

## Flare's Privacy Policy

Flare Website and Software are owned and operated by **Flare Systems inc.** referred to as “we”, “us” or “our” in this Privacy policy.

### **Defintions:**

“**Website**” means any forms and contents that you may find on the web pages under the domain name <http://flare.systems>

“**Software**” means any of Flare’s different software products that the Client orders and/or downloads from Flare, including the Firework portal offered online, plugins that may be downloaded and installed in the Client’s infrastructure, APIs, the related documentation, any Updates, Supplementary Software, and/or Embedded Software, but excluding Third Party Software.

This Privacy Policy (hereinafter the "**Privacy Policy**") is intended to help you understand the practices of Flare Systems inc. (hereinafter "**Flare**") with respect to the collection, processing and use, disclosure and retention of the personal information you provide to Flare, including the personal information that identifies you (hereinafter your "**Personal Information**"). By providing us with Personal Information through our Website and our Software, by email, in person, on our website or by telephone, as the case may be, you agree that it will be treated in accordance with what is stated in this Privacy Policy.

We encourage you to read it thoroughly and are confident that you will easily understand how we gather, store and process your data plus the choices available to you.

Keeping your information safe and increasing transparency is important to us. We are committed to upholding the highest standards of data protection and we thank you for placing your trust in us.

If you use the Website or/and the Software, you consent to this policy and the use/sharing of your personal data as described herein. You have the choice to opt-out of sharing your data at any time, as described below, and control how we use and share your data.

In matters pertaining to Canadian and European laws for the protection of privacy, Flare Systems inc. is designated as the data controller of Flare website and Software. In other words, Flare is the organization that, alone or jointly, determines for what purposes and how your personal information will be treated or is likely to be processed.

So, if you have any questions about this Privacy Policy or our privacy practices, please contact us at [privacy@flare.systems](mailto:privacy@flare.systems)

This Policy does not apply to the Personal Information of Flare employees, consultants or other individuals or to any information that does not constitute Personal Information.

## **1. Information Collected and Received**

As described in the Terms and Conditions, the Software contains different features and functionalities. To access and use the Software along with its features and functionalities, you may be required to enter your Information into the Software.

Personal data as defined in Section 4 of the GDPR is Personal Information within the meaning of this Policy and is therefore treated in accordance with the provisions of the GDPR.

We may collect or receive personal information about you, including, but not limited to, user name, password, first and last name, email address, occupation, organization name and your financial information in order to complete transactions requested by you.

You can choose what information you want to input into the Website or the Software. However, if you choose to withhold any personal data requested by us, it may not be possible for you to gain the full potential of this Website or Software or its full range of features. We collect personal information from you as well as through third-party business partners to whom we provide our products and services, at several different points, including but not limited to the following:

- when we correspond with you as a user or prospective user;
- when you use the Website or Software;
- when you register as an end-user of our Service and an account is created for you;
- when you provide information, such as survey information;
- when you contact us for help; and
- when our Website or Software System sends us error reports or analytics data.

Our Website and Software does not require you to include sensitive information (e.g. racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union memberships, genetic data, biometric data or data concerning sexual orientation). In the event that you provide such sensitive information as listed above you acknowledge that you have provided us with explicit consent to collect such information.

In addition, Flare may collect certain information automatically, including the type of device you use, the IP address, your operating system, the type of Internet browsers you use, domain name, access times, duration of visit, referring URL, cookies, platform, time stamp and exit page information, as well as information about the way you use the Software.

Finally, Flare will retain and evaluate information on your recent visits to our Website and Software and how you move around different sections of our Website and Software for analytics purposes to understand how people use our website, so that we can make it more intuitive and user-friendly. These informations include pages that were visited, content that was downloaded and search terms used to browse the data. Flare will also keep a record of keywords that are saved in the alerting system of the Software in order to run searches periodically on these keywords and notify the client if any threats are identified.

## **2. Lawful Basis for Processing**

We will only collect and process your personal data where we have a lawful basis. Our lawful basis include consent (where you have given it), where the processing is necessary for the performance of a transactional contract with you, and for the purposes of our legitimate interests or the legitimate interests of our third parties, provided that such interest does not outweigh your rights and freedoms. Examples of legitimate interest include but are not limited to: (i) complying with applicable law, (ii) protecting against security or other threats, (iv) administration of our business interests, including improvements and enhancements of our business, and (iv) customer/user relationship issues.

Flare is responsible for the Personal Information collected in its capacity as controller and has appointed a privacy officer to oversee the compliance of this Policy with applicable laws regarding the protection of your Personal Information.

## **3. How we use your information**

**(a) Consent to use deidentified information.** By using our Website or Software, all users accept and agree that we will be allowed to use any information that they have included in this Website or Software, so long as we will first de-identify this information, meaning that we will make the information anonymous by removing the user's name and other personally identifying pieces of information. We may use this information towards research and development and quality improvement for this Website and Software.

**(b) Consent to use personal information.** We may use personal information that we collect about you to:

- providing, maintaining, delivering or improving our Website, your account or the products or services provided through our Website;
- deliver the products and services that you have requested;
- developing new products or services;
- sending you technical notices, support or administrative notifications;
- manage your customer relationship and provide you with customer support;

- perform analysis about your use of the Website or Software;
- communicate with you by e-mail, postal mail, telephone and/or mobile devices about products or services that may be of interest to you;
- manage our business;
- respond to investigation, court orders, legal process, or to investigate, prevent or take action regarding illegal activities, suspected fraud, or situations involving potential threats to the physical safety of any person, or as otherwise required by law;
- perform functions as otherwise described to you at the time of collection;
- matching your Information with job vacancies to assist us in finding a position that is most suitable for you if you have contacted us about recruitment;
- monitoring and analyzing trends, usage and activities in connection with our Website or Software;
- detecting, investigating and preventing fraudulent transactions or unauthorized or illegal activities;
- protecting the rights and property of the Parties (as defined below) and others and;
- linking, connecting or combining Information we collect from or about you with other Information;
- recover our outstanding receivables;
- organize and manage various surveys;

We occasionally use other companies to perform services necessary to our operations. In the course of providing these services, those companies will not have access to your personal information which are protected by Encryption. In the event, these companies have access to your personal information in order to provide their services, you agree and consent to such access. By contractual agreement, those companies must treat your information in accordance with this Privacy Policy and sign a Non-Disclosure Agreement. However, we will not be liable for any damages that may result from the misuse of your personal information by these companies.

#### **4. How we share your information**

Through your use of the Software or as a direct result of the features or functionalities of the Software, Flare may be required from time to time to use your Information in order to send you communications via e-mail relating to the products or services you purchased or licenced through the Software. Furthermore, Flare reserves the right to disclose your Information as follows:

- When Flare believes it is Software to investigate, prevent, or take action regarding illegal or suspected illegal activities; to protect and defend the rights, property, or safety of Flare, its users, or others; and in connection with the enforcement of Flare's Terms and Conditions.
- With business firms contracted to provide specific services to Flare, such as email messaging providers, hosting providers, and third-party payment providers, in a manner consistent with this Privacy Policy. In situations such as this where your Information is shared with a third-party firm, the firm will be contractually obligated to use your Information only for the purpose for which Flare's relationship with the firm exists. The firm will not have the right to share your Information with other organizations or contact you outside the bounds of their contract with Flare.
- As required by law and when Flare believes that disclosure is necessary to protect Flare's rights and/or to comply with a judicial proceeding, court order or legal process served on Flare. This includes, but is not limited to, fraud, technical malfunctions, or abuse of Flare' network or systems.
- From time to time, Flare may also share general information about the Software users, such as the number of users and aggregate and/or non-personally identifiable demographic with third-parties.
- As part of our service delivery, we may need to transfer your Personal Information to suppliers, consultants, employees or third parties. Please note that some of the consulting suppliers, employees or third parties we deal with may be outside Quebec. However, all parties that may have access to your Personal Information are under strict security and confidentiality agreements with Flare regarding the use and processing of your Personal Information.
- Some of Flare's employees may have access to your Personal Information, to the extent that such access is strictly necessary for the performance of their duties. Flare is committed to ensuring that its employees are informed of their obligation to guarantee the security and confidentiality of your Personal Information, prior to any communication and / or consultation of Personal Information
- You consent to the transfer of information to countries other than your country of residence, where the data protection rules may be different from those of your country of residence. When information is outside your country of residence, it is subject to the laws of the country in which it is located, and may be disclosed to governments, courts or enforcement agencies. law or regulation of the country in question, in accordance with its laws. However, our practices regarding your personal information remain at all times governed by this Privacy Policy and, if applicable, we will comply with the requirements of the GDPR by providing adequate protection regarding the transfer of personal information between the EU or the

EEA and the third country. Flare will hold companies outside Canada responsible under Canadian law for any personal information that may be transferred to them.

- When providing your Information to Flare, you agree that the Information may be transferred electronically over the Internet to Flare and that your Information may also be transferred, stored, hosted and processed on behalf of Flare by a third-party service provider whose servers are located in the United States. You can access your Information at any time through the Software. Should you be unable to access your Information for any reason, you may contact us at [support@flare.system](mailto:support@flare.system).
- **What Happens in the Event of a Change of Control.** We may be involved with an acquisition or divestiture of our business, products or services. Information we maintain including names and email addresses, and other information related to our services may be sold or transferred in connection with such transaction. We may also sell, assign or otherwise transfer such information in connection with a sale of all or substantially all of our business or assets. You will be notified via email and a notice on our website of any applicable change in ownership or use of your information

## **5. Opt-Out**

Personal information is collected only when voluntarily offered and solely for purposes that are clearly identified on our Website. Personal information means any information that is unique to you. By providing us with your personal information, you expressly consent for us to collect, hold, use and disclose your personal information in accordance with this Privacy Policy. In addition to providing the foregoing information, if you choose to correspond further with us through e-mail or through the “contact” section of our Website, you expressly consent that we retain, use and disclose the content of your messages together with your e-mail address and our responses.

You may withdraw your consent at any time however such withdraw does not affect the legality of the treatment of your Information before such withdraw.

## **6. Transmission of information over the internet**

We take reasonable steps to protect the security of the information communicated through our Website. However, no computer security system is entirely foolproof, and the Internet is not a secure method of transmitting information. As a result, we do not assume any responsibility for the data you submit to or receive from us through the Internet or for any unauthorized access or use of that information and we cannot and do not guarantee that information communicated by you to us or sent to you by us will be received or that it will not be altered before or after its transmission to us. You agree to not hold us and our respective past, present and future employees, officers, directors, contractors, consultants, equity holders, suppliers, vendors, service providers, parent companies, subsidiaries, affiliates, agents, representatives, predecessors, successors and assigns (collectively, the “Parties”) liable for any loss or damage of any sort incurred as a result of any misappropriation, interception, modification, deletion, destruction or use of information provided through our Website.

## **7. Hyperlinks and Third-Party Sites**

For your convenience, the Software or Website may include hyperlinks to external websites operated by third parties. By clicking on these hyperlinks, you will leave the Software or Website for those of third parties, which may be subject to different privacy policies and practices. This Policy is no longer applicable when you leave our Software. Please review the privacy policies of those other sites you are redirected to before providing Personal Information. We are not responsible for the collection, use and disclosure of Personal Information of other entities that you may access from our Software or Website, and we do not accept any liability in this regard.

## **8. Cookies**

“Cookies” are small pieces of information that are stored by your browser on your computer’s hard drive. Cookies, by themselves, do not tell us your e-mail address or other personally identifiable information unless you choose to provide this information to us by, for example, registering at our Website and/or Software. However, once you choose to furnish the Website and/or Software with personal information, this information may be linked to the data stored in the cookie. We use cookies to understand our Website and Software usage and to improve the content and service. We also may use cookies to offer you products or services. You have many choices with regards to the management of cookies on your computer. All major browsers allow you to block or delete cookies from your system. However, switching off cookies may restrict your use of our Website. To learn more about your ability to manage cookies, please consult the privacy features in your browser.

## **9. Your Rights: Access, Correction, Deletion**

Flare is committed to confirming the existence or non-existence of Personal Information about you and to give you access to your Personal Information of which it has the custody or control and to make corrections.

We retain the personal data that you provide to us when you registered by creating your account with us via our Website or Software or any other information that you volunteered while using this Website or Software for (i) as long as your account is active or (ii) otherwise for a limited period of time as long as we need to fulfill the purposes for which we have initially collected it, unless otherwise required by law. We retain any information provided as described in the Uses of Information above.

You have the right to request access to the information that we have on you. You can do this by contacting us at [privacy@flare.systems](mailto:privacy@flare.systems) in order to comply with your request, we may have to verify your identity. If you believe that the information that we have about you is incorrect, you are able to contact us at [privacy@flare.systems](mailto:privacy@flare.systems) with the request. Note that any data that is no longer needed for the purposes specified above in point 1 will be deleted.



Furthermore, if you notice any inaccuracies or errors in the Information provided to us, you may easily correct these inaccuracies or errors yourself by using the Software. However, if you are not able to correct these errors or inaccuracies yourself or would like Flare to delete the Information provided via the Software, please contact Flare at [privacy@flare.systems](mailto:privacy@flare.systems) and Flare will respond in a reasonable time.

You have the right to request the deletion of any personal data that we have on you. If you wish to do so, please contact us at [privacy@flare.systems](mailto:privacy@flare.systems). Note that we may not be able to delete any deidentified data on you. This is data that has been dissociated from your identity and that is used for quality improvement or analytical purposes. Once this data has been deidentified, it may no longer be possible to determine which user it came from. By using this Website or Software, you provide explicit consent to have your data anonymized and used for the purposes described above

## **10. How we store and process your information**

**(a)** The information collected by us may be processed and/or stored in Canada, United States, European Union Member Nations, or any other country in which we or our affiliates or service providers maintain operations. We may transfer information that we collect, including personally identifiable information, to affiliated entities, or to other third parties across borders and from your country or jurisdiction of domicile to other countries or jurisdictions. If you are located in the European Union or other regions with laws restricting transferring and location of storage of data, please note that we will comply with laws applicable to us meaning we will ask for your express consent prior to such transfers.

**(b)** We want to make you aware that pursuant to the EU Data Protection Laws, we shall act as a Processor or Subprocessor, and not a Controller with respect to any personal information collected on behalf of our customers. If you are a customer who uses our services and you collect personal information on citizens within the European Economic Area, we ask that you contact [privacy@flare.systems](mailto:privacy@flare.systems) to request a Data Processing Addendum (“DPA”). This DPA implements the GDPR’s Article 28 terms for processors and also incorporates the European Commission’s Standard Contractual Clauses (processors) of 2010 (also known as “model processor clauses” or “SCC 2010”) to facilitate the lawful transfer of Personal Data from the EU to outside of the EU, where necessary and as required.

## **11. How we protect your information**

Flare provides physical, electronic, and procedural safeguards to protect your Information in a secure environment. Flare maintains industry standard data handling and storage practices and procedures that are designed to ensure the integrity and confidentiality of your Information and may use third-party providers to better ensure your Information’s security and safeguard.

The Software is committed to maintaining a high level of confidentiality by incorporating the latest technological innovations to ensure the confidentiality of your Personal Information.

The Software uses the TSL protocol when transmitting your information.



However, despite Flare's practices and procedures regarding the safeguard of your Information, please be aware that no method of transmission over the Internet or method of data storage is completely secure and no security measures can prevent all potential security breaches. Therefore, you agree that Flare shall in no way be liable for any damages suffered by you or a third-party as a result of unauthorized access to your Information or a data breach with regards to your Information. If you have reason to believe that personal information has been compromised, please contact us at [privacy@flare.systems](mailto:privacy@flare.systems).

Notwithstanding the foregoing, the complete confidentiality and security of your Personal Information is not currently guaranteed on the Internet, as Flare is only held by an obligation of means.

In the event of violation of your Personal Information creating a high risk for your rights and freedom, the Support Software manager will communicate the violation to the person concerned as soon as possible. Furthermore, in case of violation of Personal Information of users established on the territory of the European Union, Flare will notify said violation to the control authorities established on the territory of the European Union concerned by such violation of Personal Information in the delay required by the GDPR.

## **12. General Provisions**

Flare will collect, process, store, disclose, and dispose of the Information that you submit to us in accordance with the applicable laws in the Province of Quebec and the federal laws of Canada applicable therein. If you are not a resident of Canada, you acknowledge and agree that Flare may collect, process, use and store your Information, as set out in this Privacy Policy, outside of your resident jurisdiction, including in Canada. Please be aware that Canadian law may offer different levels of protection for personal information that may be available in your country.

Without prejudice to the provisions of the previous point, if you are a citizen of the European Union whose Personal Information is processed by Flare, you are free to address any claim to the competent supervisory authority of your country of residence, to assert your rights.

You acknowledge and agree that this Privacy Policy should be drafted in English. *Les parties reconnaissent et acceptent que la présente politique de confidentialité et de protection de la vie privée soit écrite en langue anglaise.*

We reserve the unilateral right to make changes to this Policy at any time. Such changes will be posted on the Software and the Website, and will be notified to people in the event of substantial changes in the processing conditions, especially in the case of new processing purposes, new recipients, etc. Changes to the Policy will take effect immediately after posting and / or notification to those affected by the Personal Information processing. You can contact us at the contact information listed in the section 16.

### **13. Children's privacy**

We do not knowingly collect any information from anyone who we know to be under the age of 18. If you are the parent of a minor child and you learn that your minor child has communicated Information to us, we invite you to contact our Information Officer (coordinates located in the section "More Information"), so that our Information Office can proceed with the erasure of your minor child's Information.

### **14. Successors and Assigns**

This Privacy Policy enures to the benefit of successors and assigns of **Flare Systems inc.**

### **15. More Information**

We and our Website and Software respect the laws that relate to privacy rights in Canada and Quebec: *Personal Information Protection and Electronic Documents Act (PIPEDA)* (<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/>) and *P-39.1 - Act respecting the protection of personal information in the private sector* (<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-39.1>). Furthermore, we and our Website and Software respect the new General Data Protection Regulation (GDPR) ([https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en)).

### **16. Contacts**

If you have any questions regarding this Privacy Policy, please contact our Data Privacy Officer by using one of the following methods:

**By Mail:**

**Flare Systems inc.**

400 rue Montfort

Montreal (Quebec) H3C 4A8

**By phone:** +1 514-396-8800 # 8479

**By Email:** [privacy@flare.systems](mailto:privacy@flare.systems)

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