

DATA PRIVACY & PROTECTION POLICY

POLICY

This Data Privacy & Protection Policy applies to ELMO Software Limited's Cloud HR & Payroll applications and platform (collectively, the "Services"), elmosoftware.com.au and other ELMO websites (collectively, the "Websites") and other interactions (e.g., customer service inquiries, user conferences, etc.) you may have with ELMO Software Limited and its subsidiaries.

This Data Privacy & Protection Policy does not apply to any third party applications or software that integrate with the Services through the ELMO Software Limited platform ("Third Party Services"), or any other third party products, services or businesses. In addition, a separate agreement governs delivery, access and use of the Services (the "Software as a Service Agreement"), including the processing of any messages, files or other content submitted through Services accounts (collectively, "Customer Data").

The organisation (e.g., your employer or another entity or person) that entered into the Software as a Service Agreement ("Customer") controls their instance of the Services and any associated Customer Data. If you have any questions about specific settings and privacy practices, please contact the Customer who has provided you with access to the ELMO

INFORMATION WE COLLECT AND RECEIVE

ELMO Software may collect and receive Customer Data and other information and data ("Other Information") in a variety of ways:

- **Customer Data.** Customers or individuals granted access to ELMO Cloud HR and Payroll software services ("Services") by a Customer ("Authorised User") routinely submit Customer Data to ELMO Software Limited when using the Services.
- **Other Information.** ELMO Software Limited also collects, generates and/or receives Other Information:
 - I. Usage Information.
 - *Services Metadata.* When an Authorised User interacts with the Services, metadata is generated that provides additional context about the way Authorised Users work. For example, ELMO Software logs the features, content and links you interact with, and activity logs for all actions (e.g. assignment, modification, edit, copy, delete) taken by Authorised users when interacting with the Services
 - *Log data.* As with most websites and technology services delivered over the Internet, our servers automatically collect information when you access or use our Websites or Services and record it in log files. This log data may include the Internet Protocol (IP) address, the address of the web page visited before using the Website or Services, browser type and settings, the date and time the Services were used, information about browser configuration and plugins, language preferences and cookie data.
 - *Device information.* ELMO Software Limited collects information about devices accessing the Services, including type of device, what operating system is used, device settings, application IDs, unique device identifiers and crash data. Whether we collect some or all of this Other Information often depends on the type of device used and its settings.
 - *Location information.* We receive information from you, your Customer and other third-parties that helps us approximate your location. We may, for example, use a business address submitted by your employer, or an IP address received from your browser or device to determine approximate location.
 - II. Cookie Information. ELMO Software Limited uses cookies and similar technologies in our Websites and Services that help us collect Other Information. The Websites and Services may also include cookies and similar tracking technologies of third parties, which may collect Other Information about you via the Websites and Services and across other websites and online services.
 - III. Third Party Data. ELMO Software Limited may receive data about organisations, industries, Website visitors, marketing campaigns and other matters related to our business from parent corporation(s), affiliates and subsidiaries, our partners or others that we use to make our own information better or more useful. This data may be combined with Other Information we collect and might include aggregate level data, such as which IP addresses correspond to zip codes or countries. Or it might be more specific: for example, how well an online marketing or email campaign performed.

- IV. Additional Information Provided to ELMO Software Limited. We receive Other Information when submitted to our Websites or if you participate in a focus group, contest, activity or event, apply for a job, request support, interact with our social media accounts or otherwise communicate with ELMO Software Limited.

Generally, no one is under a statutory or contractual obligation to provide any Customer Data or Other Information (collectively, "Information"). However, certain Information is collected automatically and, if some Information, such as basic user profile level information (e.g. name, email address), is not provided, we may be unable to provide the Services.

HOW WE USE INFORMATION

Customer Data will be used by ELMO Software Limited in accordance with Customer's instructions, including any applicable terms in the Software as a Service Agreement and Customer's use of Services functionality, and as required by applicable law. ELMO Software Limited is a processor of Customer Data and Customer is the controller. Customer may, for example, use the Services to grant and remove access to the application, assign roles and configure settings, access, modify, export, share and remove Customer Data and otherwise apply its policies to the Services.

ELMO Software Limited uses Other Information in furtherance of our legitimate interests in operating our Services, Websites and business. More specifically, ELMO Software Limited uses Other Information:

- **To provide, update, maintain and protect our Services, Websites and business.** This includes use of Other Information to support delivery of the Services under a Software as a Service Agreement, prevent or address service errors, security or technical issues, analyse and monitor usage, trends and other activities or at an Authorised User's request.
- **As required by applicable law, legal process or regulation.**
- **To communicate with you by responding to your requests, comments and questions.** If you contact us, we may use your Other Information to respond.
- **To develop and provide additional features and improvements to functionality.** ELMO Software Limited tries to make the Services as useful as possible for our Customers and their Authorised Users. For example, we may improve search functionality by using Other Information to help determine and rank the relevance of content, channels or expertise to an Authorised User, make Services suggestions based on historical use and predictive models, identify organisational trends and insights, to customise a Services experience or create new features or improvements or develop new products.
- **To send emails and other communications.** We may send you service, technical and other administrative emails, messages and other types of communications. We may also contact you to inform you about changes in our Services, our Services offerings, and important Services-related notices, such as security and fraud notices. These communications are considered part of the Services and you may not opt out of them. In addition, we sometimes send emails about new product features, promotional communications or other news about ELMO Software Limited. These are marketing messages so you can control whether you receive them.
- **For billing, account management and other administrative matters.** ELMO Software Limited may need to contact you for invoicing, account management and similar reasons and we use account data to administer accounts and keep track of billing and payments.
- **To investigate and help prevent security issues and abuse.**

If Information is aggregated or de-identified so it is no longer reasonably associated with an identified or identifiable natural person, ELMO Software Limited may use it for any business purpose. To the extent Information is associated with an identified or identifiable natural person and is protected as personal data under applicable data protection law, it is referred to in this Data Privacy & Protection Policy as "Personal Data."

DATA RETENTION

ELMO Software Limited will retain Customer Data in accordance with a Customer's instructions, including any applicable terms in the Software as a Service Agreement and Customer's use of Services functionality, and as required by applicable law. ELMO Software Limited may retain Other Information pertaining to you for as long as necessary for the purposes described in this Data & Protection Privacy Policy. This may include keeping your Other Information after you have deactivated your account for the period of time needed for ELMO Software Limited to pursue legitimate business interests, conduct audits, comply with (and demonstrate compliance with) legal obligations, resolve disputes and enforce our agreements.

HOW WE SHARE AND DISCLOSE INFORMATION

This section describes how ELMO Software Limited may share and disclose Information. Customers determine their own policies and practices for the sharing and disclosure of Information, and ELMO Software Limited does not control how they or any other third parties choose to share or disclose Information.

- **Customer's Instructions.** ELMO Software Limited will solely share and disclose Customer Data in accordance with a Customer's instructions, including any applicable terms in the Software as a Service Agreement and Customer's use of Services functionality, and in compliance with applicable law and legal process.
- **Customer Access.** Owners, administrators, Authorised Users and other Customer representatives and personnel may be able to access, modify or restrict access to Other Information. This may include, for example, an Authorised User's email address which could be made visible to other Authorised Users within the Customer, or restricted to specific roles (e.g. manager or company admin) or security profiles.
- **Third Party Service Providers and Partners.** We may engage third party companies or individuals as service providers or business partners to process Other Information and support our business. These third parties may, for example, provide virtual computing and storage services. Additional information about the subprocessors we use to support delivery of our Services is set forth within the section "Subprocessors".
- **During a Change to ELMO Software Limited's Business.** If ELMO Software Limited engages in a merger, acquisition, bankruptcy, dissolution, reorganisation, sale of some or all of ELMO Software Limited's assets or stock, financing, public offering of securities, acquisition of all or a portion of our business, a similar transaction or proceeding, or steps in contemplation of such activities (e.g. due diligence), some or all Other Information may be shared or transferred, subject to standard confidentiality arrangements.
- **Aggregated or De-identified Data.** We may disclose or use aggregated or de-identified Other Information for any purpose. For example, we may share aggregated or de-identified Other Information with prospects or partners for business or research purposes, or as part of new product offerings or features provided to Customers which provide anonymised benchmark metrics for comparative performance between Customers.
- **To Comply with Laws.** If we receive a request for information, we may disclose Other Information if we reasonably believe disclosure is in accordance with or required by any applicable law, regulation or legal process. This may include the *Notifiable Data Breaches (NDB)* scheme contained within the Australian *Privacy Act*, and data breach notification provisions contained within the European Economic Area *General Data Protection Regulation (GDPR)*. For example, where Personal or Sensitive Information is lost or subject to unauthorised access or disclosure and will likely result in serious harm to an individual / risk to the rights and freedoms of natural persons, ELMO Software Limited will take appropriate response action in accordance with applicable law.
- **To enforce our rights, prevent fraud, and for safety.** To protect and defend the rights, property or safety of ELMO Software Limited or third parties, including enforcing contracts or policies, or in connection with investigating and preventing fraud or security issues.
- **With Consent.** ELMO Software Limited may share Other Information with third parties when we have consent to do so.

SECURITY

ELMO Software Limited takes security of data very seriously. We take all reasonable steps to ensure that all Customer Data and Other Information is secure and protected from misuse, loss and unauthorised access and modification. To learn more about current practices and policies regarding security and confidentiality of the Services, please refer to your Software as a Service Agreement, contact your ELMO Software Limited Account Manager or contact us at contactus@elmosoftware.com

CHANGES TO THIS POLICY

ELMO Software Limited may change this Policy from time to time. Laws, regulations and industry standards evolve, which may make those changes necessary, or we may make changes to our business. We will post the changes to this policy on the ELMO Software Limited website and encourage you to review our Data Privacy & Protection Policy to stay informed. If we make changes that materially alter your privacy rights, ELMO Software Limited will provide additional notice, such as via email or through the Services. If you disagree with the changes to this Data Privacy & Protection Policy, Customers may speak with their ELMO Software Limited Account Manager or contact us at contactus@elmosoftware.com

DATA PROTECTION OFFICER

To communicate with our Data Protection Officer, please email dpo@elmosoftware.com

YOUR RIGHTS

Individuals located in certain countries, including the European Economic Area, have certain statutory rights in relation to their personal data. Subject to any exemptions provided by law, you may have the right to request access to Information, as well as to seek to update, delete or correct this Information. You can usually do this using the settings and tools provided in your Authorised User account.

Customers determine their own policies to control the level of access Authorised Users have to directly update or correct information contained within ELMO Cloud HR & Payroll application. In circumstances where Authorised Users do not have permissions to make updates or corrections directly, they may contact the Customer to request the update, correction or removal of Personal Data under their control. ELMO Software Limited personnel have limited ability to access Customer Data. If you wish to make your request directly to ELMO, please provide the name of the ELMO Software Limited Customer who submitted your data on our solution. We will refer your request to that Customer, and will support them as needed in responding to your request within a reasonable timeframe.

To the extent that ELMO Software Limited's processing of your Personal Data is subject to the General Data Protection Regulation, ELMO Software Limited's relies on its legitimate interests, described above, to process your data. ELMO Software Limited's may also process Other Information that constitutes your Personal Data for direct marketing purposes and you have a right to object to ELMO Software Limited's use of your Personal Data for this purpose at any time.

SUBPROCESSORS

ELMO Software Limited requires its Subprocessors to satisfy equivalent obligations as those required from ELMO Software Limited as a Processor.

Infrastructure Subprocessors – Service Data Storage

ELMO Software Limited production systems for the Services are currently located in co-location facilities in the Australia, Singapore and Germany. Customers are established in one of these regions based on agreement with the Customer; and Customer Data subsequently remains in that region unless agreed between the Customer and ELMO, but may be shifted among data centres within a region to ensure performance and availability of the Services. The following table describes the countries and legal entities engaged in the storage of Customer Data by ELMO Software Limited.

Entity Name	Entity Type	Entity Country
Amazon Web Services, Inc.	Cloud Service Provider	Australia
Amazon Web Services, Inc	Cloud Service Provider	Germany
Amazon Web Services, Inc	Cloud Service Provider	Singapore
Microsoft Azure	Cloud Service Provider	Australia

Other Subprocessors

ELMO Software Limited may use the following Subprocessors to perform other Service functions:

Entity Name	Entity Type	Entity Country
Zendesk, Inc	Cloud-based Customer Support Services	United States
Amazon Web Services, Inc	Cloud-based Email Notification Services	United States
Mandril (Mailchimp, Inc)	Cloud-based Email Notification Services	Australia
Twilio, Inc	Cloud-based Email SMS Notification Services	Australia
Salesforce, Inc	Cloud-based Customer Relationship Management Services	Australia
Quick Base	Cloud-based Project Management Services	United States