

PRIVACY & COOKIE POLICY

(the "Policy")

Last updated: 19.03.2018

IMPORTANT – PLEASE READ THIS POLICY CAREFULLY

- Enervalis, a limited liability company (“*naamloze vennootschap*”), incorporated under the laws of Belgium with registered office at 3530 Houthalen-Helchteren, Centrum-Zuid 1111, with company number 0509.978.587 (hereinafter, “Enervalis”, “us”, “we” or “our”) operates www.enervalis.com (hereinafter, the “Site”). This Policy applies to you as a client, as a possible future client or other affected party, such as a company contact person, with regards to the software, services and products of Enervalis, including all information and tools available on this Site. Regardless of what capacity you act in, your rights do not change and we will treat your data with equal care.
- By ticking the “*I Agree*”-box, you consent with the specific aspects of this Policy. Please note that various processing activities are based on our end user license agreement or other agreement. We update this Policy from time to time, so please review it regularly. The most recent version is always available at our Site. Whenever important changes are made to this Policy, we will ask for your consent if the processing activity is based on consent. Enervalis respects the privacy of all users of this Site and shall ensure the “Personal Data” (meaning, all the information that relates to an identified or identifiable living individual) you provide is treated confidentially.
- We are aware of the trust you place in us and we value your privacy. We see it as our responsibility to protect your privacy. Our aim is to process your Personal Data in a manner that is lawful, appropriate and transparent. In this Policy, we explain which of your personal details we collect from you as a natural person. We will let you know why we collect this data and how we improve your user experience. This Policy also contains more information about your privacy rights and how you can exercise them. Thus, you will understand exactly how we work.

1. WHICH DATA DO WE COLLECT?

1.1. Information that is used to identify you, to contact you and to offer you the right advise

To identify you
name, sex, date of birth, nationality, address, identity card, client number, national registration number
To contact you (securely)

This information includes your telephone number, e-mail address, language and your user name in social media.	
To give you proper advise and service	
Your preferences and interests	Your potential interest in the software, service or products of Enervalis
Your client profile	Enervalis is able to observe your energy supply, energy consumption and behavior. Information about your use of our Site, including details of your visits to our Site, pages viewed and resources that you accessed.
Feedback	Comments and suggestions, past complaints. These can help Enervalis to provide you with a better service in the future.

1.2. Data we receive from you

When you fill in a contact form, we process the Personal Data needed to administer the relevant matter at hand, e.g.:

- ✓ First name
- ✓ Name
- ✓ Login
- ✓ Address
- ✓ E-mail
- ✓ Phone*
- ✓ Customer type
- ✓ Company*
- ✓ Function*

Apart from the phone number, the company of the customer and its function in this company, all of these data are necessary for us to follow up on your request or question.

Form filling can be time-consuming (especially for complex simulations). Always provide all details necessary to fully identify yourself as a client.

- A number of details will not then be requested from you but will pre-populated in the form with information held by Enervalis in its files. You will nevertheless sometimes be asked to check that the information is complete and up to date.
- Some details will be pre-populated on the form if they are available; you will still be able to revise them.

1.3. Data we receive automatically

We can collect some information about your general internet use through the use of cookies: see Title 4 of this Policy.

Some other (Personal) Data can be collected without the use of cookies. They can only be read and used during your visit to our Site:

- 1° Your TCP/IP-address;
- 2° Your browser system;
- 3° The last visited internet page.

If Enervalis wants to know where you are geographically located, we will ask you for your consent when you visit certain pages on the Site.

1.4. Data we receive from third parties

When we receive Personal Data from third parties we will inform you personally.

2. WHY DO WE COLLECT THESE DATA? BASED ON WHICH LEGAL GROUND?

2.1. To asses an agreement or service

Your Personal Data will be used to enable us to correctly handle the agreement you entered in with us, that you aim to enter into or to provide assistance regarding a specific request or complaint. This way we can, for example, send you a digital invoice, have a package delivered at the correct address or identify you as a client. Before Enervalis contracts, it can be that it has to process certain information in order to deal with the application and to make due assessment of whether the agreement can be contracted and under what terms and conditions.

Obviously, when there is a legal requirement imposed on Enervalis to process Personal Data, like warranty obligations etc., we will process these Personal Data.

2.2. For direct marketing purposes

Second, we use your information for direct marketing purposes, such as newsletters and to inform you of any changes, offers, updates or other announcements about our Site, products or services. You will only receive electronic direct marketing communications if you have given us your explicit consent by ticking the “I Agree”-box provided on our Site. If you give explicit consent to receiving personalised information, Enervalis is able to make proposals to you that are very much directed at your own individual situation. You will no longer receive screeds of adverts that are of no interest to you. Enervalis uses all of your Personal Data in this regard. You can suspend your consent at any time, just as easily as you gave it.

2.3. To function as a business

We also use your Personal Data to function as a business. This is known as its “legitimate interests”. In addition to the purposes set out above, Enervalis, as a commercial business, also has a number of legitimate interests that form the basis for processing Personal Data. In that regard, Enervalis ensures that the impact on your privacy is kept to a minimum and that, in all events, our legitimate interests remain proportionate to the impact that upholding them has on your privacy. If you nonetheless object to this data being processed, you can exercise your right to object. There are various situations in which Personal Data is processed, e.g. for statistical purposes, to carry out surveys, to develop marketing models and to improve our services and products (e.g. after sale services). Data processing may be done to ensure the safety, security and surveillance of persons and goods.

2.4. Transfer of Personal Data

We do not make automatic decisions (whether or not based on profiling) that affect you in any way.

3. YOUR RIGHTS

When your Personal Data is processed, you have many rights. When Enervalis asks for your consent to process your data, you can subsequently withdraw that consent again any time you wish.

3.1. You can inspect your data

If you would like to inspect the Personal Data that we process about you, let us know. You can view some of the data directly yourself when using the platform of Enervalis.

If you exercise your right of inspection, Enervalis will give you a list, as complete as possible, of your data. It can happen that some personal data from the usual back-up files, logs and stored records is not included in that list. Such data is not within scope of the data processed on an ongoing basis and it is not therefore immediately available. For that reason, it will also not be communicated to you. However, it is removed from those files in accordance with standard data maintenance procedures.

3.2. You can have your data corrected

It can happen that certain information held on you by Enervalis is not (or has ceased to be) correct. You can ask for the Personal Data to be corrected or completed at any time.

3.3. You can have your data deleted

If you suspect that Enervalis is unlawfully processing certain Personal Data, you can ask for it to be deleted.

3.4. You can object to your data being used for certain purposes

If you disagree with how Enervalis invokes its legitimate interests to process certain Personal Data, you can object. We shall heed objections unless there are overriding grounds not to do so, such as when we process Personal Data with a view to combat fraud.

3.5. In some cases, you can refuse to allow your data to be processed fully automatically

Some data processing operations and processes are fully automated, without any human intervention. Enervalis endeavors to give an immediate explanation of the logic behind this automated process.

If you disagree with the outcome of such fully automated processes, you can contact Enervalis. You can for example ask a staff member to intervene or tell them why you disagree with the assessment.

3.6. You can ask for your Personal Data to be transferred to a third party

You are entitled to ask for Personal Data that you have provided Enervalis to be transferred back to you or to a third party. We note that the Data Protection Laws do lay down a number of restrictions on the exercise of this right, so that this is not applicable to all Personal Data.

3.7. You may exercise your rights

Be as specific as possible any time you wish to exercise your rights. Enervalis will need to verify your identity in as much detail as possible, in case someone else tries to exercise your rights. You may therefore be asked to provide ID when making such a request.

If you do not wish to receive newsletters or information about our products or services, you can at any moment and without motivation object to the processing of your Personal Data for these purposes (“unsubscribe”). You can do this by sending us an e-mail or by contacting us at the address mentioned below. You can also do this by clicking on the unsubscribe link in our advertising e-mails.

If you want more information on your rights, you can always contact us or take a look at the website of the Belgian Data Protection Authority (<https://www.privacycommission.be/en>). You can also lodge complaints there.

To exercise these rights, we ask you to send a clear request, to the address mentioned below, that states clearly what it is you want to know, rectify or erase. This request needs to be signed and dated and contain a copy of the front side of your identity card. Enervalis will execute your request as soon as possible and send you a message on this matter.

4. COOKIES

4.1. What are cookies?

Cookies are small files that are saved on your computer when you visit web pages. They contain information linked to a web browser and the specific website. They are saved in a specific folder on your

hard drive. If you return to a specific website, this page can recognize the visitor by means of the cookie and further elaborate the history.

Cookies are used to increase visitor-friendliness: by identifying visitors with a cookie, they do not always have to enter the same data such as login information or screen settings every time you visit the website.

4.2. Which kind of cookies exist?

Often a distinction is made between two large groups of cookies:

- **First party cookies:** these cookies are created by a website to have the web page function better. They regulate the technical part of a site, such as language choice or remembering the products in the shopping basket in an online store. The visited website creates and places first party cookies.
- **Third party cookies:** these cookies are created and placed on your computer by another (third) party than the website you visit. They remember the behavior of a surfer. Examples are social media such as Facebook or Twitter, but Google Analytics as well. This is the system used most to measure website visits.

Cookies required for the correct functioning of the site do not require permission. All other cookies do.

4.3. Which cookies do we use?

We will only use first party cookies to help improve your user experience on the Site. We do this by recording specific information about the user such as the language chosen, the pages visited and the duration of the visits.

The Site also uses third party cookies such as cookies from Google Analytics.

Google Analytics is a free service by Google to collect statistics of websites and to represent them in detail. The website administrator thus has a clear view on visitor flows, traffic flows and page displays. This way it is possible to adapt parts of a website or complete websites to the behavior and interests of the visitors.

We will only use other third party cookies (such as targeting cookies by Facebook), after receiving your consent (through an opt-in or through the consent given in your web browser).

4.4. How to manage cookies?

You can do so by adapting your browser settings. You can choose to block cookies or to accept only cookies from specific websites.

Below, you will find an overview of the possibilities the browsers offer to manage cookies.

- Google Chrome: Open your browser. Click the Chrome menu and choose settings. Click display advanced settings and then the button Settings for content in the 'Privacy' section. In the 'Cookies' section you can edit your cookies settings and remove cookies.
- Internet Explorer: Open your browser. Click Tools and then Internet options. Click the 'Privacy' section and choose the level you want with the slide control. You can also change this manually by clicking Advanced. A distinction is made between permanent direct cookies (first party cookies), permanent indirect cookies (third party cookies) and temporary cookies (session cookies). You can remove cookies by means of the main screen of internet options.
- Mozilla Firefox: Open your browser. Select Privacy. Set Firefox to Use adapted settings for history. To switch cookies on, put a checkmark with Accept cookies of websites. To switch off cookies, remove this checkmark. Firefox also gives you the possibility to switch off cookies of third parties (third party cookies). Furthermore you can set for how long cookies can be kept. Click Show cookies and you can remove one or several cookies.
- Safari: Open your browser. In Safari, cookie administration is limited to one screen. In tab sheet Preferences click Privacy. You then have three possibilities to accept cookies. Via Show Cookies you can also remove cookies.
- Opera: Open your browser. Click the Extra menu and then Preferences. Via Advanced and Cookies you can set your cookies settings. You also have the possibility to have new cookies removed automatically when you close each Internet session. Moreover, you can decide about each cookie that is sent to your computer. You do this by clicking Ask me before accepting cookies. Each time a site wants to save a cookie, a dialog box is displayed.

5. SECURITY MEASURES

Enervalis has taken all reasonable and appropriate technical and organizational measures to ensure that your Personal Data is processed securely.

If you have any questions on these security measures, feel free to contact us at the address mentioned below.

5.1. Not everyone gets to see your Personal Data

Within Enervalis, only those with appropriate authorisation can access Personal Data, and then only if it's relevant for performing their duties.

In principle, your Personal Data will only be processed and consulted by certain departments that:

- you now have, previously have had or would in future like to have a contractual relationship or contact with;

- require to be involved in the provision or aftercare of services;
- fulfil legal requirements or requirements imposed by regulators or stemming from corporate governance principles;
- are tasked with preventing fraud by employees and clients.

Persons who are authorised to consult your Personal Data are moreover bound by a strict professional duty of confidentiality and must

5.2. Your Personal Data is processed at a limited number of locations

At no moment in time we will sell or rent out your Personal Data to third parties. Occasionally we may use an external processor. If we do this, we will always ensure that your information is handled confidentially and in a safe manner. We also always draw up a data processing agreement with these processors. This way the processor will never be allowed to use your Personal Data on their own initiative and your Personal Data has to be erased as soon as the processor has finished the assignment.

5.3. Enervalis takes specific measures to protect your Personal Data

Enervalis ensures that strict rules are followed and that the processors concerned:

- only have the Personal Data they need in order to perform their tasks;
- have given Enervalis a commitment that they will process this data securely and confidentially and only use it for carrying out the instructions given to them.

Enervalis will not be liable if these processors (according to law) disclose clients' Personal Data to local authorities or if incidents occur at those processors despite the measures they have taken.

Enervalis ensures that the European data protection standards for Personal Data are applied worldwide within Enervalis. Enervalis ensures that they take appropriate measures to protect the data of legal persons.

Enervalis takes internal technical and organizational measures to prevent Personal Data finding its way into the hands of, or being processed by, unauthorized parties or being accidentally altered or deleted.

Strict security measures are in place to protect premises, servers, the network, data transfers and the data itself, and extra checks are also carried out by a specialist department in this regard.

Together with you, we need to be aware that information shared by e-mail can sometimes be intercepted and, where possible, we must aim to use a different means of communication or to limit the amount of information sent.

The Site and apps may contain links to websites or information of third parties. Enervalis does not check such websites or information. Parties offering these websites or this information may have their own privacy policies in place, which we advise you to read. Enervalis is not responsible for the content of those websites, their use or their privacy policy.

Enervalis sometimes facilitates the publication of (Personal) Data via social media such as Twitter and Facebook. Bear in mind that these channels have their own terms of use, with which you must comply. Publishing information on social media may have (undesirable) consequences, including for your privacy or that of persons about whom you share information. You may not be able to delete such published information quickly. You should therefore assess the consequences yourself, because it is you who decide to disclose information on such media. Enervalis does not accept any responsibility in that regard.

5.4. Enervalis does not keep your data for ever

Enervalis uses your Personal Data where Enervalis has a clear aim in mind. Once that aim no longer exists, we delete the Personal Data.

The starting point for storing your Personal Data is the statutory retention period (which is often ten years after the end of a contract or execution of a transaction). The period can be longer where needed for the exercise of our rights. If no retention period is stipulated by law, it can be shorter.

For some applications, a more extended time horizon may be necessary, such as for carrying out surveys and risk and marketing models. Some insights only get clearer once they are viewed over a longer time span. This can result in the retention period being extended by ten years on top of the standard periods. Enervalis will in all cases rupture the connections to individuals as quickly as possible and work only with aggregated or anonymised data .

Personal Data on potential client prospects is used by Enervalis for five years unless, in the meantime, there has been contact with the prospect. In that case, a new five-year period starts. Prospects can always ask for their Personal Data to be removed.

6. CONTACT INFORMATION

For all your questions regarding this Policy, you should contact us at the e-mail address: info@enervalis.com. If you have any complaints regarding the processing of your Personal Data, you should first address this complaint to the following address by registered mail:

Enervalis NV
Telephone: +32 11 39 75 79
Centrum-Zuid 1111
3530 Houthalen-Helchteren

Afterwards, you can contact your Data Protection Authority. In Belgium, this is the Belgian Data Protection Authority (<https://www.privacycommission.be/nl>):

Drukpersstraat 35
1000 Brussel

commission(at)privacycommission.be
+32 (0)2 274 48 00

With kind regards