

# Privacy Policy Coolgradient

This privacy policy ("**Privacy Policy**") describes the policies and procedures of Coolgradient on the collection, processing, use and disclosure of your personal data when you use the services of Coolgradient and tells you about your privacy rights and how the general data protection regulation ("**GDPR**") protects you.

Coolgradient is the data controller of a minimal amount personal data that is processed on the basis of this Privacy Policy. You could contact Coolgradient by means of the following e-mail address: [privacy@coolgradient.com](mailto:privacy@coolgradient.com).

We use your personal data to provide and improve our services. By using our services, you agree to the collection and use of information in accordance with this Privacy Policy.

## Interpretation and Definitions

### Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

### Definitions

For the purposes of this Privacy Policy:

- **Account** means a unique account created for You to access our Service or parts of our Service.
- **Affiliate** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.
- **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to Coolgradient B.V., Koningin Wilhelminaplein 1, 1062 HG, Amsterdam, the Netherlands.
- **Country** refers to the Netherlands.
- **Device** means any device that can access the Service such as a computer, a cellphone, or a digital tablet.
- **Personal Data** is any information that relates to an identified or identifiable individual.
- **Processor** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used.
- **Service** refers to the use of our Software and our optimization advisory services.
- **Software** refers to our data center optimization software.

- **Usage Data** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself.
- **Website** refers to the website of Coolgradient, accessible from <https://coolgradient.com/>.
- **You** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.

## Collecting and Using your Personal Data

### Types of Data Collected

#### Personal Data

While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

- Email address

#### Usage Data

Usage Data is collected automatically when using the Service.

Usage Data may include information such as your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that You visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, your mobile device unique ID, the IP address of your mobile device, your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

### Use of Your Personal Data

The Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage your Account:** to manage your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- **For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items, or services You have purchased or of any other contract with Us through the Service.
- **To contact You:** To contact You by email, notifications regarding updates or informative communications related to the functionalities, products, or contracted

services, including the security updates, when necessary or reasonable for their implementation.

- **To manage your requests:** To attend and manage your requests to Us.
- **For business transfers:** We may use your information to evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Our assets in which Personal Data held by Us about our Service users is among the assets transferred.
- **For other purposes:** We may use your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness, evaluate and improve our Service, products, and your experience.

## Legal basis for processing

The Company processes your Personal Data on the following legal basis:

- **Consent:** You have given consent to the processing of your Personal Data for one or more specific purposes.
- **Contract:** The processing is necessary for the performance of a contract between the Company and You.
- **Legitimate interests:** The processing is necessary for the purposes of the legitimate interest pursued by the Company or by a third party, except where such interest is overridden by the interests or fundamental rights and freedoms of You which require protection of personal data. The legitimate interests that the Company may pursue are data analysis, account management, identifying usage trends, determining the effectiveness, to evaluate and improve our Service, comply with a legal obligation, protect, and defend the rights or property of the Company, prevent or investigate possible wrongdoing in connection with the Service, protect the personal safety of Users of the Service and protect against legal liability.

## The categories of recipients of your Personal Data

We may share Your personal information with the following categories of recipients:

- **With Service Providers:** We may share your Personal Data with Service Providers, such as technical support providers who assist with our Website and IT infrastructure, third party software providers, including software as a service solution provider where the provider hosts the relevant personal data on our behalf and providers that help Us generate and collate reviews in relation to our Service.
- **Storage providers:** We may share your Personal Data with providers that help Us store, collate and organize information effectively and securely.
- **For business transfers:** We may share or transfer your Personal Data in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company, subject to appropriate confidentiality obligations.

- **With your consent:** We may disclose your personal information for any other purpose with your explicit consent.

### **Retention of Your Personal Data**

The Company will retain your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use your Personal Data as long as you have a contract with the Company. After the termination of your contract with the Company, We will erase your Personal Data ultimately one year after you have used our Service for the last time, unless it is necessary to retain your Personal Data for a longer period to comply with our legal obligations (for example, if We are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

### **Rights with respect to Your Personal Data**

The privacy laws provide you with certain rights in relation to the processing of your Personal Data by the Company, including to:

- **Request to access your Personal Data** (commonly known as a “**data subject access request**”). This enables You to receive a copy of the Personal Data we hold about You, and to check that we are lawfully processing it.
- **Request to rectification, correction or updating of your Personal Data.** This enables You to have any incomplete or inaccurate information we hold about You corrected.
- **Request to data portability.** This enables You to receive your Personal Data in a machine-readable format.
- **Request to erase (any part of) your Personal Data.** This enables You to ask Us to delete or remove Personal Data where there is no good reason for Us continuing to process it. You also have the right to ask Us to delete or remove Personal Data where you have exercised your right to object to processing (see below).
- **Request to restriction of the processing of your Personal Data.** This enables You to ask Us to suspend the processing of Personal Data about You (e.g. if you want Us to establish its accuracy or the reason for processing it).
- **Object to the Processing of your Personal Data in certain circumstances.** This right may apply where the processing of your Personal Data is based on the legitimate interests of the Company or where decisions about You are based solely on automated processing, including profiling.

- **Withdraw consent.** If the processing of your Personal Data is based on your consent, You have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

Please be informed that the Processing of your Personal Data is not being applied for automated decision-making (including profiling).

Also please note that it is not a statutory or contractual obligation to provide your Personal Data or a condition to enter into an agreement with You. However, if you choose to not provide the Company with your Personal Data and/or provide incomplete Personal Data, please be aware that We may not be able to engage in or continue a contractual relationship with You if your Personal Data is required for providing our Service.

Should you wish to exercise the rights accorded by the GDPR, please contact [privacy@coolgradient.com](mailto:privacy@coolgradient.com). If you do not agree with the way we are processing your Personal Data, you are entitled to lodge a complaint with the competent supervisory authority, in the Netherlands: The Autoriteit Persoonsgegevens.

### **Security of Your Personal Data**

The security of your Personal Data is important to Us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While We use commercially acceptable means to protect your Personal Data, We cannot guarantee its absolute security. Let's add language about our security processes and certifications (of providers)

### **Changes to this Privacy Policy**

We may update Our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on our Website.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

### **Contact Us**

If You have any questions about this Privacy Policy, You can contact Us by email: [privacy@coolgradient.com](mailto:privacy@coolgradient.com).