



# DATA PROCESSING AGREEMENT LUCRASOFT DIGITAL B.V.

Comprised of:

Part 1. Data Pro Statement

Part 2. Standard Clauses for Data Processing

Version: 4-2021

#### **Dutch and English version**

The Data Pro Code was originally drafted in Dutch. The English version is for convenience only. In case of conflict between the Dutch and the English version, the Dutch version prevails.

# PART 1: DATA PRO STATEMENT

Along with the Standard Clauses for Data Processing, this Data Pro Statement constitutes the data processing agreement for the product or service provided by the company that has drawn up this Data Pro Statement.

## GENERAL INFORMATION

### 1. This Data Pro Statement was drawn up by

Lucrasoft Digital B.V.  
Located: De Zelling 8, 3342GS Hendrik Ido Ambacht  
Trademarks/brands: Dutch Grit, Picario, Movin and Synda

If you have any queries about this Data Pro Statement or data protection in general, please contact:

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### 2. This Data Pro Statement will enter into force on *April 1<sup>st</sup> 2021*

We regularly revise the security measures outlined in this Data Pro Statement to ensure that we are always fully prepared and up to date regarding data protection. If this document is updated, we will notify you of the revised versions through our regular channels.

### 3. This Data Pro Statement applies to the following products and services provided by the data processor

- a) Web hosting of live and test environments and development on developmentenvironment
- b) Emma mailing campaigns
- c) Picario XPO
- d) Movin App
- e) Synda

### 4. A. A description of the web hosting of live and test environments and development on development environment

Lucrasoft Digital develops and hosts web solutions for SMEs and small corporate businesses. Examples mobile apps, web applications and data integrations.

The hosting consists of the hosting of the web solution on our web servers and data storage on our SQL and RavenDB database servers.

During the development phase, we host a copy of the product databases on our internal SQL and RavenDB test servers for test purposes.

During the development phase, we host a copy of the test databases on our development machines.

#### **B. A description of the Emma mailing campaigns**

Emma is a mailing application that allows clients to design mail campaigns and send them to contact persons who subscribed to the mailing.

#### **C. A description of Picario XPO**

Picario offers visualisation software that integrates a photo and design in order to visualise them together. Our XPO engine enables users to display lifelike visualisations of colour and/or design on a photographed or modelled object.

#### **D. Movin App**

De Movin app is an Asset Tracking app. It provides asset tracking to employees and connects to the backend of RTLS suppliers.

### **5. Intended use**

#### **A. Web hosting and Web development are designed and equipped for processing the following types of data:**

The hosted data is dependent on the solution that is realised. Normally, this concerns account data and web orders from the webshop. We do not receive and host payment details and/or credit card details. The visitor always exchanges these directly with the specific payment provider. If the web application sends out e-mails, it is done via the Postmark data processor.

In the case of this service, the processing of special personal data is not taken into account. We will advise whether or not the web application qualifies for this. The decision is at the client's own discretion.

Special personal data is data in relation to an individual's race, ethnic origin, political beliefs, religious or philosophical convictions, membership of a trade union, genetic details, biometric details, details about an individual's health, details with regard to sexual behaviour or sexual preferences or criminally relevant details. The processing of special data is subject to stricter standards under a different processor's agreement.

#### **B. Emma mailing campaigns are is designed and equipped for processing the following types of data:**

As a standard, we register name, e-mail address, IP address and geographical location such as town/city/province/country.

At the client's request, additional filter fields can be added. The client will use these fields for mailings with a specific target group. Examples include fields of interest, position, address details, labels.

When we send out mailings, we track statistics in order to measure the success of a mailing. They are:

- a) Opened by means of date, time and number of times opened.
- b) Click on link yes/no and date/time.
- c) IP address of the mail client and from that, the geographical location such as town/city/province/country.
- d) Type of mail client.
- e) Type of device and OS version.

**C. Picario XPO is designed and equipped for processing the following types of data:**

In order to prepare the visualisation, it must be possible to use the name and address details in order to specify an object/location.

In the case of this product/service, the processing of special personal data or data in relation to criminal convictions and offences was not taken into account. The client can process this data with the aforesaid product or service at its own discretion.

**D. Movin App is designed and equipped for processing the following types of data:**

The Movin app uses location data from API's of RTLS vendors. The App consists of a login of the user and shows location of persons and objects tracked by the RTLS vendor.

In the case of this product/service, the processing of special personal data or data in relation to criminal convictions and offences was not taken into account. The client can process this data with the aforesaid product or service at its own discretion.

**E. Synda is designed and equipped for processing the following types of data:**

Synda receives data for endpoints, translates this data and forwards the data to the other endpoint.

In the case of this product/service, the processing of special personal data or data in relation to criminal convictions and offences was not taken into account. The client can process this data with the aforesaid product or service at its own discretion.

**6. When the data processor designed the product or service, it applied the privacy-by-design approach in the following manner:**

A./ B.

- a) The forms in our applications only contain fields that were built in at the client's request. We check if the fields are necessary for the intended purpose and we aim to eliminate surplus fields.
- b) Our web solutions only contain hashed passwords, not passwords in a readable or decodable format.
- c) We do not receive payment or credit card details. The visitor exchanges these details directly with the payment provider selected by the client.
- d) User tracking is implemented at the client's request only and it is activated only when the visitor has given his explicit consent.
- e) The user is registered for a newsletter only when he has actively ticked the opt-in box.
- f) All our web solutions come with an SSL certificate as a standard.
- g) We do not use the collected data and the visitor tracking and we will only view the data at the client's request, for instance, when this is necessary in order to resolve a support query or a breakdown.
- h) At the client's request, customer records can be removed from the databases.

C. a) we do not collect information that can be used to identify individuals. Furthermore, Picario does not retain any data that contains personal details.

D. a) we do not collect information that can be used to identify individuals. Furthermore, Movin does not retain any data that contains personal details.

E. a) we do not collect information that can be used to identify individuals. After successful transfer the data is removed after 7 days. On failed transfer, the data is removed after 30 days. Furthermore, Synda does not retain any data that contains personal details.

**7. The Data Processor uses the Data Pro Standard clauses for processing, which can be found elsewhere in this document.**

**8. The data processor will process the personal data provided by its clients:**

A. Web hosting and Web development data storage: within the EU/EEA.

Sending e-mails for web hosting: outside the EU/EEA in the US.

To send e-mails, Lucrasoft Digital uses the following method to guarantee an appropriate level of protection:

- a) For the US, the processor has indicated that it offers an appropriate level of protection;  
The supplying processor (Postmark) is affiliated with the EU-US Privacy Shield: <https://postmarkapp.com/eu-privacy>

B. Emma mailing campaigns data storage: outside the EU/EEA in the US.  
For Emma mailing campaigns, Lucrasoft Digital uses the following method to guarantee an appropriate level of protection:

- a) For the US, the processor has indicated that it offers an appropriate level of protection;  
b) The supplying processor (Active Campaign) is affiliated with the EU-US Privacy Shield: <https://www.activecampaign.com/privacy-policy/>

C. Picario XPO processes the personal data within the EU/EEA.

D. Movin SDK processes the personal data within the EU/EEA.

E. Movin SDK processes the personal data within the EU/EEA.

**9. The data processor uses the following sub-processors:**

	<b>Sub-processor</b>	<b>Within the EU/EEA</b>	<b>Privacy statement</b>
A. / B.	Google Analytics	data storage in the US, EU-US Privacy Shield-compliant	<a href="https://policies.google.com/privacy">https://policies.google.com/privacy</a>
A. / B.	Postmark	data storage in the US, EU-US Privacy Shield-compliant	<a href="https://postmarkapp.com/eu-privacy">https://postmarkapp.com/eu-privacy</a>
A. / B.	Active Campaign	data storage in the US, EU-US Privacy Shield-compliant	<a href="https://www.activecampaign.com/privacy-policy/">https://www.activecampaign.com/privacy-policy/</a>
A. / D.	Microsoft Azure	Within the EU	<a href="https://privacy.microsoft.com/nl-nl/privacystatement">https://privacy.microsoft.com/nl-nl/privacystatement</a>
C.	Leaseweb	Outside the EU	<a href="https://www.leaseweb.com/nl/legal/privacy-statement">https://www.leaseweb.com/nl/legal/privacy-statement</a>
A. / D.	Lucrasoft ICT Group	Within the EU	<a href="https://www.lucrasoftitbeheer.nl/nl/privacy-statement/">https://www.lucrasoftitbeheer.nl/nl/privacy-statement/</a>

At the client's request, other sub-processors can also join. In that case, the client concludes an agreement directly with the processor. The processor's agreement directly concluded between the client and the processor subsequently forms a part of this agreement. In that case, Lucrasoft Digital will only realise the technical integration. Examples of such processors are payment providers, social media integrations, Hotjar, Piwik and other SAAS solutions.

**10. Lucrasoft Digital supports the client with requests from data subjects as follows:**

Requests to inspect, correct or remove data should be sent to [support@dutchgrit.nl](mailto:support@dutchgrit.nl). After receiving the request, we will process and confirm/deliver within five (5) working days.

**11. Termination of the agreement:**

After the termination of the agreement with a client, Lucrasoft Digital will remove the application-specific databases, including personal details.

At the client's request, Lucrasoft Digital removes the database with all personal data it has processed for the client via a single download.

The retention and/or destruction of this data is subsequently the client's responsibility. Backup retention means that the data is, indeed, removed after three (3) months. As this concerns an automated process, manual or earlier removal is not possible.

## SECURITY POLICY

**10. The data processor has implemented the following security measures to protect its product or service:**

- a) The data centres (Databarn Rivium & Databarn Amsterdam), where Lucrasoft ICT Group has servers, are equipped with camera surveillance and visitor registration systems and are ISO:27001:2013-certified.
- b) The (database) servers can be accessed only via Lucrasoft's trusted network locations.
- c) Procedures are in place, which means only authorised personnel have access to the personal data. A non-disclosure agreement ensures this still applies when a member of staff leaves the company.
- d) Our web servers and database servers are firewall-protected in accordance with the least privileged principle. Applications have their own database for every application. Every application has access to its own database only.
- e) All data within Lucrasoft's services will be stored as securely as possible. Encryption will be used when possible.
- f) All data will be transmitted with the highest possible form of encryption that is supported.
- g) Our web servers are patched in accordance with the latest Windows updates every month.
- h) All mobile carriers (such as laptops, USB sticks and portable HDs) of Lucrasoft Systems B.V. are encrypted.

## DATA LEAK PROTOCOL

- 11. In the unfortunate event that something does go wrong, the data processor will follow the following data breach protocol to ensure that clients are notified of incidents:**

The Data Protection Officer (or DPO) will be notified of the possible data breach. A relevant internal data breach procedure is in place. He will set up a team in order to analyse the cause, the impact and the affected customers. Depending on the outcome of this analysis, customers will be notified by means of an e-mail that is sent to the technical contact person within 24 hours.

Lucrasoft Digital B.V. will provide highly detailed information about:

- a. The nature of the breach, including a description of the incident, the nature of the personal data or categories of affected data subjects, an estimate of the number of affected data subjects and databases that may be affected, as well as an indication of when the incident occurred;
- b. Any measures already taken by Lucrasoft Digital in order to stop the breach;
- c. Any measures to be taken by the controller or the affected data subjects (what can the affected data subjects themselves do, such as “keep an eye on your e-mails, change your passwords”);
- d. Any measures to be taken by Lucrasoft Digital in order to prevent a future breach.

Clients are notified within 24 hours, if possible. Lucrasoft Digital B.V. does not own the data and cannot notify AP or data subjects. The data processor will support the client or the controller during the notification process, if so required.

# PART 2: STANDARD CLAUSES FOR DATA PROCESSING

*Version: April 2021*

*The Standard Clauses for Data Processing have been incorporated in H2 of the general terms and conditions 2020.*

*Along with the Data Pro Statement, these standard clauses constitute the Data Processing Agreement. They also constitute an annex to the Agreement and to the appendices to this Agreement, e.g. any general terms and conditions which may apply.*