

# **Battery Management System (BMS) Portal & Mobile Applications (App)**

## **Privacy Policy Notice**

### **Installation of the App or use of BMS portal**

Under data protection laws, such as the General Data Protection Regulation (EU) 2016/679 (**GDPR**), we are required to provide you with certain information about who we are, how we process your personal data and for what purposes, and your rights in relation to your personal data.

Before installation of the App or use of the BMS portal, please review this policy regarding our processing of your personal data (including your name, contact details, financial and device information).

### **How you can exercise your rights**

EnerSys, and our global affiliates, (**we**) are committed to protecting your personal data and respecting your privacy. You may exercise any of your data privacy rights at any time by contacting us [privacy@enersys.com](mailto:privacy@enersys.com).

### **Introduction**

This policy and any additional terms of use incorporated by reference, applies to your use of:

- **E Connect** mobile application software (**App**) available for download on mobile operating system platform sites (**App Site**), once you have downloaded or streamed a copy of the App onto your mobile telephone or handheld device (**Device**).
- **Xinx Efficiency Management Portal** is an online portal (**Portal**) which reads Wi-iQ® battery monitoring device data, enables analysis through the Xinx portal, which highlights battery performance.
- Any of the services accessible through the App or Portal (**Services**) that are available on the App, Portal or other sites of ours (**Services Sites**). This policy sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. The Services are not intended for children and we do not knowingly collect data relating to children. Please read the following carefully to understand our practices regarding your personal data and how we will treat it.

### **Important information and who we are**

EnerSys is made up of different legal entities, details of which can be found via our website at [www.enersys.com](http://www.enersys.com). When we mention "EnerSys", we are referring to the relevant company in the EnerSys Group responsible for processing your data which will be clear to you when you use our Services Sites. EnerSys is the controller responsible for the Services Sites.

### **Contact details**

Our full details are:

- Full name of legal entity: EH Europe GmbH (EnerSys)
- Email address: [privacy@enersys.com](mailto:privacy@enersys.com)
- Postal address: Baarerstrasse 18, 6300 Zug, Switzerland
- Telephone number: +41 44 215 74 10

You have the right to make a complaint at any time to the supervisory authority for data protection issues or other competent supervisory authority of an EU member state if the App is downloaded and used in the European Economic Area (**EEA**).

### **Changes to the privacy policy and your duty to inform us of changes**

We keep our privacy policy under regular review. This version was last updated on November 5, 2020. It may change and if it does, these changes will be posted on Services Sites. The new policy may be displayed on-screen and you may be required to read and accept the changes to continue your use of the App, Portal, or the Services.

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during our relationship with you.

### **Third party links**

Our sites may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. Please note that these websites and any services that may be accessible through them have their own privacy policies and that we do not accept any responsibility or liability for these policies or for any personal data that may be collected through these websites or services, such as Contact and Location Data. Please check these policies before you submit any personal data to these websites or use these services.

## The data we collect about you

We may collect, use, store and transfer different kinds of personal data about you as follows:

- Identity Data
- Contact Data
- Financial Data
- Transaction Data
- Device Data
- Content Data
- Profile Data
- Usage Data
- Marketing and Communications Data
- Location Data

We also collect, use and share Aggregated Data such as statistical or demographic data for any purpose. Aggregated Data could be derived from your personal data but is not considered personal data in law as this data will not directly or indirectly reveal your identity. If we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data, which will be used in accordance with this policy.

We do **not** collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

## How is your personal data collected?

We will collect and process the following data about you:

- **Information you give us.** This is information (including Identity, Contact, Financial, and Marketing and Communications Data) you consent to giving us about you by filling in forms on the App Site and the Services Sites (together **Our Sites**), or by corresponding with us (for example, by email or chat). It includes information you provide when you register to use Our Sites, download or register an App, subscribe to any of our Services, search for an App or Service, make a purchase, share data via social media functions, or enter a competition, promotion or survey, and when you report a problem with Our Sites, or our Services. If you contact us, we will keep a record of that correspondence.
- **Information we collect about you and your device.** Each time you visit one of Our Sites or use one of our Apps we will automatically collect personal data including Device, Content and Usage Data. We collect this data using cookies and other similar technologies.
- **Location Data.** We may also use GPS technology to determine your current location. Some of our location-enabled Services require your personal data for the feature to work. If you wish to use the particular feature, you will be asked to consent to your data being used for this purpose. You can withdraw your consent at any time by disabling Location Data in your settings.
- **Information we receive from other sources including third parties and publicly available sources.** We will receive personal data about you from various third parties and public sources as set out below:
  - Device Data from the following parties:
    - analytics providers such as Google based outside the EU;
    - advertising networks; and
    - search information providers.

## Cookies

We use cookies and/or other tracking technologies to distinguish you from other users of the App, Portal, the distribution platform (appstore) or Services Sites and to remember your preferences. This helps us to provide you with a good experience when you use any of Our Sites and also allows us to improve the App and Our Sites.

## How we use your personal data

We will only use your personal data when the law allows us to do so. Most commonly we will use your personal data in the following circumstances:

- Where you have consented before the processing.
- Where we need to perform a contract we are about to enter or have entered with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

We will only send you direct marketing communications by email or text if we have your consent. You have the right to withdraw that consent at any time by contacting us. We will get your express opt-in consent before we share your personal data with any third party for marketing purposes.

### Purposes for which we will use your personal data

Purpose/activity	Type of data	Lawful basis for processing
To install the App and register you as a new App, Portal or Services Sites user	Identity Contact Device	Your consent
To process purchases and deliver Services including managing payments and collecting money owed to us	Identity Contact Financial Transaction Device Marketing & Communications Location	Your consent Performance of a contract with you Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you including notifying you of changes to the App or any Service Sites	Identity Contact Financial Profile Marketing & Communications	Performance of a contract with you Necessary for our legitimate interests (to keep records updated and to analyse how customers use our products/ Services) Necessary to comply with legal obligations (to inform you of any changes to our terms and conditions)
To enable you to participate in a prize draw, competition or complete a survey	Identity Contact Device Profile Marketing & Communications	Your consent Performance of a contract with you Necessary for our legitimate interests (to analyse how customers use our products/Services and to develop them and grow our business)
To administer and protect our business including troubleshooting, data analysis and system testing	Identity Contact Device	Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security)
To deliver content and advertisements to you To make recommendations to you about goods or services which may interest you To measure and analyse the effectiveness of the advertising we serve you To monitor trends to improve Our Sites	Identity Contact Device Content Profile Usage Marketing & Communications Location	Consent Necessary for our legitimate interests (to develop our products/Services and grow our business)

### Data transfers

We ensure your personal data is protected by requiring all our group companies to follow the same rules when processing your personal data. Many of our external third parties are based outside the EEA so their processing of your personal data will involve a transfer of data outside the EEA.

Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## Data security

All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password that enables you to access certain parts of Our Sites, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Once we have received your information, we will use strict procedures and security features to try to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way.

We will collect and store personal data on your Device using application data caches and browser web storage (including HTML5) and other technology. Certain Services include chat room or forum features. Ensure when using these features that you do not submit any personal data that you do not want to be seen, collected or used by other users.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator when we are legally required to do so.

## Data retention

We retain Personal Data only for so long as we require it to perform our obligations. If the contract is terminated or expires, or the App, Portal or Services are no longer required, we will delete your Personal Data from our systems. In some circumstances we will anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## Your legal rights

Under certain circumstances, you have the following rights under data protection laws in relation to your personal data. You also have the right to ask us not to continue to process your personal data for marketing purposes. You can exercise any of these rights at any time by contacting us at [privacy@enersys.com](mailto:privacy@enersys.com).

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons, which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information that override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios:
  - (a) if you want us to establish the data's accuracy;
  - (b) where our use of the data is unlawful but you do not want us to erase it;
  - (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
  - (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.