

## PRIVACY AND DATA PROTECTION POLICY

### FOR PERSONAL INFORMATION OBTAINED THROUGH ERGON'S WEBSITES

Ergon respects your privacy, whether you deal with us as a customer, a supplier or a member of the general public, and you are entitled to the protection of your Personal Data (as defined below). This Personal Data may relate to your name, telephone number and email address but also to other data, such as your IP address, home or business address, location information, dates of contact, employer and job title.

In this **Privacy and Data Protection Policy** (“**Policy**”) we describe how we collect your Personal Data during your interactions with our websites and why we collect it, what we do with your Personal Data, with whom we share it, how we protect it, as well as the choices you can make about your Personal Data.

This Policy applies to the processing of your Personal Data in the framework of various services, tools, applications, websites, portals, and online sales promotions and marketing actions that are provided or operated by us or on our behalf through our websites.

In this Policy, the following terms have the following meanings:

- (a) **EEA** means the European Economic Area (= member states of the European Union + Iceland, Norway, and Liechtenstein).
- (b) **Personal Data** is any information relating to you (as a data subject) directly or which allows your identification or relates to, describes, is capable of being associated with, or could reasonable be linked (directly or indirectly) with you, such as, for example, your name, telephone number, email address, IP address, home or business address, location information, dates of contact, employer and job title and similar information.

If you accept the provisions of this Policy, you are agreeing to us processing your Personal Data in the ways that are set out in this Policy Your rights to request information regarding your Personal Data and to request deletion of such data are set forth later in this Policy..

#### 1. WHO IS RESPONSIBLE FOR THE PROCESSING OF YOUR PERSONAL DATA?

This Policy applies to all your Personal Data processed by (or on behalf of):

Ergon, Inc. and its privately held affiliated companies (“Ergon”)  
Ergon, Inc.’s headquarters are located at the following address:  
2829 Lakeland Drive, Flowood, MS 39232

together referred to in this Policy as “**Ergon**”, “**we**”, “**us**” and “**our**”. Ergon will act as data controller. This Policy shall not apply to any publicly traded company.

#### 2. PROCESSING OF YOUR PERSONAL DATA: WHAT PERSONAL DATA DO WE COLLECT AND ON WHAT LEGAL GROUNDS WILL WE PROCESS YOUR PERSONAL DATA?

Depending on your specific situation - as described below - you can find an overview of the Personal Data which will be processed, the legal basis and purpose for which purpose(s) the Personal Data will be processed, and the applicable retention periods:

##### A. Newsletter

You may subscribe to our newsletters to receive commercial communications about our products and services. Provided you have given us free, explicit and informed consent to do so, which consent can be provided via the applicable Ergon website, we collect, store and process your name and e-mail address until you choose to opt out from receiving the newsletter. You may opt out by clicking the unsubscribe button on the newsletter email.

Additionally, you may withdraw or change your consent at any time by sending written notice to:

Ergon, Inc.  
Marketing and Communications Department  
2829 Lakeland Drive, Flowood, MS 39232

Or by visiting: <https://ergon.com/privacy-policy>

Or by calling: (844) 832-0914

We rely on the services of Salesforce, Mailchimp and Marketo to send our newsletters. Your Personal Data will be transferred to them only for the purpose of sending such newsletters.

#### **B. Commercial relationship management (clients and prospects)**

Within the framework of our online commercial activities, and more specifically related to the management of our (potential and actual) clients and (potential and actual) suppliers online, it is possible that we receive or collect the following Personal Data:

- Name
- Email address
- Phone number
- IP address
- Location Information
- Address
- Employer
- Job Title
- Dates of Contact

The processing of the Personal Data is exclusively for managing the relationship with our (potential and actual) clients and (potential and actual) suppliers and is therefore based on our legitimate interest of allowing us to improve our services, which outbalances your privacy rights. Your Personal Data will be stored for as long as needed for managing the above-mentioned relationships and will be subject to continuous monitoring.

Your Personal Data may be disclosed to the appropriate affiliate or subsidiary of Ergon, Inc. or to Marketo or Salesforce for the purpose of further investigation of your concern or complaint or response to your queries. Your personal data may also be stored in Salesforce, Shopify or in the WishList database for use by Ergon, Inc. or its affiliates.

Please note that Ergon, Inc. and the majority of its affiliates are located outside the EEA, therefore we will provide appropriate safeguards for the protection of your Personal Data through a Processing Agreement between Ergon, Inc. and its affiliates located inside the EEA.

### **3. PROTECTION OF YOUR PERSONAL DATA**

We have in place technical and organizational security measures to protect your Personal Data against unlawful or unauthorized access or use, as well as against accidental loss or damage to their integrity.

These measures are designed taking into account our IT infrastructure, the potential impact on your privacy and the costs involved and in accordance with current industry standards and practice.

Your Personal Data will only be processed by a third party if that third party agrees to comply with those technical and organizational data security measures and your Personal Data will only be disclosed to a third party for a business purpose (as defined under the California Consumer Privacy Act 2018). **We do not sell your Personal Data.**

#### **4. USE OF COOKIES**

This website uses so-called ‘cookies’. Cookies may be considered pieces of data which are sent by the web server to your browser which writes these data to the hard disk of your computer. By using cookies, we may offer you a quicker and more efficient entry to the website. You may turn off the use of cookies in your browser settings. If you disable the use of cookies or if you do not agree to the use of cookies in the cookie pop up, the website is still accessible, but you may not have access to all the functionalities of the website.

#### **5. USE OF GOOGLE ANALYTICS**

This website uses Google Analytics. The following link gives information as to how Google uses your Personal Information while you are using our websites:

<https://policies.google.com/technologies/partner-sites>

#### **6. YOUR RIGHTS**

You have the right to request information about your Personal Data collected, stored and processed by us. If your Personal Data stored by us is incorrect, you can apply for a correction.

You have the right to request a restriction on the processing of your Personal Data (for example, while the accuracy of your Personal Data is being checked).

In addition, you may revoke your consent to the storage and processing of your Personal Data (provided that the processing is based upon consent).

You may also object to the use of your Personal Data for direct marketing purpose or to the sharing of your Personal Data with a third party for that same purpose.

Under certain conditions you may invoke your right to data portability.

You may require us to delete any Personal Data concerning you (except in some cases, for example, to prove a transaction or when required by law).

Please note that the rights as set out above can only be exercised insofar as reasonably possible and allowed by applicable law.

Please also note that we will not discriminate against you if you exercise any of your rights under this policy or any applicable law.

For those individuals that are subject to the European Union General Data Protection Regulation, if you do not agree with the way Ergon is processing your Personal Data, you have the right to lodge a complaint with the Belgian Data Protection Authority:

Rue de la Presse 35, 1000 Brussels

Tel: +32 (0)2 274 48 00

Fax: +32 (0)2 274 48 35

Mail: [contact@apd-gba.be](mailto:contact@apd-gba.be)

For those individuals subject to the California Consumer Privacy Act of 2018, requests for information regarding your Personal Data or for deletion of your Personal Data should be made to Ergon at the data protection contact points detailed in Section 7 herein and Ergon will respond to you in accordance with applicable law within 45 days. You have the right to request the following information:

1. The categories of personal information that Ergon has collected;
2. The categories of sources from which the personal information is collected;
3. The business or commercial purpose for collecting or selling personal information;
4. The categories of third parties with whom the business shares personal information and
5. The specific pieces of personal information it has collected about that consumer.

#### **7. WHO CAN YOU CONTACT IN CASE YOU HAVE QUESTIONS OR REQUESTS? THE DATA PROTECTION CONTACT POINT.**

We have organized a data protection contact point which will handle your questions or requests relating to this Policy, any specific privacy notice, or your Personal Data (and its processing).

For any questions or requests or complaints concerning the application of this Policy or to exercise your rights, as described in this Policy, you may contact us at the following data protection contact points:

**Toll free number:** (844) 832-0914

**Web Address:** <https://ergon.com/privacy-policy>

**Or**

**Mailing Address:  
Ergon, Inc.  
Marketing and Communications Department  
2829 Lakeland Drive  
Flowood, MS 39232**

#### **8. CHANGES TO OUR POLICY**

We keep our Policy under regular review, and we will place any updates on this webpage. This Policy was last updated on March 12, 2020.