

Data Privacy Policy

This MYNXG Data Privacy Policy (hereinafter referred to as “DPP”) is structured in accordance with the MYNXG Information Security Policy, MYNXG Hosted Services Policy, and is in line with the ISO 27001 certification. MyOmega Systems GmbH and Affiliates are referenced in this policy as MYNXG.

1 PERSONAL DATA

In providing the Digital Products and/or Digital Services, we act as a data processor for your personal data, we are acting compliant to the applicable data protection law of the European Union (EU) and in particular in accordance with the provisions of the European General Data Protection Regulation (GDPR). MyOmega Systems GmbH, place of business Nuremberg, Neumeyerstrasse 28-34, Germany and registered under HRB 33290.

2 CHANGES

MYNXG reserves the right to add to, modify, or change the MYNXG Data Privacy Policy (DPP) at any time to meet evolving security requirements. MyOmega Systems GmbH and MYNXG affiliates are referenced in this policy as MYNXG.

3 WHAT SOURCES OF DATA DO WE USE?

1. Mandatory Personal Data of the User that are needed include:
 - a. the correct first and second name,
 - b. address and
 - c. e-mail accounts for the exchange of information.
2. The user provides data and or information via the MYNXG application.
 - a. User must take care and is sole responsible for his passwords and the confidentiality of his passwords.
 - b. MYNXG claims the right, to reject user password without enough level of security.
 - c. MYNXG claims the right to ask for Two Factor Authorizations, Fingerprints and or additional PINs to enforce security.
3. Business systems receive data through the MYNXG Core Layer REST API.
4. Edge / Sense process data and provide that data via communication interfaces.

4 WHAT DO WE PROCESS YOUR DATA FOR?

1. We process personal data in compliance with the provisions of the EU General Data Protection Regulation (GDPR) and the data protection law of the Federal Republic of Germany (BDSG).

2. If you have granted us consent to process your Personal Data for certain purposes, this processing is legal based on your consent. Consent given can be withdrawn at any time.
3. Data is processed in order to provide MYNXG Platform based Digital Products and /or Digital Services in the context of carrying out this contract with our customer. The purposes of data processing are primarily in compliance with the specific Digital Services. Data is processed in order to:
 - a. identify you as our user,
 - b. to provide all appropriate Digital Services,
 - c. to correspond with you,
 - d. to invoice or provide Digital Services,
 - e. Due to statutory provisions (Art. 6 para. 1c of the GDPR) or in the public interest (Art. 6 para. 1e of the GDPR).
4. Where required, we process your data beyond the actual fulfillment of the contract for the purposes of the legitimate interests pursued by us or a third party. Examples:
 - a. Guarantee of IT security and IT operation,
 - b. Measures for building and site security (e. g. access controls),
 - c. Marketing or market and opinion research, unless you objected,
 - d. Asserting legal claims and defense in legal disputes,
 - e. Prevention and clarification of crimes,
 - f. Measures for ensuring the right of owner of premises to keep out trespassers, measures for business management and further development of services and products, risk control in our company.

5 WHO RECEIVES YOUR DATA?

1. Within MYNXG, every unit that requires your data to fulfill our contractual and legal obligations will have access to it. Service providers and vicarious agents, which are contracted under similar Data Privacy Policy requirements, appointed by us can also receive access to data for the purposes given. These are companies in the categories of IT services, logistics, printing services, telecommunications, collection, advice and consulting, and sales and marketing. We may pass on information about you only if legal provisions demand it or if you have given your written consent. Under these requirements, recipients of personal data can be, for example:
 - a. Public entities and institutions,
 - b. Other credit and financial service institutions or comparable institutions to which we transfer your personal data in order to carry out a business relationship with you,
 - c. Service providers that we appoint in agreements for commissioned data processing for example Mobile Network Operators.
 - d. Other recipients of data can be any units for which you have given us your consent to transfer data or for which you have released us from confidentiality by means of a declaration or consent or for which we are authorized to transfer data based on balance of interests.

6 WILL DATA BE TRANSFERRED TO A THIRD COUNTRY OR AN INTERNATIONAL ORGANIZATION?

1. MYNXG may use employees, contractors and facilities in any place where an MYNXG entity or any subcontractor are located.
2. MYNXG may transfer your Personal Data and any other data to MYNXG facilities or to Data Centers that will host the MYNXG Solution and/or MYNXG Platform for creating data redundancy or any other cloud operation purpose. MYNXG will apply on all this procedure the data security rules as outlined under ISO 27001.
3. MYNXG will transfer Personal Data outside the EU (known as third countries) if
 - a. it is necessary for the purpose of providing the MYNXG Platform, Digital Product and /or Digital Services and carrying out your orders under this contract,
 - b. or necessary to guarantee MYNXG IT operations in compliance with the European data protection regulations,
 - c. it is required by law (e. g. reporting obligations under fiscal law, money laundering, terrorism financing, criminal acts),
 - d. or you have granted us your consent.

7 HOW LONG WILL MY DATA BE STORED?

1. We will process and store your personal data for as long as it is necessary in order to provide our MYNXG Digital Services and Digital Products and fulfill our contractual and statutory obligations. It should be noted here that our business relationship is a long-term obligation, which is set up based on periods of years.
2. If the data is no longer required in order to provide our services and fulfill our contractual or statutory obligations, it is deleted, unless its further processing is required – for a limited time – for the following purposes:
 - a. Fulfilling obligations to preserve records according to commercial and tax law: German Commercial Code (HGB), German Fiscal Code (AO). The time periods prescribed for the retention of records are usually between six and ten years.
 - b. Preservation of evidence within the framework of statutory limitation periods. According to the §§ 195 ff of the German Civil Code (BGB) these limitation periods can be up to 30 years, whereby the regular limitation period is 3 years.

8 WHAT DATA PRIVACY RIGHTS DO I HAVE?

You have the following rights, with reference to the according article in GDPR:

1. **7 (3) GDPR** you have the right to withdraw your consent at any time. This means that we are not allowed to continue data processing which was based on your previous consent,
2. **15 GDPR** you have the right to obtain information on how we process your Personal Data. In particular, you have the right to get access to the purpose of processing, the categories of personal data concerned, the recipients or categories of recipient to whom the personal data have been or will be disclosed, the envisaged period for which the Personal Data will be stored, the existence of the right to request rectification or erasure, restriction of processing or to object processing, the right to lodge a complaint with a supervisory authority, where the Personal Data are not collected from the data subject, any available

information as to their source, the existence of automated decision-making, including profiling and meaningful information about its processing details.

3. **16 GDPR** the rectification of inaccurate Personal Data or the completion of incomplete Personal Data without undue delay,
4. **17 GDPR** the erasure of your Personal Data unless the processing is necessary for exercising the right to freedom of speech and to information, for compliance with legal obligation, in order to protect the vital interests or for the performance of a task carried out in the public interest or in the exercise of official authority, for the purposes of the legitimate interests,
5. **18 GDPR** to obtain restriction of processing if the accuracy of the Personal Data is contested, if the processing is unlawful and you oppose the erasure of the Personal Data and we no longer need the data but are required by yourself for the establishment, exercise or defense of legal claims or if you have objected to processing pursuant to Article 21 GDPR.
6. **20 GDPR** to receive your Personal Data which you have provided to us, in a structured, commonly used and machine-readable format and to have your data to be transmitted to another controller,
7. **77 GDPR** to lodge a complaint with a supervisory authority. For this purpose, you can refer to the supervisory authority of your habitual residence, place of work or place of alleged infringement.

9 WHAT ARE MY RIGHTS TO OBJECT?

You have the following rights, according to Art. 21 GDPR:

1. Individual right to object. You have the right to object, on grounds relating to your particular situation, at any time to processing of your Personal Data which is based on point (e) of Article 6 (1) GDPR (processing for the performance of a task carried out in the public interest) and based on point (f) of Article (1) GDPR (processing based on balancing of interests).
2. If you object, MYXNG will no longer process your data, unless we can prove legitimate reasons for processing which are incompatible with your interests, rights and freedoms or unless processing serves for the establishment, exercise of defense of legal claim.
3. In addition, you have right to object to the processing of data for purposes of direct marketing
 - a. In some individual cases we process your Personal Data to carry out direct marketing. You have the right at all time to file an objection against the use of your Personal Data for the purpose of such marketing if it is related to such direct marketing.
 - b. If you object to the processing for the purpose of direct marketing, we will not process your personal data for this purpose anymore..

10 RECIPIENT OF AN OBJECTION

Objections can be submitted without any formal requirements with the subject "Objection" with your Personal Data (the correct first and second name, address and e-mail accounts) and should be addressed to:

MYNXG
Data Protection Officer
Neumeyerstrasse 28-34
90411 Nürnberg, Deutschland
E-Mail: [info\(at\)mynxg.com](mailto:info(at)mynxg.com)

11 WHAT ARE MY OBLIGIONS

1. You will handle all Data Privacy Right, Information Rights and Rights to Object conflicts under the GDPR law and our obligation to provide Service under this Agreement and acknowledge that MYNXG might be legally obliged to terminate individual services to your employees due to employees Individual GDPR rights.
2. You may use and access the MYNXG Digital Products and/or Digital Service only as expressly permitted in the Agreement.
3. You will comply with all laws and regulations, including without limitation privacy and data protection laws, applicable to its use of the MYNXG Digital Service Offerings and/or to you or your industry that are not generally applicable to MYNXG as the MYNXG IoT Provider for providing the Digital Services under this Agreement.
4. You are responsible for determining whether any of Your Data is subject to additional regulatory or security requirements beyond those provided by the MYNXG Digital Product and Digital Service Offerings. Unless otherwise specified in this Agreement, you may not use the MYNXG Platform and MYNXG Digital Service offerings to store or process data subject to specific regulatory requirements, including without limitation healthcare data, export-controlled or other controlled-distribution data, payment card data, or classified or controlled government data.