

# ENVIRONMENTAL SYSTEMS DESIGN PRIVACY POLICY

Last Updated: May 29, 2020; Re-Reviewed: July 14, 2020

Your privacy is important to Environmental Systems Design, Inc. ("**ESD**", "**we**" or "**us**"). We developed this Privacy Policy to describe how we collect, use, disclose, and otherwise process your Personal Information. If you have any questions or comments regarding this Privacy Policy, please contact us at [privacy@esdglobal.com](mailto:privacy@esdglobal.com).

## 1. What is Personal Information?

"**Personal Information**" is information that, either alone or in combination with other information, identifies you. When we combine other information (i.e., information that does not, on its own, identify you) with your Personal Information, we treat the combined information as Personal Information.

## 2. Application of this Privacy Policy to the ESD Site and Services

This Privacy Policy describes how ESD processes Personal Information that it collects when:

- You use ESD-operated websites that link to this Privacy Policy, including esdglobal.com (collectively, the "**Site**"); and
- We receive Personal Information when you use ESD services as published on the Site (collectively, the "**Services**").

Throughout this Privacy Policy, we describe how our data processing and privacy practices vary between our Site and the Services.

## 3. How We Collect and Use Personal Information

### A. Personal Information Collected via the Site

If you are a user of our Service (a "**Customer**") or otherwise visit our Site, we collect the following type of information through your use of the Site:

- **Contact and Account Information:** We collect Personal Information that you provide when you contact us for inquiries relating to the Services or retain us for the Services, such as your name, e-mail address, phone number, and payment information. We process this Personal Information only as necessary to provide the Services to you or for our legitimate interests in providing the Services that meet your needs and expectations. For example, we use this information to contact you, bill you for your use of the Services; respond to your inquiries regarding the Services; and for other purposes related to the reasons for which you provide your Personal Information.

We may use your email address to contact you from time to time in furtherance of our legitimate interests in providing you with information regarding the Services, such as updates on new features. If we send marketing emails, we will strive to comply with applicable laws.

- **IP Address and Header Information:** We automatically collect certain information when you visit our Site, such as IP address (in an anonymized manner) and information such as browser type, operating system, language, screen resolution, referring URL, etc. provided to our web server by your browser (“*Header Information*”). We have a legitimate interest in using such information for systems administration purposes, information security and abuse prevention, and to track user trends.
- **Traffic Data:** We use analytics tools such as Google Analytics to generate useful insights about our Site’s visitors’ use of the Site. We use the analytics data to further our legitimate interest in analyzing the effectiveness of our Site, so we can improve our Site’s look, function, and content.

#### 4. How We Use Cookies and Similar Technology

To help operate the Site, enhance your experience, and collect information about online activity, we place small data files on your device known as “cookies,” or we use similar technologies (e.g., pixel tags, web beacons, local shared objects). Cookies and similar technologies enable us to personalize the Site, and help make our Site load faster (through “load balancing” technology).

Most browsers provide you with the ability to block, delete or disable these technologies. If you choose to reject cookies or similar technologies, some features of our Site may not be available or some functionality may be limited or unavailable. Please review your browser manufacturer’s help pages for assistance with changing your settings.

#### 5. To Whom We Disclose Personal Information

We will not disclose your Personal Information except as set forth in this Privacy Policy or with your consent.

This section describes to whom we disclose Personal Information, and for what purposes:

- **Service Providers.** We employ other companies and people to perform tasks on our behalf to assist us in providing the Site and the Services. For example, we use UltiPro to host our Applicant Portal and collect job applications, and we use Google Analytics to help us analyze the effectiveness of our Site. Other examples include billing, technical assistance, and customer service. Our agents subscribe to the same level of privacy protection as we do.
- **Companies Involved in Mergers and Acquisition Transactions.** In some cases, ESD may choose to buy or sell assets. In these types of transactions, user data (including Personal Information) is typically one of the business assets transferred. Moreover, if

ESD, or substantially all of its assets, were acquired, user data would be one of the assets that is reviewed and transferred or acquired by a third party.

- **Law Enforcement, Government Agencies, and Courts:** We may disclose Personal Information at the request of law enforcement or government agencies or in response to subpoenas, court orders, or other legal process to establish, protect, or exercise our legal or other rights or to defend against a legal claim or as otherwise required or allowed by law, or to protect the rights, property, or safety of a Customer or any other person. We may also disclose Personal Information to investigate or prevent a violation by you of any contractual or other relationship with us or your illegal or harmful activity.

## 6. Personal Information Transferred from the EU or Switzerland

ESD complies with the EU-US Privacy Shield Framework and Swiss-US Privacy Shield Framework (collectively, “Privacy Shield”) as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union (the “EU”) member countries and Switzerland. ESD has certified to the Department of Commerce that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. A violation of our commitment to Privacy Shield may be investigated by the Federal Trade Commission and/or the United States Department of Commerce. If there is any conflict between the policies in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, to the extent available, please visit <https://www.privacyshield.gov>.

In compliance with the Privacy Shield Principles, ESD commits to resolve complaints about your privacy and our collection or use of personal information about you. Persons from the EU or Switzerland who have inquiries or complaints regarding this Statement should first contact us via: email at: [privacy@esdglobal.com](mailto:privacy@esdglobal.com).

ESD has committed to refer unresolved privacy complaints under the Privacy Shield Principles to JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <https://www.jamsadr.com/eu-us-privacy-shield> for more information and to file a complaint.

These recourse mechanisms are available at no cost to you. Damages may be awarded in accordance with applicable law.

Please note that if your complaint is not resolved through these channels, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel.

In cases of onward transfer to third parties of data of EU or Swiss individuals received pursuant to the Privacy Shield, ESD is potentially liable.

## **7. Your Data Subject Rights**

### **A. Your Rights as a Customer of ESD**

As a controller of the Personal Information collected by or through the Site, we take steps to help ensure that our Customers are able to exercise their rights regarding their Personal Information in accordance with applicable law.

If you would like to access, amend, erase, or object to or restrict the processing of Personal Information collected via the Site, you may submit a request to [privacy@esdglobal.com](mailto:privacy@esdglobal.com). We will promptly review all such requests in accordance with applicable laws.

Depending on where you live, you may have a right to lodge a complaint with a supervisory authority or other regulatory agency if you believe that we have violated any of the rights concerning your Personal Information. We encourage you to reach out to us at [privacy@esdglobal.com](mailto:privacy@esdglobal.com), so we have an opportunity to address your concerns directly before you do so.

## **8. Children's Personal Data.**

The Site is not intended to children under the age of sixteen (16). If we learn that we have collected Personal Information of children, and if we do not have a lawful basis to process such Personal Information under applicable law, we will promptly take steps to delete such Personal Information.

## **9. Retention of Personal Information**

We will retain your Personal Information for the period necessary to fulfill the purposes for which your Personal Information has been collected as outlined in this Privacy Policy unless a longer retention period is required by law.

## **10. How We Protect the Confidentiality and Integrity of Your Personal Information**

We have implemented security measures to protect user information from loss, misuse and alteration. We use industry-standard practices such as encrypted storage, firewalls and password protection systems to safeguard the confidentiality of Customers' personal information. We take steps to help ensure our employees and contractors are aware of their information security obligations, and we restrict employee and contractor access to Personal Information. Despite these efforts to store Personal Information in a secure operating environment that is not available to the public, we cannot guarantee the security of Personal Information during its transmission or its storage on our systems. Further, while we attempt to ensure the integrity and security of Personal Information, we cannot guarantee that our security measures will prevent third-parties such as so-called hackers from illegally obtaining access to Personal Information. We do not warrant or represent that Personal Information about you will be protected against, loss, misuse, or alteration by third parties.

## **11. Links to Third Party Websites**

Our Site may contain links to third party websites. Please be aware that we are not responsible for the privacy practices of third party websites you choose to visit. If you provide any information directly to parties other than us, different rules may apply to the use or disclosure of that information. We encourage you to investigate and ask questions before disclosing your personal information to third parties.

## **12. Changes to this Privacy Policy**

We may revise and update this Privacy Policy from time to time and will post the updated Privacy Policy to the Site. You can tell when changes have been made to the Privacy Policy by referring to the “Last Updated” legend on top of this page. If these changes are material (*i.e.*, changes we believe you will find important), we will provide notice to you by email or by posting notice of the changes on our Site. Where required by applicable law, we will obtain your consent. **UNLESS OTHERWISE INDICATED, ANY CHANGES TO THIS PRIVACY POLICY WILL APPLY IMMEDIATELY UPON POSTING TO THE SITE.**

## **13. Contacting Us**

If there are any questions regarding this Privacy Policy you may contact us using the information below:

E-mail: [privacy@esdglobal.com](mailto:privacy@esdglobal.com)

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