



# PRIVACY POLICY

## PREAMBLE

Through the PLATFORM available at <https://www.OpenDataSoft.com>, OpenDataSoft provides Software as a Service ("SaaS") solutions that work with open data portals, internal data references, smart city platforms, and data marketplaces to provide:

- Processing and publication of datasets for systems management/managers;
- User data search and visualization; and
- Reuse of data via simple and powerful APIs for developers.

This privacy policy applies to you, as a user of the domain available at <https://datamidsouth.opendatasoft.com>. The purpose of this document is to provide you with information on how your personal data will be collected and processed by Innovate Memphis (hereinafter THE COMPANY).

Respect for your private life and your personal data is a priority for THE COMPANY.

As part of the use of this service, THE COMPANY shall respect two essential principles:

- You remain in control of your personal data;
- Your data will be handled in a transparent, confidential, and secure fashion.

## ARTICLE 1. DEFINITIONS

Capitalized terms used but not defined herein shall have the meanings ascribed to them in the GTCs, available at .

## ARTICLE 2. IDENTITY OF CONTROLLER

**Legal notice:** The CONTROLLER is the person who determines the means and purposes of personal data processing. The SUBCONTRACTOR is a person processing personal data on behalf of the CONTROLLER, who acts under the authority and direction of the CONTROLLER.

Your personal data is collected and processed by THE COMPANY, who is the controller (collector and processor) of the personal data collected and processed by THE COMPANY during .

OpenDataSoft acts as a SUBCONTRACTOR of the THE COMPANY when the latter collects and processes data via its DOMAIN, which it manages in its sole discretion. Therefore, each THE COMPANY shall have the status of CONTROLLER of the data for BENEFICIAIRES processed with THE COMPANY'S DOMAINS and



DATASETS published on THE COMPANY'S DOMAINS. For example, in a case where a THE COMPANY subscribes to the "MARKETPLACE" SERVICE, THE COMPANY would process its BENEFICIARIES' data in its capacity as the CONTROLLER, and OPENDATASOFT would be only a SUBCONTRACTOR.

This Privacy Policy is limited to data processing performed by THE COMPANY as part of the exploitation of its DOMAIN.

### **ARTICLE 3. DATA COLLECTION & PROCESSING**

As part of the exploitation of its domain, THE COMPANY will collect BENEFICIARIES' personal data:

- When you visit the DOMAIN;
- When you use the functionalities and/or the SERVICES provided on the DOMAIN;
- When you engage in exchanges with the COMPANY or with other BENEFICIARIES via the DOMAIN.

Regardless of the manner in which personal data is collected, THE COMPANY will inform you of: (a) the purposes of processing, (b) whether the responses sought are required or optional, (c) possible consequences of failure to reply, (d) data recipients, (e) the existence of a right to access, modify and oppose the data processing.

The data that may be collected and processed by THE COMPANY to accomplish the purposes described in this Privacy Policy includes:

- Data for identification (first name, last name, postal, and e-mail addresses);
- Data concerning the management and security of each account created from the DOMAIN (IDENTIFIERS, passwords, API keys);
- Data concerning follow-up on commercial relationships: purchase order numbers, invoices, requests for information, and history of exchanges with departments; and
- Connection data (IP addresses, connection logs).

### **ARTICLE 4. PURPOSES OF PROCESSING**

Your data is collected by THE COMPANY to ensure:

- The proper functioning and ongoing improvement of the DOMAIN and its functionalities;
- Management of payments;
- Transmission of newsletters;
- Management of BENEFICIARIES, including commercial management, invoices and follow-up on customer relationships (e.g., customer satisfaction surveys);



- Management of requests for rights of access, corrections, and opposition;
- Management of overdue balances and litigation; and
- Maintenance of statistics to improve the functioning of the DOMAIN and the quality of services it offers.

The COMPANY will also use this data as needed for legal and regulatory purposes.

## **ARTICLE 5. CONSENT**

When you open your DOMAIN, you will complete a variety of forms and provide personal data.

By providing THE COMPANY with your personal data, you expressly consent to have such data collected and processed by THE COMPANY for the purposes described in each support of data collections.

As a BENEFICIARY, you consent to have your connection data to the DOMAIN collected to facilitate your navigation.

## **ARTICLE 6. DATA RECIPIENTS**

Your personal data will not be communicated, exchanged, sold, or leased without your express prior consent, pursuant to the applicable legal and regulatory provisions.

## **ARTICLE 7. DURATION OF DATA RETENTION**

THE COMPANY attempts to ensure that the data it collects is retained in a manner that allows your identification only for as long as necessary to achieve the purposes for which such data has been collected and processed.

However, data establishing proof of a right or contract or data retained to comply with a legal obligation can be kept on file in accordance with the limitations periods of applicable law.

Finally, with regard to the cookies indicated in Article 10 of this Privacy Policy, the information stored on your computer or any other element used to identify you for purposes of audience statistics shall not be retained beyond a period of thirteen (13) months. After this deadline has elapsed, raw data associated with an IDENTIFIER is either suppressed or rendered anonymous.

## **ARTICLE 8. YOUR RIGHTS**

You have a right to access, correct, update, lock, or delete personal data concerning you that is inaccurate, incomplete, mistaken, out-of-date, or whose collection, use, communication, or retention is prohibited.



Provided there are legitimate grounds to do so, you can also object to any personal data about you that THE COMPANY processes.

When making a request for the correction, deletion, updating, or locking of data processed by THE COMPANY through their DOMAINS, please send an email to the address appearing on each DOMAIN, or send a message by standard postal delivery to , stating your identity and the reason you are requesting such action.

## **ARTICLE 9. CONNECTION DATA AND COOKIES**

On its DOMAIN , THE COMPANY makes use of connection data (date, time, Internet address, IP address of the visitor's computer, page consulted) and cookies (small files registered in your computer), making it possible to identify you, store your queries, and make use of the DOMAIN's metrics and audience statistics, particularly with regard to the pages consulted.

While navigating on the DOMAIN, you accept THE COMPANY'S installation of these "technical" cookies for the sole purpose of enabling or facilitating electronic communication between your terminal equipment and the DOMAIN, facilitating management and navigation on the latter.

Our access to information stored in your terminal equipment, or the registering of information therein, will only be done:

- To enable or facilitate electronic communication; or
- As necessary for the provision of our online communication service at your express request.

You may, as with other data, exercise your right of access to this connection data by submitting a request to , or by sending a message via standard postal delivery to , with confirmation of your identity.

If your browser allows it, you can deactivate these cookies at any time by following the procedure indicated by the browser. However, such deactivation may have the effect of slowing down and or disrupting your access to the DOMAIN. Each USER navigating on a DOMAIN should consult the privacy policy published by THE COMPANY to determine the purposes and implications of such use.

## **ARTICLE 10. SOCIAL NETWORKS**

You have the option of clicking on the icons dedicated to the social networks Twitter, Facebook, Google+, and/or LinkedIn appearing on the DOMAIN.

Any personal information that you may designate as public and accessible from your Twitter, Facebook, LinkedIn, and/or GOOGLE+ profiles shall be accessible to THE COMPANY, and the USER expressly authorizes this access.



If you wish to challenge THE COMPANY'S access to personal information designated as public and accessible from a link between your profiles and the applicable social network, you must use the applicable social network functions to limit such access to your data.

## **ARTICLE 11. SECURITY**

THE COMPANY takes necessary precautions to preserve data security based on the nature of your data and the risks posed by our processing. In particular, THE COMPANY takes precautions to prevent the data from being impaired, damaged, or subject to unauthorized access. The measures taken include physical protection of our premises, authentication procedures for USERS with personal and secure access using confidential identifiers and passwords, logging of connections, and encryption of certain data.

## **ARTICLE 12. PROVISIONS APPLICABLE TO RESIDENTS OF THE EUROPEAN UNION**

The following provisions apply only to Personal Data collected from residents of the European Union, regardless of where they are located at the time their Personal Data is collected.

**12.1** For residents of the European Union only, the following Article 13 applies:

### **ARTICLE 13. DATA COLLECTION & PROCESSING**

THE COMPANY may collect personal data concerning USERS of its DOMAIN. THE COMPANY will process such data in accordance with the purposes set forth in, and in accordance with, the terms of French CNIL Decision n°2012-209 of June 21, 2012, "concerning the creation of a simplified standard for automated processing of personal data relating to the management of clients and prospects" (NS 48).

**12.2** For residents of the European Union only, Article 5 (Purposes of Processing) of the Privacy Policy is supplemented with the following provisions:

THE COMPANY shall process all data in compliance with the French Computers and Freedom Law.

THE COMPANY complies with all applicable legislation in connection with processing it conducted through its DOMAIN.

**12.3** For residents of the European Union only, Article 9 (Duration of Data Retention) of the Privacy Policy is supplemented with the following provisions:

In the event any person exercises their right to object to the use of their personal data, the COMPANY can retain such data on file until the deadline for prescription indicated in Article 8 of the French Code



of Penal Procedure (i.e., for three years).

When a USER exercises his right to object to receiving prospectuses, information substantiating his right to object shall be retained for at least three years from the exercise of his right to object. This data shall not be used for purposes other than the administration of the right to object.

**12.4** For residents of the European Union only, Article 12 (Security) of the Privacy Policy is supplemented with the following language:

THE COMPANY respects the French Computers and Freedom Law in matters pertaining to the security and confidentiality of your data.

For residents of the European Union only, a new Article 14 is added as follows:

#### ARTICLE 14. CNIL FORMALITIES

The processing of your personal data by OPENDATASOFT has been the subject of a declaration to the French National Computers and Freedom Commission (CNIL – Commission Nationale de l'Informatique et des Libertés) under the number 1758522 prior to the launch of the PLATFORM.

OPENDATASOFT has also appointed the law firm HAAS Avocats as Computer and Freedom Correspondent, (CIL – Correspondant Informatique et Libertés) to strengthen its policy of protecting USERS' private lives. To contact the CIL of OPENDATASOFT, please send an e-mail to the following address: [cil@opendatasoft.com](mailto:cil@opendatasoft.com).