

***For information about COOKIES that may be used on OpenWater’s website -- how they work, why we use them and how you may manage them -- [click here.](#)***

***By visiting any OpenWater website or otherwise providing personal information to OpenWater or any of its affiliates via any other means, you accept and consent to the practices described in this Privacy Policy.***

# **OpenWater PRIVACY POLICY**

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## **Introduction**

OpenWater Software, LLC (“OpenWater”) recognizes the importance of protecting the privacy rights of the individual in relation to your personal information that can be used to personally identify you. This document is OpenWater’s Privacy Policy and explains how we collect, use, manage, disclose and transfer your personal information, and explains your rights regarding your personal information.

We endeavor to apply suitable safeguards to protect your personal information as required by applicable privacy laws, including the UK’s GDPR and Data Protection Act 2018 and the EU’s General Data Protection Regulation effective on May 25, 2018, the Australian Privacy Principles, Canada’s Personal Information Protection and Electronic Documents Act and similar provincial privacy legislation. We will from time to time update this Privacy Policy as we undertake new personal data practices or adopt new privacy policies.

## **How we collect and use your personal information**

We collect, use and disclose your personal information in order to provide products and services to you and/or your organization, to manage our relationship with you, to carry out our obligations and enforce our rights arising under any contractual agreements entered into between you and us (including for billing and collection purposes), to respond to enquiries and provide information or advice about existing and new products or services offered by OpenWater or any of its affiliated companies, to provide you with access to protected areas of our website and notify you about changes to our website, to conduct product and market research, to improve our products and services, and to improve the quality of our client service.

Depending on the nature of your interaction with us, we may collect the following types of personal information from you: current and historical information about your name, contact details (including postal address, email address, telephone number, etc.), identification, organizational affiliations, profession or occupation, positions held, forms submitted, communication preferences, payment details, details of the products and services you have purchased from us or about which you have enquired, and any additional information relating to you that you have provided to us directly or indirectly through your access and use of our websites, by email or telephone, Technical Support, client surveys or conversations with our representatives or otherwise. We may also collect personal information from third parties including your organization and representatives, public sources, our related companies, service providers or consultants, and others who form a part of our sales and/or service network, information service providers and other parties with whom we exchange information.

### **Use of our website**

We may also collect information about your access and use of our website, including information about your computer and internet connection (e.g., IP address, operating system, browser type) and details about your visits to our website (e.g., traffic and location data, logs and other communication data, and the resources you use and access on the website). We may also collect information that is not personal information because it does not identify you or anyone else, such as collecting anonymous answers to surveys or aggregated information about how users use our websites. We use this information to help us better suit our users' needs.

### **What happens if you don't give us your information**

If you do not provide us with the requested information, we may not be able to provide the requested products or services or information to you, including information about discounts, sales or special promotions, and we may not be able to tailor the content of our websites to your preferences. As a result, your visit to our website may not be as useful or relevant as it could be if you did provide the requested information.

We will not intentionally collect or maintain (and do not want you to provide) any "sensitive information," including information or an opinion about your or another individual's racial or ethnic origin, political opinions, membership in a political association or professional or trade association, philosophical or religious beliefs or affiliations, sexual preferences, criminal record, health or genetic information.

### **Consent**

From time to time we may seek your consent for a particular proposed collection, handling, use and disclosure of your personal information. You may withhold your consent to any or all such requests.

If you have consented to a particular purpose for our use and disclosure of your personal information, then we may rely on your consent until you withdraw it. You may withdraw your consent by contacting our representative to whom you originally gave your consent or by contacting us via the contact details provided in the “[How to contact us](#)” section below.

Your refusal to, or withdrawal of, consent may affect our ability to provide products, services and/or communications to you and/or your organization subject to the relevant consent.

### **Children Under 13**

This website is not designed to be of interest to children and we do not knowingly collect, keep or use any information provided by or relating to minors. If you are under age 13, do not use any feature on this website or provide any information on this website. If we learn we have collected or received personal information from a child under age 13 without verification of parental consent, we will delete that information.

### **Cookies**

A “cookie” is a small summary text file that is stored by your mobile phone (e.g., iPhone or Android) or by your browser (e.g., Internet Explorer, Chrome, Safari or Firefox). Cookies allow a website to store such things as user preferences, allowing the website to recognize a user and respond appropriately. OpenWater’s Cookie Policy is available at <https://help.getopenwater.com/en/articles/4534792-openwater-cookie-policy>.

When you access the OpenWater website, we may use cookies to help provide you with a better, more relevant and faster experience with us and our website. There are several different types of cookies based on their use:

- Some cookies we use to remember your preferences for tools found on our website, so you don't have to reenter them each time you switch a page or each time you visit. They will remember your user login, and other things such as what video streaming speeds you use. In some cases, the information used by cookies may be considered personal information if you are reasonably identifiable based on information readily available to us. Cookies on our website cannot be used to identify you personally unless you are signed in to our website, you complete a form on our website, or you accept the use of cookies via our Cookies Settings tool.
- Some cookies are created and used by web analytics software (such as Google Analytics and Hubspot) to measure and improve the performance of our site. They help us to know which pages are the most and least popular and see how visitors move around the site. We have enabled restricted data processing within Google Analytics and IP anonymization. Unless you are signed in to our website, complete a form on our website, or accept the use of cookies via our Cookies Settings tool, these cookies cannot be used to identify you personally. If you are logged in, the login process links you to your stored customer record that includes your username and email address.
- Some cookies are used in analytics which may be able to identify what country, state or city you are in based on the information supplied by your browser when it requests a webpage. These cookies cannot be used to identify you personally, and are only used so we know where our website traffic comes from.
- When you register with us, we generate cookies that signal whether you are signed in or not. We use these cookies to determine which account you are signed in with, and if you should get access to a service. This also allows us to associate the actions you take on our website with your account.
- Some cookies are used for directing advertisements and may be set through our site by our advertising partners, if you have accepted these cookies using our Cookies Settings tool. They allow us to know whether or not you've seen an advertisement or a type of advertisement, and how long it is since you've seen it. They

are used to help target advertising so that you see more relevant advertising. These cookies do not store directly personal information - they store information about the content you are browsing, but not about who you are. Cookies of this type that are generated by third party advertisers have their own privacy policies, and we have no access to read or write these cookies. These third party advertising cookies may be used by those third parties to target advertising to you on other websites, based on your visit to our sites.

- On some of our pages, third parties may also set their own anonymous cookies, for the purposes of tracking the use of their application, or tailoring the application for you. Because of how cookies work, we cannot access these cookies, nor can the third parties access the data in cookies used by us. These cookies will only be placed if they are strictly necessary for our website to function, you have taken an action such as submitting a form, or you have accepted the use of cookies through our Cookies Settings tool.

A cookie, once placed, will enable us to greet you each time you visit our website without bothering you with a request to register and to keep track of your interest in particular products or services on our website, which we may use to tailor the relevance of news we send you. We also use cookies to measure traffic and transaction patterns and to determine which website areas have been visited. We use this information to improve our online products and services and for analytical purposes, such as analyzing trends, administering our websites, tracking user movements and gathering broad demographic information.

If you do not wish to receive cookies, you can set your browser or mobile device so that your internet-enabled device does not accept them. Most browsers and phones have a way to stop accepting classes of cookies, or to stop it accepting cookies from a particular website.

If you are concerned about third party cookies generated by advertisers from Europe, you can turn some of these off by going to the [Your Online Choices](#) site.

### **Forums/Communities**

If you use our forums/communities, or post a message in a public place, you are giving consent for anyone to read, copy and republish your message or any part of it. When you join a forum/community, your email address and contact information is available to other forum/community members and anyone can use it to write to you, email you, or to add your contact information to their own distribution list. Forums also contain statistics and other information on your use of the forum, and this information is usually available to all forum members. We exercise no control over the use of any of this information.

### **Other websites**

Our website may contain links to other websites that are outside our control and are not covered by this Privacy Policy. If you access other sites using the links provided, the operators of these sites may collect information from you that will be used by them in accordance with their privacy policy, which may differ from ours.

### **Direct marketing materials**

We may collect, hold, use and/or disclose your personal information to send you direct marketing communications and information about our products and services. We may also share your personal data with our affiliated companies, which may send you direct marketing communications and information about their products and services that we consider may be of interest to you. These communications may be sent in various forms, including without limitation mail and email, in accordance with applicable marketing laws, including the EU ePrivacy Directive (2002) if applicable.

At any time you may opt-out of receiving marketing communications from us by using the opt-out facilities specified in our direct marketing communications or by contacting us via the contact details provided in the **“How to contact us”** section below. We will then ensure that your details are removed from the relevant marketing contact list from which you have elected to opt-out.

Website users who are California residents may, pursuant to California Civil Code § 1798.83, request certain information relating to our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, send an email to [privacy@getopenwater.com](mailto:privacy@getopenwater.com).

## **When and how we share your personal information**

We may combine, share and exchange your personal information with and among our related corporate affiliates, including Advanced Solutions International, Inc. located in the United States, Advanced Solutions International (Asia-Pacific) Pty Ltd located in Australia, Advanced Solutions International-Canada, Inc. located in Ontario, Canada, and Advanced Solutions International (Europe) Limited located in the United Kingdom, and WBT Systems Limited located in Ireland in an effort to assist OpenWater in managing, administering and providing products and/or services to you, and for marketing purposes. We may also combine, share and exchange your personal information with third-party service providers to OpenWater who perform functions on our behalf, but in such event your personal information will only be shared to the extent reasonably necessary to perform their functions and they will not be authorized to use it for any other function. These third-parties may include any third-party organizations involved in our sales and support network (including service providers and consultants); organizations maintaining or providing information technology services; organizations providing analysis and research; organizations involved in our business processing functions or providing legal, management and administration services; organizations providing cloud computing or data warehousing services; organizations that perform advertising or marketing-related services; and suppliers or other third parties with whom we have commercial relationships for business-related purposes.

We may disclose your personal information to any third-party organization if we determine it is reasonably necessary to comply with a law, rule, regulation or governmental determination or decision; to protect any person from death or serious bodily injury; or to protect the rights, property or safety of OpenWater, our customers or others. This includes exchanging information with other companies and organization for the purposes of fraud protection and credit risk reduction. We may also disclose your personal information to any other third-party organization expressly authorized by you or for any other purpose disclosed by us when you provided the information.

Finally, we may disclose your personal information to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of the assets of OpenWater or any of its affiliates, whether as a going concern or as part of bankruptcy, liquidation or similar proceedings, in which personal information held by OpenWater or its affiliates is among the assets transferred.

The third parties to whom we disclose personal information are generally located in, but not limited to, Australia, Canada, Ireland, the United Kingdom and the United States.

Your personal information will not be shared, sold, rented or disclosed other than as described in this Privacy Policy.

## **Transferring personal data from the EU and the UK to the US**

We are a global company with our headquarters in the United States and we have affiliated companies in the United States, the United Kingdom, Ireland, Canada and Australia. This means that personal information may be used, processed

and transferred to the United States and other countries or territories and those countries or territories may not offer the same level of data protection as the country where you reside, including the European Economic Area. For this reason, OpenWater has self-certified compliance to the Department of Commerce that it adheres to the Privacy Shield Principles of the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom to the United States. For more information about our Privacy Shield compliance, please see the [Privacy Shield Policy section](#), below.

OpenWater collects and transfers from the EU and the UK to the U.S. personal data only: with your consent; to perform a contract with you; or to fulfill a compelling legitimate interest of OpenWater in a manner that does not outweigh your rights and freedoms. OpenWater endeavors to apply suitable safeguards to protect the privacy and security of your personal data and to use it only consistent with your relationship with OpenWater and the practices described in this Privacy Policy.

### **How to access and update your personal information; Your rights**

The European Union's General Data Protection Regulation, the United Kingdom's Data Protection Act 2018 and other countries' privacy laws provide certain rights for data subjects. A good explanation of them (in English) is available on the website of the United Kingdom's Information Commissioner's Office (<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/individuals-rights/the-right-to-be-informed/>).

This Privacy Policy is intended to provide you with information about what personal data OpenWater collects about you and how it is used. If you have any questions, please contact us at [privacy@getopenwater.com](mailto:privacy@getopenwater.com).

If you wish to confirm that OpenWater is processing your personal data, or to have access to the personal data OpenWater may have about you, please contact us at [privacy@getopenwater.com](mailto:privacy@getopenwater.com).

You may also request information about: the purpose of the processing; the categories of personal data concerned; who else outside OpenWater might have received the data from OpenWater; what the source of the information was (if you didn't provide it directly to OpenWater); and how long it will be stored. You have a right to correct (rectify) the record of your personal data maintained by OpenWater if it is inaccurate. You may request that OpenWater erase the data or cease processing it, subject to certain exceptions. You may also request that OpenWater cease using your data for direct marketing purposes. In many countries, you have a right to lodge a complaint with the appropriate data protection authority if you have concerns about how OpenWater processes your personal data. When technically feasible, OpenWater will, at your request, provide your personal data to you or transmit it directly to another controller.

You may request to access or update the personal information we hold about you by sending an email to [privacy@getopenwater.com](mailto:privacy@getopenwater.com) or by contacting us at address provided in the **"How to contact us"** section below. In response to your request, we may ask that you confirm your identity and specify the information you wish to access so that we can quickly identify and retrieve the information for you and we will inform you how long it will take to provide or update the requested information. We will take reasonable steps to respond to such requests within thirty (30) days of receipt. Requests for access or correction should be made by using the contact details provided in the **"How to contact us"** section, below. To ensure the continued confidentiality of your personal information, access may be provided at OpenWater's office in Arlington, Virginia (where practicable) or you may elect to receive the information by registered mail. We will not charge you to make a request for access or to make a request for correction; we may, however, seek reimbursement from you for any reasonable expense incurred in retrieving, collating and forwarding the requested information to you or otherwise complying with your request. To the extent practicable, we will advise you in advance of those charges.

We may exercise our right to deny access to or correction of particular information in certain situations where permitted by law. If we deny your request we will provide in writing the reason why it was denied.

## **Security of your information**

OpenWater uses a range of security measures, including information access restrictions, designed to prevent the misuse, interference, loss, unauthorized access, disclosure, alteration or destruction of your personal information. We hold personal information in physical and electronic forms and store it at our own premises and with the assistance of service providers. The safety and security of your information also depends on you, and you are responsible for keeping confidential any passwords that provide access to certain parts of our website. We cannot guarantee the security of your personal information transmitted via the Internet to our website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on our website.

***For hosted customer data stored on our servers: A customer organization's files, databases and email that are hosted on OpenWater servers remain the property of the customer organization. We will only access this information for troubleshooting purposes at the request of the customer organization or to comply with our obligations under the agreements entered into with the customer organization, which agreements also contain confidentiality and nondisclosure provisions binding both parties.***

## **Privacy Shield Policy**

OpenWater complies with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom to the United States. OpenWater has certified to the Department of Commerce that it adheres to the Privacy Shield Principles with respect to such information. If there is any conflict between the terms in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, please visit <https://www.privacyshield.gov/>.

## **Data storage and retention**

Your personal information is stored by OpenWater on its servers, located in the United States. OpenWater retains data for the duration of the customer's business relationship with OpenWater. For more information on where and how long your personal information is stored, please contact us at [privacy@getopenwater.com](mailto:privacy@getopenwater.com).

## **Changes and updates to the privacy policy**

By using the OpenWater website, you agree to the terms and conditions contained in this Privacy Policy. We reserve the right to amend this Privacy Policy at any time, for any reason, including in order to comply with any future amendments to applicable privacy laws or regulations, by posting of the amended Privacy Policy. Any changes to this Privacy Policy will become effective upon our posting of the revised Privacy Policy on our websites. Your continued use of this website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates. The provisions contained herein supersede all previous notices or statements regarding our privacy policies and practices that govern the use of this website.

## **How to contact us with privacy questions, concerns or complaints**

Please email [privacy@getopenwater.com](mailto:privacy@getopenwater.com) if you would like to discuss the type of personal information we collect from you and the reason for the collection of such information. If you have further questions about privacy at OpenWater, please contact Kunal Johar of OpenWater as set forth below:

In the United States:           OpenWater Software, LLC  
4401 Fairfax Drive, Suite 200  
Arlington, VA 22203  
Phone: (202) 765-0247  
Email: [privacy@getopenwater.com](mailto:privacy@getopenwater.com)

## **If you have a privacy complaint**

OpenWater is committed to resolving your privacy complaint as quickly as possible and has procedures in place to help resolve any problems or complaints efficiently. If you have a concern or complaint about privacy at OpenWater, please contact us at the contact information provided above.

In compliance with the Privacy Shield Principles, OpenWater commits to resolve complaints about our collection or use of your personal information. EU and UK individuals with inquiries or complaints regarding our Privacy Shield Policy should first contact Kunal Johar of OpenWater at [privacy@getopenwater.com](mailto:privacy@getopenwater.com). OpenWater's independent recourse mechanism for Privacy Shield complaints for use by EU and UK individuals is the BBB EU Privacy Shield operated by BBB National Programs. If you do not receive timely acknowledgment of your complaint, or if we have not addressed your complaint to your satisfaction, please contact or visit <https://bbbprograms.org/programs/all-programs/bbb-eu-privacy-shield-consumers/ProcessForConsumers> for more information and to file a complaint. This service is provided free of charge to you.

Finally, as a last resort and under limited circumstances, EU and U.K. individuals with residual complaints may invoke a binding arbitration option before the Privacy Shield Panel. EU and U.K. individuals who wish to learn more about this process should refer to <https://www.privacyshield.gov/article?id=ANNEX-I-introduction> for more comprehensive information.

## **Last Updated: July 27, 2022**

*We may change this Privacy Policy from time to time, including in order to comply with any future amendments to applicable privacy laws or regulations. Any changes to this Privacy Policy will become effective upon our posting of the revised Policy on our websites. Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.*