



Commercial Data Protection & Privacy Statement

Subject: Protecting Your Personal Information: Our Commitment and Practices

Effective: May 2024

GENERAL

Smardt Inc., Kilttech Inc., Smardt Chillers Inc., Smardt-OPK Chillers GmbH, Smardt France SAS, Smardt Chillers Pty Ltd., Smardt Chillers Pte Ltd., Smardt Malaysia Sdn Bhd, TICA-Smardt Hong Kong Ltd., Guangzhou Smardt Chiller Manufacturing Co., Ltd. (collectively, “**Smardt**”, “**we**”, “**us**” or “**our**”) are committed to conducting business in a way that appropriately protects and manages any Personal Information you may provide us.

This privacy statement (“**Privacy Statement**”) sets out how we collect, store, use and safeguard your personal information and personally identifiable information (PII). It applies to the personal information we collect through your online interaction with us, such as when you visit our websites, customer portals, applications (collectively, our “**Sites**”), as well as your offline interactions, such as when you attend one of our events (e.g. sales meeting, trade show or other marketing events etc.).

WHAT IS PERSONAL INFORMATION

Personal information is any information that identifies you directly (for example, your first and last names), and information which distinguishes you from another person which may be gleaned indirectly by combining or associating several personal information about you (for example your physical address and your full name).

TO WHOM THIS PRIVACY STATEMENT IS ADDRESSED

This Privacy Statement is addressed to:

- (i) Visitors of the Sites;
- (ii) Commercial recipients of electronic or other communications which contain or refer to this Privacy Statement;
- (iii) Individuals with whom Smardt has business relationship, such as customers, sales representatives, distributors, and external stakeholders and their representatives.

Smardt does not seek to gather Personal Information from or about minors (as defined by applicable laws). This policy is not applicable to Smardt employees.



OUR COMPLIANCE WITH DATA PROTECTION LAWS

Smartdt will ensure that, when it collects or uses Personal Information, such collection or use is allowed under applicable data protection laws, where such laws govern. Smartdt will assess the justification for the processing of personal information, which may include the following:

- (i) Smartdt’s legitimate business interest, unless such interests are overridden by the interests or fundamental rights and freedoms of the individual;
- (ii) The performance of a contract to which the individual is a party;
- (iii) Compliance with a legal obligation to which Smartdt is subject and/or;
- (iv) Your consent to the processing of your Personal Information for one or more specific purposes. In that case, you may withdraw your consent at any time.

Individuals may object to the processing of their Personal Information. For more information about your rights with respect to how we process your Personal Information, please refer to the section headed “YOUR RIGHTS” below.

WHAT TYPES OF PERSONAL INFORMATION WE MAY COLLECT

The Personal Information we collect, or process depends on your relationship and interactions with us.

<u>Purpose of processing</u>	<u>Categories of data</u>	<u>Legal basis, where applicable, of processing the data</u>	<u>Categories of sources*</u>	<u>Categories of third parties to whom Personal Information is disclosed, if applicable</u>
Manage your enquiries, orders of our products and services, whether bought from us directly or distributors or sales representatives	<p>Identifiers: Name, phone number, physical address, email address, job function/title, username on our portals, billing details</p> <p>Commercial information: order forms, invoices, billing details, financial and credit information, details for tax and custom purposes, and</p>	We use the information to conclude, execute, perform, and administer your enquiries, contracts, orders and services you request	We collect this information directly from you	We may share some of the Personal Information with order fulfillment companies conducting, on our behalf, logistics, transportation, custom and duties clearance, our distributors and/or sales representatives in different regions.



other commercial information you provide

Manage your product warranty and to provide product related and after sales services to you

Identifiers: Information from or about your equipment or system, the setup, configuration, operation, usage of such equipment and system, including but not limited to sensor data, equipment data, energy usage data, fault data, event data, environmental data etc.

Our products and services may also collect IP addresses, site location, building name, logs and session data regarding our products from your system.

We process the information to perform our contractual obligations to provide you with the services related to our products

We collect this information directly from you and/or automatically from you (via remote access)

None

Communicate with you, provide you with the latest updates of our products and services, and other commercial communication

Identifiers: Name, phone number, physical address, email address, job function/title, username of our portals, preferred language, marketing and advertising preferences

We use the information to send you the communication as part of our committed services, updates and for marketing purposes

We collect this information automatically or directly from you

We may share this information with our distributors and/or sales representatives in the respective regions

For job applicants

Identifiers (1st level): Name, phone, email and other contact information, information of your education and employment history, your skills and

We process the Personal Information to access and consider you as a candidate for the position as per your job application

1st level identifiers: We collect this information directly from you
2nd level identifiers:

We will share the Personal Information to third party companies for carrying out background checks



qualifications, salary expectation

Identifiers (2nd level): social security numbers and other information for background checks

We collect this information directly from you with your consent

For risk and compliance purposes

Identifiers: Name, phone number, physical, registration, and email address, job function/title, billing details

We use the information to conduct background checks and screen for security verification purposes, such as anti-money laundering, sanctions, litigation and similar verifications.

We collect this information directly from you and public record searches

We will share the information with third party companies for carrying out background checks and screening



HOW DO WE COLLECT YOUR PERSONAL INFORMATION

We collect information directly from you. We collect information if you create an account with us or contact us. This includes when you contact us for product enquiries, service requests, requests for technical support, submit a warranty claim etc. We also collect information from you if you sign up for email communications, or otherwise submit it to us.

We collect your information automatically. We collect information about users over time when you use our website. We also collect equipment information through sensors embedded in our control devices.

We collect information about you from others. Our business partners or associates may provide information about you to us. For example, our distributors or sales representatives will provide us with your information for sales or registration of warranty claims. We may also collect information from third-party providers or from the public domain.

We combine information. We combine information we collect from you online with information received from you offline. We combine information you provide with information collected across third-party platforms.

WITH WHOM DO WE SHARE YOUR PERSONAL INFORMATION

We may share your Personal Information with certain third parties such as service providers acting on our behalf for the business purposes described in this Privacy Statement. They are provided with specific Personal Information needed to perform these business purposes and are subject to confidentiality requirements which prohibit their usage of your Personal Information for other purposes than as intended.

Business related disclosure

Where Smardt shares the Personal Information it collects automatically, directly from you, or from our business partners or associates with third party service providers (including carriers, postal outlets, couriers, insurance providers, government authorities) the purpose is to fulfill orders, make deliveries, process payments, handle import or export duties, send postal mail and e-mail, provide after-sales services or maintenance, manage customer lists, analyze data, provide marketing assistance etc. Furthermore, communicating via the internet and sending information, products, and services to you by other means necessarily involves your personal information passing through or being handled by third parties.



Risk and compliance related disclosure

We use screening tools provided by third parties to perform due diligence and other screening activities in accordance with our legal or regulatory obligations, and in particular, we are currently using the World Check database provided by Refinitiv for conducting due diligence on know-your-customer, anti-money laundering, countering financing of terrorism, anti-bribery/corruption, restrictive measures and sanctions, and combating financial crime. We may decide to use a different screening tool in the future and will update this policy accordingly. Refinitiv is a global organization and World Check is a global service offered by Refinitiv. Refinitiv is a controller of personal data in their database which is separate from Smardt. Refinitiv provides information on data protection regarding its products and privacy practices, please refer to [Refinitiv's Privacy Statement](#).

In using World Check's service for screening third parties with which Smardt interacts or is considering establishing a business relationship of any type, Smardt considers the results provided as a factor in our overall decision making and assumes all individuals deny any allegations made about them as per the Refinitiv results. Smardt keeps access to the use of the World Check One database secure and limited to key personnel who have been trained on how to interpret the results. Such persons are entrusted with a high level of confidentiality with respect to Smardt's business, information and practices.

Personal Information in World Check is retained by Refinitiv for so long as required to inform current and future checks conducted by its customers such as Smardt. In determining the length of time, Refinitiv takes into account local laws, reasonable requirements of their customers, the rights of individuals and the continuing relevance of the personal data. Refinitiv also carries out ongoing checks to ensure Personal Information in World Check remains relevant even before it reaches the end of its retention period. When Personal Information reaches the end of its retention period or Refinitiv identifies it is no longer relevant, Refinitiv securely deletes or destroys it from the World Check database. Furthermore, Refinitiv will provide Smardt with daily updates and deletions of data to ensure any data held by Smardt continues to reflect the World Check database maintained by Refinitiv.

Refinitiv's security organization applies policies, standards and supporting security controls at the level appropriate to the risk level and service provided. World Check is subject to an ongoing audit and assessment program and has received independent assurance against the ISAE 3000 Type II standard. The security infrastructure applicable to World Check includes robust controls around inclusion and maintenance of information designed to ensure the accuracy and relevance of the information; education and training to relevant Refinitiv staff on the proper handling of personal data; administrative and technical controls to restrict staff access to personal data; a business continuity and disaster recovery strategy which applies to World Check and which is designed to safeguard the continuity of access to and



security of World Check; physical security measures, such as staff security passes and strict controls on access to locations of World Check servers; monitoring compliance with Refinitiv's policies, procedures and controls; regular penetration testing by an independent third party company; and regular scanning of code and infrastructure using third party capabilities.

Smardt's use of World Check and any service of Refinitiv is subject to annual privacy assurances to check that World Check is being used in accordance with their terms and conditions; this includes obtaining an acknowledgment Smardt and its users are only using World Check for limited purposes permitted and demonstrating staff understand these purposes and have been provided appropriate privacy guidance/completed any privacy training applying to World Check.

Disclosure required by law

Smardt may be required to disclose any of the categories of information we collect about you pursuant to a court order, subpoena, a government agency, or investigations by administrative or judicial bodies regarding potential fraud. When we investigate or enforce potential violations of our terms and conditions, or policies, we may be required to disclose all categories of personal information to third parties used to perform such investigations.

Safeguards implemented by us and our third parties with whom we share your information

Smardt takes the following measures when sharing your information with other service providers:

1. We use a consistent security protocol with them;
2. We require them to have privacy and security standards comparable to ours; and
3. We enter into written agreements which require them: (a) not to make any unauthorized disclosures of the personal information; (b) to use the personal information only for the specified purposes and only according to the instructions received from Smardt; (c) to retain the personal information only as long as necessary or to protect company interests; and (d) to have in place adequate and appropriate security measures

Smardt does not, and will not, sell personal information it collects to third parties.

For information we share with Refinitiv, Refinitiv is prepared to implement appropriate measures to prevent Personal Information breaches such as strict controls on access to World Check's physical infrastructure; regular scanning and penetration testing to identify



potential security vulnerabilities; use of encryption; and contractual obligations with third parties to comply with Refinitiv's IT security policies. Such measures are reviewed and updated to meet changes in regulatory requirements.

INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

We are a global organization with offices around the world. Our headquarters are located at 1840 Trans-Canada Highway, in Dorval, Quebec, H9P 1H7, Canada. As a general rule, the data controller with respect to the Personal Information processed will be the local Smardt entity of which you are a customer, with whom you engage, contact or with which you enter into agreement. However, in order to better serve you or as otherwise necessary for the purposes described in this Privacy Statement, we may share and process the information among the Smardt group entities and/or other third-party service providers provided such disclosure of information is not restricted by law. This means your Personal Information may be sent to countries in which standards of privacy protection differ from the standards of your country of residence. We take reasonably necessary measures to ensure your Personal Information is treated in an appropriate and secure manner and in accordance with this Privacy Statement, subject to the legal requirements of the relevant foreign jurisdiction.

Transfer of data between countries may also take place during the use of World Check services offered by Refinitiv, and in this regard, the following additional safeguards are implemented by Refinitiv and Smardt:

Personal Information on World Check may be accessed from countries outside the EEA in accordance with applicable laws. Details about such countries are located [Refinitiv's Privacy Statement](#). When Refinitiv transfers data from the EEA to other countries whose laws do not offer the same level of data protection they ensure there are adequate safeguards in place to ensure the personal data complies with their legal obligations.

Smardt is responsible for complying with data protection laws when we transfer personal data outside the EEA while using World Check.

Data submitted by third parties interacting with Smardt (i.e. supplier, client, buyer etc) will be processed by Smardt (as controller and processor) for the purposes set out in the agreements between Smardt and such third party. Smardt will also become a processor of this data when it screens such certain data on World Check

The primary data centers for World Check are located in the United Kingdom and data is also held in the Amazon Web Services Cloud, with a primary data center in Ireland, and secondary location in the United Kingdom



HOW DO WE PROTECT YOUR PERSONAL INFORMATION

In addition to the protective measures detailed herein, we ensure your Personal Information is protected against loss and unauthorized access, use or disclosure throughout its life cycle. Your Personal Information is kept secured and access is strictly limited to only those persons who need to use it for the relevant purpose. We employ physical, technical, and organizational measures to ensure your Personal Information receives an adequate level of protection while it is under our care, including when your Personal Information is transferred to one of our recipients located outside of your country of residence.

In the event of a data breach of Smardt's systems, Smardt is bound to comply with local data protection laws and authorities with respect to reporting, and will advise affected individuals where there is a risk of serious injury.

HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION

We will retain your Personal Information in accordance with our record retention policies. Our record retention period is established taking into account the purpose for which the information was collected (for example, we retain your Personal Information for the duration of any contractual relationship, or as long as necessary to provide the products and services you have requested), requirements or privacy laws, legal and regulatory requirements to retain the information for minimum periods, limitation periods for taking legal action and our business purposes.

Personal Information that is no longer needed for its intended purpose is either irreversibly anonymized or securely destroyed.

OUR WEBSITES

We sometimes collect identifiable information through our website. In this section, we provide you with additional information regarding such collection.

Cookies

By using a web browser feature called a "cookie", Smardt gathers information when you visit our website such as data about the frequency of your visits to our website, the duration of your visits, the number of pages you view and the type of web browser and operating system you use. A cookie is a small text file containing a unique identification number that identifies the visitor's web browser, but not necessarily the visitor, to our computers each time our website is visited.

In addition to the identified purposes described in this Privacy Statement, we may use information obtained from our website and share it with other organizations with whom we



have a commercial relationship to measure the use of our website and to improve the functionality and content of our website.

You can manage your cookies by installing a third-party program or by configuring your web browser. Most web browsers are initially set up to accept cookies; however, you can delete or disable cookies by modifying your settings. If you decide to disable cookies on our website, you may not be able to take full advantage of all website features once you have done so.

Searches

For your convenience, search functions are sometimes provided on our website. We keep records of the words searched to learn more about what kind of information our visitors are seeking, and thus improve our products and services.

ACCURACY OF PERSONAL INFORMATION

We use reasonable efforts to ensure your Personal Information is kept accurate, complete and up-to-date. We do not routinely update your Personal Information. In order to help us maintain and ensure your Personal Information is accurate and up-to-date, please inform us as soon as possible of any changes to your Personal Information so we can update our records, by emailing privacy@smardt.com.

YOUR RIGHTS

The rights you have depend on your country of residence and on the laws and regulations that apply to your situation, but in most cases, you have the following rights:

Right to be informed: you have the right to know how your Personal Information is being handled by Smardt and ask us any questions about our collection and use of your Personal Information

Right to access: you have the right to request a copy of your Personal Information. Charges may be applicable for large volumes or if the format in which it is requested is onerous for us to process.

Right to rectification: you have the right to request we correct any Personal Information we hold which is inaccurate and to complete any missing Personal Information.

Right to erasure: you have the right to request we erase your Personal Information under certain conditions.

Right to restrict processing: you have the right to request we restrict the processing of your Personal Information under certain conditions.



Right to object to processing: you have the right to object to our processing of your Personal Information under certain conditions.

Right to data portability: you have the right to request we transfer the data we have collected to another organization, or directly to you, under certain conditions.

If you would like to exercise any of your rights, please contact us at privacy@swardt.com. Please note, you will be required to answer questions to confirm your identity before we release information to you. If you make a request, we shall endeavor to respond to you within 1 week.

You also have the right to request a copy of your personal data or have inaccuracies of your personal data corrected where the same is in relation to information about you in World Check. You may exercise such rights by sending an email to privacy@swardt.com and Swardt will send your request to Refinitiv as the data controller who will in turn provide Swardt a response to communicate with you.

If you are a resident of California State (US), you have the following additional rights:

Right to be discriminated: you have the right not to be discriminated against because you exercise your rights, by denying you a good or service, by charging you a different price or rate for the same good or service provided to another party in a different state or by providing you with different level of quality of a good or service.

Right to opt-out: Swardt does not participate in the sale or sharing of personal information for cross-context behavioral advertising (targeted marketing) and profiling, therefore, the right to opt-out as described in the data privacy laws of these states, is not relevant to this Privacy Statement.



HOW TO CONTACT US

Smardt is responsible for personal information under its care and control and has designated a data privacy officer to ensure compliance with this Privacy Statement and applicable privacy laws. If you have any concerns, questions, requests or complaints about this Privacy Statement or the processing of your personal information, please contact us by email at privacy@smardt.com. Alternatively, you can contact our data privacy officer by mail at:

Smardt Inc.

1840 Trans-Canada Hwy
Dorval, Quebec, Canada
H9P 1 H7

Attention: Data Privacy Officer

UPDATES TO OUR PRIVACY STATEMENT

We reserve the right to change, modify and update this Privacy Statement at any time. All such changes will be posted on Smardt's website, which will be effective within 30 days of posting. If we propose to make any material changes, we will notify you by means of a notice on this page. Please check periodically to ensure that you have reviewed the most current notice.