

## **Soft Elements Disclaimer and Privacy Statement**

### **Scope**

This disclaimer and this privacy statement apply to (the use of) all external (advertising) expressions of Soft Elements B.V. ("Soft Elements"), including the statements on Soft Elements' operated websites, applications and software, and emails, electronic newsletters and other communications sent by Soft Elements.

### **DISCLAIMER**

Soft Elements publishes on all of its publicly accessible website(s), and/or its other website(s) accessible after legitimate registration, informative texts, images, videos and other expressions. All Soft Elements' expressions have been carefully created. Soft Elements cannot however, guarantee the correctness and completeness of these expressions. Soft Elements does not guarantee error-free or uninterrupted access to its website(s) or the products or services offered by it electronically. Soft Elements accepts no responsibility for the statements or the correctness and completeness thereof. The visitor cannot derive rights from Soft Elements' website(s) or other expressions of Soft Elements. References to external websites and resources that are not maintained by Soft Elements to the visitor are only included for informative purposes. Soft Elements cannot vouch for the content and functioning of external sources referenced, nor the quality of any products and/or services offered. All rights, including all intellectual property rights in all substantive information and images on this website are held and reserved by Soft Elements or its licensors, unless explicitly mentioned otherwise. Using this information and these images is not permitted without Soft Elements' prior written consent. Soft Elements reserves the right to modify the content of its website(s), or to delete component(s) from its website(s), at any time without further notice.

### **PRIVACY STATEMENT**

#### **General**

Soft Elements may process privacy sensitive information or personal information (personal data) through its website(s), (mobile) (web) application(s), software, technical support, consultation, live chat, product information, etc., through the process of maintaining and upgrading Soft Elements' products, through automated means such as communications protocols, e-mail communications, cookies, social connectors, Soft Elements-affiliated social networking areas, Soft Elements ads placed on third party sites, product registration, call centers, trade shows, training seminars, conferences and other expressions. Soft Elements values the privacy of its customers to great extent and therefore takes the utmost care in the handling and protection, of personal data. Soft Elements is the responsible party for how this data will be used. In this Privacy Statement, Soft Elements explains which data Soft Elements collects and for what purposes it will be used. In addition to individuals, companies can also make use of Soft Elements' website(s) and (web)application(s). However, the Dutch Data Protection Act does not apply to corporate data. This Privacy Statement therefore primarily focusses on individuals.

#### **Processing of personal data**

Personal data is data which can be used to identify you. Soft Elements makes a distinction between (1) personal information you actively provide to Soft Elements, and (2) personal information which is automatically passed on to Soft Elements for technical reasons. Personal information you actively provide to Soft Elements, can for instance be: your name, contact preferences and other information you provide to Soft Elements (e.g. during a registration process or during contact with an employee of Soft Elements).

Also, by visiting Soft Elements' website(s) and the use of Soft Elements' (web) applications, software or other expressions, some technical data will automatically be sent by your equipment to Soft Elements' computers, such as the IP address used by you, the operating system, the used Internet browser and (in some cases) the last web page you visited.

#### **Processing purpose**

Any personal data processed by Soft Elements will only be used for the following purposes:

- for the providing of the services offered on Soft Elements' website(s), (web) application(s), software and other expressions,
- to communicate with you,
- to inform you of new products and/or offers of Soft Elements,
- analyzing and improving Soft Elements' service (including the measurement and analysis of statistical data about your use),
- to conduct market research on behalf of Soft Elements,

- any other processing of your personal data will only be done if you have given Soft Elements your unambiguous consent. Such consent may appear from the mere fact that you ask a question by email or in another digital way.

#### **Newsletter**

Soft Elements' newsletter(s) are sent to the subscriber(s) of one or more of Soft Elements' newsletter(s). The subscriptions consist of two groups: (1) persons who have registered on Soft Elements' website(s), or through a third party service, and (2) existing customers of Soft Elements. Registration through our website(s) takes place by means of a double opt-in process. You will only be listed as a subscriber if you follow the instructions you will receive by email after the registration process. This ensures that only those who will receive our registration email can subscribe to our newsletter. It is also possible that existing customers will be added to the subscription base at the request of an employee of Soft Elements. This only happens if such customers have given explicit consent for this fact. Every newsletter provides a means to unsubscribe from the newsletter, for example by providing a hyperlink at the bottom to an unsubscribe page.

#### **Cookies**

Soft Elements' website(s) and (web) application(s) sometimes use cookies (small data files -placed on your computer) or other technologies. These technologies, among other things, allow Soft Elements to provide you the correct operation of the website / web application, as well as to measure the effectiveness of its services and to give Soft Elements more insight into user behavior, showing which parts of our website(s) have been visited. With most browsers, you can manage your cookie settings through the browser settings. You can decide whether to accept or decline cookies. Some cookies are also used for the purpose of allowing you to login to the website(s).

#### **Google Analytics**

Our website(s) might use(s) Google Analytics, a web analytics service provided by Google Inc. ("Google"). Google Analytics uses cookies, or other technologies, to help the website analyze how users use the site. The information generated by the cookie about your use of the website (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google uses this information to track how you use the website, compile reports on website activity for website operators and provide other services relating to website activity and internet usage. Google may also transfer this information to third parties if Google is legally required to do so, or in case such third parties process the information on Google's behalf. Google will not combine your IP address with other data held by Google. You may refuse the use of cookies by selecting the appropriate settings on your browser. However, we point out that in this case you may not be able to use all features of our website(s) and (web) application (s), such as the ability to login. If you do not want your website visits to be measured by Google Analytics, you can download a simple tool through which Analytics is blocked (<https://tools.google.com/dlpage/gaoptout?hl=en>). By using our website(s) and or (web) application(s), you consent to the processing of data by Google in the manner and for the purposes set out above.

#### **Web Beacons**

Some of our web pages and HTML-formatted e-mail might use web beacons, or other technologies, in conjunction with cookies to compile aggregate statistics about website usage. A web beacon is an electronic image, called a single-pixel (1x1) or clear GIF. Web beacons can recognize certain types of information on a visitor's computer, such as a visitor's cookie identifier, time and date of a page view and a description of the page where the web beacon is placed. You may render some web beacons unusable by rejecting their associated cookies.

#### **Rights**

All website(s), text, images, videos and other manifestations are owned and operated by Soft Elements. Soft Elements respects your privacy and ensures that the personal information that you may provide to us is treated confidentially.

#### **Modifications**

Soft Elements reserves the right to modify this Privacy Statement at any time. Any changes will be announced on our website(s). Soft Elements can process your personal data for new purposes that are not mentioned in this Privacy Statement. In that case, we will notify you on our website(s) about the changes in the Privacy Statement before using your data for these new purposes. If you do not want Soft Elements to use your data, you always have the possibility to opt out by sending us an email.

#### **Acceptance**

By using Soft Elements' website(s), (web) application(s) or other expressions you signify your assent to this Privacy Statement.

With respect to any dispute arising from this privacy statement, Dutch law, in the Dutch language, shall be applicable. The district court of Middelburg, The Netherlands, shall be the single competent court, unless another court has jurisdiction.

#### Contact

If you have questions or concerns about the disclaimer or our privacy statement, or if you wish to access, alter or delete your personal data, you can always contact us via [info@softelements.nl](mailto:info@softelements.nl). You may also contact us via postal mail at the following address:

#### Soft Elements

Stanleystraat 3  
4562AT Hulst  
The Netherlands  
ATTN: Legal Division / Privacy Officer

#### ~~Phusion Disclaimer and Privacy Statement~~

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Also, by visiting Phusion's website(s) and the use of Phusion's (web) applications, software or other expressions, some technical data will automatically be sent by your equipment to Phusion's computers, such as the IP address used by you, the operating system, the used Internet browser and (in some cases) the last web page you visited.

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~~Phusion B.V.~~

~~Mooienhof 10-83~~

~~7512 EB ENSCHEDE~~

~~The Netherlands~~

~~ATTN: Legal Division / Privacy Officer~~