

**BRAY INTERNATIONAL, INC.**

**PRIVACY POLICY**  
**THIRD PARTY**

**INTRODUCTION**

Bray International, Inc. and affiliated companies (collectively “Bray”, “we”, “us” or “our”) care about your privacy and are committed to protecting your personal information in accordance with fair information practices and applicable data privacy laws.

As a sign of our commitment to privacy, we have adopted a Corporate Privacy Policy for the European Economic Area and Exporting Affiliates setting forth certain principles, guidelines and rules (the “Policy”). The Policy contains our global privacy commitments, including our policy on transfers of personal information and associated individual privacy rights, with the aim of ensuring that your personal information is protected while processed by our affiliates around the world. This Policy has been approved by *Landesbeauftragte für Informationsfreiheit und Datenschutz Nordrhein-Westfalen* (the data protection authority for North Rhine-Westphalia). You can consult our Policy on our website at <https://www.bray.com/privacy-policy>.

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## **1. SCOPE**

This Privacy Notice explains how we collect and use personal information. Personal Information means any information relating to an identified or identifiable natural person: one who can be identified (directly or indirectly) by reference to an identifier such as 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.

We collect personal information in a variety of ways through our normal business activities, both online and offline. This includes, for example, when you place orders or purchase products or services, enter into agreements or communicate with us, or visit and use our websites. We also receive personal information from our customers in order to perform services on their behalf.

## **2. IDENTITY OF DATA CONTROLLER**

To identify the Bray entity responsible for the processing of your personal information, you can ask your Bray business contact, consult the list of our locations on the Bray public website ([www.bray.com](http://www.bray.com)) or contact our Data Privacy Office at:

By email to: [privacy@bray.com](mailto:privacy@bray.com)

Or in writing to: **Bray Data Privacy Office**

### **Europe**

c/o Bray Controls Europe B.V.  
Joulestraat 8  
1704 PK Heerhugowaard  
The Netherlands

### **United States**

c/o Bray International, Inc.  
13333 Westland East Blvd.  
Houston, TX 77041  
United States of America

## **3. CATEGORIES OF PERSONAL INFORMATION**

Personal information that we may collect and process includes:

- Contact information that allows us to communicate with you, such as: your name, job title, age and prefix, username, mailing address, telephone numbers, email address or other addresses that allow us to send you messages, company information and registration information you provide on our website.
- Relationship information that helps us do business with you, such as the types of products and services that may interest you, contact and product preferences, languages, creditworthiness, marketing preferences and demographic data.
- Transactional information about how you interact with us, including purchases, inquiries, customer account information, order and contract information, delivery details, billing and financial data, details for taxes, transaction and correspondence history, and information about how you use and interact with our websites.
- Security and compliance information that helps us to secure our interests, including information for conflict checks, fraud prevention and internal verification, as well as information necessary for the security of our premises, such as visual recordings.
- Our products may collect system and event information relating to their setup, configuration and operation, as well as information collected by our products in their ordinary course of operation. This information may include product usage information and product performance data. In some circumstances, this information may be personal data. The nature and extent of the information collected by our products will vary based on the type and function of the product and the type of services for which they are used, subject to applicable laws.

#### 4. LEGAL BASES FOR PROCESSING

- The performance of a contract with our customers and suppliers.
- You have given us consent for one or more specific purposes.
- Compliance with legal obligations.
- Protecting your vital interests or of another natural person.
- The legitimate interests of Bray, including are our usual commercial activities.
- Carrying out the public's interest.

#### 5. PURPOSE OF PROCESSING

- Fulfilling your orders for products or services and related activities, such as product and service delivery, customer service, account and billing management, support and training, product update and safety related notices, and to provide other services related to your purchase.
- Managing our contractual obligations and your ongoing relationship with us, including interacting with you, analyzing and improving the products and services we offer, informing you about our products or services, as well as special offers and promotions.
- Ensuring the security of our websites, networks and systems, and premises, as well as protecting us against fraud.
- Managing our everyday business needs, such as payment processing and financial account management, product development, contract management, website administration, fulfillment, corporate governance, audit, reporting and legal compliance.

#### 6. RECIPIENTS OF PERSONAL INFORMATION

- **Third Parties:** We may use third parties to provide or perform services and functions on our behalf. We may make personal information available to these third parties to perform these services and functions. Any processing of that personal information will be on our instructions and compatible with the original purposes.
- **As Required by Law:** We may also make personal information concerning individuals available to public or judicial authorities, law enforcement personnel and agencies as required by law, including to meet national security or law enforcement requirements, and including to agencies and courts in the countries where we operate. Where permitted by law, we may also disclose such information to third parties (including legal counsel) when necessary for the establishment, exercise or defense of legal claims or to otherwise enforce our rights, protect our property or the rights, property or safety of others, or as needed to support external audit, compliance and corporate governance functions.
- **Mergers & Acquisitions:** Personal information may be transferred to a party acquiring all or part of the equity or assets of Bray or its business operations in the event of a sale, merger, liquidation, dissolution, or other transaction in which such transfer is permissible (without your consent) under applicable law.
- **Affiliates:** We may also transfer and share such information to Bray affiliates in compliance with applicable law.

#### 7. INTERNATIONAL TRANSFERS

The third parties, subsidiaries and affiliates to which your personal information can be disclosed may be located throughout the world; therefore, information may be sent to countries having different privacy protection standards than your country of residence. In such cases, we take measures to ensure that your personal information receives an adequate level of protection, which include our Policy, which set forth our high standards for processing personal information collected and processed by us globally to protect your personal information.

Bray complies with the EU-U.S. Privacy Shield Framework and the Swiss-US Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. Bray International, Inc., together with its United States-based subsidiaries, has

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certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this Privacy Notice and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>. Please note that we believe our Policy and the Privacy Shield Principles will also apply to our United Kingdom entit(ies) and activities once the United Kingdom has left the European Union.

Bray has responsibility for the processing of personal information it receives under the Privacy Shield and subsequently transfers to a third party acting as an agent on its behalf. Bray shall remain liable under the Privacy Shield Principles if its agent processes such personal information in a manner inconsistent with the Privacy Shield Principles, unless Bray proves that it is not responsible. You have the possibility, under certain conditions, to invoke binding arbitration for complaints regarding Privacy Shield compliance not resolved by any of the other Privacy Shield mechanisms. For additional information please see: <https://www.privacyshield.gov/article?id=ANNEX-Iintroduction>. The Federal Trade Commission has jurisdiction over Bray's compliance with the Privacy Shield Principles.

## **8. RETENTION**

We will retain your personal information as long as necessary to achieve the purpose for which it was collected, usually for the duration of any contractual relationship and for any period thereafter as legally required or permitted by applicable law. If we wish to process your data beyond that point of time, we will ask for your consent for such activity.

## **9. PROTECTION OF PERSONAL INFORMATION**

We apply appropriate technical, physical and organizational measures that are reasonably designed to protect personal information against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access, and against other unlawful forms of processing. Access to personal information is restricted to authorized recipients on a need-to-know basis. We maintain a comprehensive information security program that is proportionate to the risks associated with the processing. The program is continuously adapted to mitigate operational risks and to protect personal information, taking into account industry-accepted practices. We will also use enhanced security measures when processing any sensitive personal information.

## **10. WAYS WE MAY COLLECT INFORMATION**

### **Website and Generation of Log Files**

Our system automatically collects data and information from the accessing computer on each occasion a user visits our website. The following data may be collected:

- (1) Information on the browser type and version used
- (2) The user's operating system
- (3) The user's internet service provider
- (4) The user's IP address
- (5) The date and time of the access
- (6) Websites from which the user was referred to our website
- (7) Websites accessed by the user's system via our website
- (8) Duration of the user's visit
- (9) The user's country of origin
- (10) The user's preferred language
- (11) Time of the user's first visit and most recent visit

This data is also saved in our system log files. We do not store this data together with the user's other personal data.

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We collect the foregoing data on the basis of protecting our legitimate interests, including our commercial activities. The temporary storage of the IP address by our system is required to deliver the website to the user's computer. The user's IP address must therefore be stored for the duration of the session. The storage of data in log files serves the purpose of warranting the proper functioning of our website. The data is also used to optimize the website and to safeguard the security of our IT systems.

The data is deleted as soon as the purpose of collecting them has been achieved. Where data is collected to operate the website, this is the case as soon as the respective session ends. If the data is stored in log files, this is the case after a maximum of 30 days. Data may be stored for longer periods in certain circumstances. If this is the case, the user's IP addresses are deleted and truncated with the result that is no longer possible to trace them back to the accessing client.

The collection of data for the provision of the website and storage of the data in log files is absolutely essential for the operation of the website. This means that the users cannot object to this collection and storage of data.

## Use of Cookies

Our website uses cookies. Cookies are text files that are stored in the internet browser or by the internet browser on the user's computer system. When a user visits a website, cookies can be placed locally on the user's device. This cookie contains a character string, which is a unique identification code of the browser that will be recognized at the next occasion you visit the website. We use cookies to make our website more user-friendly. Some elements of our internet site require that the accessing browser can still be identified after having left our page. The cookies may store and transmit the following data:

- (1) Items collecting for purchase
- (2) Login information
- (3) Chat information
- (4) Security mechanisms for forms (Sharkgate.net, etc.)
- (5) Wish list items
- (6) Google Analytics services
- (7) General check of the Facebook Pixel
- (8) Google Maps integration
- (9) Messenger data for a target-group focused website experience
- (10) Integration of YouTube clips

Our website also uses cookies that allow for an analysis of the user's navigation and use of the website. The following data can be transferred:

- (1) Entered search terms and strings
- (2) Page views
- (3) Use of website functions (a session cookie assists during the form submit process to hold the Google ReCaptcha spam token)

The collected user data is pseudonymized by technical methods. The data can then no longer be traced back to the accessing user. The data is not merged with any of the user's other personal data. When accessing the website, users are informed about the use of cookies for analysis purposes by an info banner, which also refers to this data protection declaration. This includes information on how the placing of cookies can be prevented by changing the browser settings.

We collect the foregoing data on the basis of protecting our legitimate interests, including our commercial activities. The purpose of using strictly necessary cookies to make the website more user-friendly. Some of the functions offered on our website may not be available if cookies are disabled. These functions depend on recognizing the browser after it has left the website. The following applications require the use of cookies: (i) shopping function (e.g., collection of items for purchase) and (ii) tracking functions (e.g., country of origin). The user data collected by strictly necessary cookies is not used to generate user profiles. Analysis cookies exclusively used for the purpose of improving the quality of our website and its contents. The analysis

cookies provide us with information on how the website is used and how we can improve our services.

The user's computer stores and transmits the cookies to our website. This means that our users are in full control over the use of cookies. Cookies that have already been placed can be deleted at any time. This can also be set to automatic. You may not be able to use the full scope of functions offered on our website if you have cookies deactivated.

## **Registration**

Our website offers users to register by providing their personal data. The data is entered into a form, transmitted to us and then stored by us. The data is not disclosed to third parties, unless a payment processing service is involved in an e-commerce transaction. The following data may be collected during the registration process:

- (1) First name
- (2) Surname
- (3) E-mail address
- (4) Password
- (5) Address
- (6) Post code
- (7) City
- (8) Date of birth
- (9) Telephone number
- (10) Fax number
- (11) Tax number
- (12) Company
- (13) Company website

The following additional data is stored when registering:

- (1) Date and time of the registration
- (2) Date and time of the registration confirmation
- (3) Date and time consent to the Privacy Notice was granted
- (4) Website where the registration was carried out

The user's consent for the processing of these data is obtained during the course of the registration process.

We collect the foregoing data on the basis you have given us consent. If the registration serves the purpose of performing a contract with the user or to implement pre-contractual measures, the legal basis for the data processing is also the performance of such contract. The data is deleted as soon as the purpose of collecting them has been achieved.

## **Contact Form and Contact by E-mail**

Our website offers a contact form that can be used to send electronic correspondence to us. A similar form can be used to enroll in one of the training courses offered by Bray. The data entered into these forms will be transmitted to and stored by us. The following data may be stored at the time the form is submitted:

- (1) The user's IP address
  - (2) The language and URL of the page accessed
  - (3) The user's browser and operating system
  - (4) The user's referring page
  - (5) Date and time contact was made
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With respect to the processing of the data, users are referred to the Privacy Notice at the time of submitting the form and must acknowledge and confirm their consent to the Privacy Notice.

Alternatively, users may contact us via the e-mail address provided. In this case, the user's personal data transmitted in the e-mail will be stored.

We collect the foregoing data on the basis you have given us consent. The legal basis for the processing of the data submitted is the protection of our legitimate interests, including our commercial activities. We process the personal data submitted via e-mail or an online form for processing the user's inquiry. Any other personal data processed during the submission process serve the purpose of preventing misuse of the contact and to safeguard the security of our IT systems.

The data is deleted as soon as the purpose of collecting them has been achieved. The user may revoke his declaration of consent to the processing of personal data at any time. Users who contact us by e-mail may revoke their consent to the storage of their personal data at any time. If a consent is revoked, the correspondence with the user will be terminated.

## **Newsletter**

Our website offers users to subscribe to a free newsletter. The data entered in the registration form will be transmitted to us. The following data is collected during such registration:

- (1) IP address of the accessing computer
- (2) Date and time of registration

Your consent to the data processing is obtained during the registration process, where you are also referred to this Privacy Notice. If you submit your e-mail address to us during the course of purchasing goods or services via our website, we may subsequently use this data for sending out a newsletter. In this case, the newsletter will only contain direct advertising for similar products or services offered by our company. Data is not disclosed to third parties as part of the data processing concerned with the sending of newsletters. The data is used exclusively for sending out the newsletter.

We also use newsletter tracking, which means that the e-mails sent by us contain small image files, also called web beacons or tracking pixels, which are embedded in the e-mails but not directly contained in them (only as a link to a web address). These are downloaded from the external server by the webmail application running in the browser. Information regarding the call-up, the IP address and information on the accessing client is collected.

We collect the foregoing data on the basis you have given us consent and the protection of our legitimate interests. The collection of the user's e-mail address serves the purpose of delivering the newsletter. The tracking of the newsletter service serves the purpose of performing statistical analysis to determine how many e-mails are read when and which links are accessed frequently. In this case, the use does not allow for inferences to persons. The information is used for the optimization of newsletter content or to better match the newsletter to the mail clients used by the recipients.

The newsletter subscription can be cancelled (unsubscribe) by the user at any time. All newsletters contain an unsubscribe link. This also gives the user the opportunity to revoke his consent to the storage of the personal data collected during the registration process.

## **Google Analytics:**

We may also use Google Analytics on our website to collect information about your online activity on our websites, such as the web pages you visit, the links you click, and the searches you conduct on our websites. We may use the information to compile reports and to help us improve the website. The cookies collect information in an anonymous form, including the number of visitors to the website, where visitors have come to the site from and the pages they visited. The information generated by those cookies and your current IP-address will be transmitted by your browser to and will be stored by Google on servers in the United States and other countries. Google will use this information on our behalf for the purpose of evaluating your use of our website as described above. The IP address collected through Google Analytics will not be associated with any other data held by Google. For more information about the information gathered using Google Analytics please visit <http://www.>

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[google.com/intl/en/analytics/privacyoverview.html](https://google.com/intl/en/analytics/privacyoverview.html). You can prevent these cookies by selecting the appropriate settings on your browser. If you do this you may not be able to use the full functionality of our websites. You may download and install the Google Analytics Opt-out Browser Add-on available here: <http://tools.google.com/dlpage/gaoptout>.

### **Google Remarketing Technology:**

Our websites may use Google's remarketing technology. This technology enables users who have already visited our online services and shown interest in our services to see targeted advertising on the websites of the Google partner network. Likewise, users that are similar to the visitors of our website can be addressed. The information generated by the cookie about the website use will be transmitted to and stored on servers in the United States by Google. In the event that the IP address is transferred, it will be reduced by the last 3 digits. Using cookies, the user behavior on a website can be analyzed and subsequently utilized to provide targeted product recommendations and advertising based on the user's interests. If you would prefer to not receive any targeted advertising, you can deactivate the use of cookies for these purposes through Google by visiting the website: <https://www.google.com/settings/ads/>. Alternatively, users can deactivate the use of cookies by third party providers by visiting the Network Advertising Initiative's deactivation website (<http://www.networkadvertising.org/choices/>). Please note that Google has its own data protection policy which is independent of our own. We assume no responsibility or liability for their policies and procedures. Please read Google's privacy policy before using our websites (<https://www.google.com/intl/en/policies/privacy/>).

### **Linked sites:**

We may provide links to third parties' websites ("linked sites") from our websites. Linked sites are not necessarily reviewed, controlled or examined by us. Each linked site may have its own terms of use and privacy notice, and users must be familiar and comply with all such terms when using linked sites. We are not responsible for the policies and practices of any linked site, or any additional links contained in them. These links do not imply our endorsement of the linked sites or any company or service and we encourage users to read these linked sites' terms and notices prior to using them. When placing a link, we carefully check the linked site to determine that it doesn't contain obviously illegal content — if we should subsequently become aware that the linked site contains illegal content, we will promptly remove the link.

### **Children:**

Our websites are not directed at children and we do not use our websites to knowingly solicit personal information from or market to children. If we learn that a child has provided personal information through one of our websites, we will remove that information from our systems.

## **11. YOUR RIGHTS**

You may request to access, rectify, or update your inaccurate or out-of-date personal information by contacting our Data Privacy Office through the following link: [privacy@bray.com](mailto:privacy@bray.com). To the extent of applicable law, you may have the right to request erasure of your personal information, restriction of processing as it applies to you, object to processing and the right to data portability. You may also have the right to lodge a complaint with a supervisory authority.

## **12. CONSENT AND WITHDRAWAL OF CONSENT**

By providing personal information to us, you understand and agree to the collection, processing, international transfer and use of such information as set forth in this Privacy Notice. Where required by applicable law we will ask your explicit consent.

You may always object to the use of your personal information for direct marketing purposes or withdraw any consent previously granted for a specific purpose, free of charge by clicking on relevant links on our websites, following the directions contained in an email or by contacting our Data Privacy Office through the following link: [privacy@bray.com](mailto:privacy@bray.com).

### **13. AUTOMATED DECISION MAKING**

Bray respects your rights under law regarding automated decision-making. Bray doesn't currently process personal data pursuant to an automated decision-making function. If we determine to process personal data pursuant to such function, Bray will use appropriate measures for safeguarding the legitimate interests of individuals in regards to such personal data

### **14. HOW TO CONTACT US**

If you would like to communicate with us regarding privacy issues or have questions, comments or complaints, please contact our Data Privacy Office as follows:

By email to: [privacy@bray.com](mailto:privacy@bray.com)

Or in writing to: **Bray Data Privacy Office**

#### **Europe**

c/o Bray Controls Europe B.V.  
Joulestraat 8  
1704 PK Heerhugowaard  
The Netherlands

#### **United States**

c/o Bray International, Inc.  
13333 Westland East Blvd.  
Houston, TX 77041  
United States of America

In compliance with the Privacy Shield Principles, Bray commits to resolve complaints about our collection or use of your personal information. European Economic Area and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact our Data Privacy Office at the above link. Bray has further committed to cooperate with the panel established by the EU data protection authorities (DPAs) and the Swiss Federal Data Protection and Information Commissioner (FDPIC) with regards to unresolved Privacy Shield complaints concerning data transferred from the European Economic Area and Switzerland.

### **15. MODIFICATIONS TO OUR PRIVACY NOTICE**

We reserve the right to change, modify, and update this Privacy Notice at any time. Please check periodically to ensure that you have reviewed the most current notice. .

### **16. LOCAL ADDENDA FOR CERTAIN COUNTRIES**

We have extended the Privacy Notice with specific information for certain countries where required by applicable local law. You can find these complementary notices through the local addenda links on the Privacy homepage.

This Privacy Notice is effective as of 12th December 2018

### **POLICY HISTORY**

Version	Date	Description
1.0	12th December	Initial Policy release