective date of this Disclosure.

**No Discrimination.** NDI will not discriminate against any consumer for exercising their rights under the applicable state laws.

**Virginia Consumer Data Protection Act Deidentified Data Disclosure.** We may use deidentified data in some instances. To the extent we use deidentified data, we will either maintain this data without attempting to re-identify it or we will treat it as Personal Data subject to applicable law.

**Quebec Data Protection Contact.** Pursuant to the requirements of Bill 64 of the National Assembly of Quebec, you may contact our Canadian Privacy Lead at [privacy@ndigital.com](mailto:privacy@ndigital.com).

## **COOKIES AND TRACKING TECHNOLOGIES**

**Cookies and other Tracking Technologies.** A cookie is a small data file that a website places in your web browser to remember information about you. We use some cookies and tracking technologies for purposes which are necessary for your use of our website, products, or services. These may include technologies which remember your preferences and settings; information that you may enter online; or to keep you logged in to our offerings. With your consent, we may also use cookies and tracking technologies for other purposes.

*Strictly-necessary cookies and technology.* These are cookies and other technologies that are required for the operation of our website, our products, and our services, and therefore cannot be turned off. You can set your browser or device to block or alert you about these cookies, but functionality may be impaired. These cookies do not store any personal data. These cookies are used solely for the purpose of carrying out or facilitating the transmission of a communication and are strictly necessary to provide you with the information society service you have expressly requested. The use of these cookies for the purposes described above is based on our legitimate interest in ensuring your access to and the proper technical functioning of our website, products, and services that you have expressly requested.

*Analytical/Performance cookies.* Where you have permitted the use of performance cookies, we use Google Analytics to collect statistical information about how our website and services are used. Google Analytics services involve the use of cookies that collect information such as your IP address or other identifiers, browser information, and information about the content you view and interact with to record how you use the website, our products, and services. These analytics services help us count users, identify popular offerings, and track the demographics and interests of our users.

## **Your Choices: Managing Your Preferences**

### Your Preferences

When you first visit our website, you will be presented with a banner which offers you a choice about whether to accept or reject cookies or tracking technologies of different types, with the exception of those cookies which are strictly necessary for a particular service.

If you wish, you can also choose how web browser cookies are handled by your device via your browser settings. Some devices allow you to control this through your device settings. If you choose not to receive cookies at any time, websites may not function properly and certain services will not be provided. Each browser and device is different, so check the settings menu of the browser or device to learn how to change your settings and cookie preferences.

You can find information on how to manage cookie settings on certain browsers via the following links:

- [Cookie settings in Chrome](#)
- [Cookie settings in Firefox](#)
- [Cookie settings in Internet Explorer](#)
- [Cookie settings in Safari](#)

**Our Use of Google Analytics.** This website uses Google Analytics, a web analytics service provided by Google, Inc. (“Google”).

Google Analytics uses “cookies”, which are text files placed on your computer, to help the website analyze how users use the site. The information generated by the cookie about your use of the Site (including your IP address) will be transmitted to and stored by Google on servers in the U.S. If the IP anonymization is activated, Google will truncate/anonymize the last octet of the IP address for Member States of the European Union as well as for other parties to the Agreement in the European Economic Area. In exceptional cases, the full IP address is sent to and shortened by Google servers in the U.S.

On behalf of the website provider, Google will use this information for the purpose of evaluating your use of the website, compiling reports on website activity for website operators and providing other services relating to website activity and internet usage to the website provider. Google will not associate your IP address with any other data held by Google.

You may refuse the use of cookies by selecting the appropriate settings on your browser. However, please note that if you do this, you may not be able to use the full functionality of this website. Furthermore you can prevent Google's collection and use of data (cookies and IP address) by downloading and installing the browser plug-in available under

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

Further information concerning the terms and conditions of use and data privacy can be found at:

- <https://www.google.com/intl/en/policies/privacy/partners/>
- <http://www.google.com/analytics/terms/gb.html>
- [https://www.google.de/intl/en\\_uk/policies/](https://www.google.de/intl/en_uk/policies/)
- <https://support.google.com/analytics/answer/6004245?hl=en>

Please note that on this website, Google Analytics code is supplemented by “anonymizeIp” to ensure an anonymized collection of IP addresses within the EU and EEA (IP-masking)].