



Privacy and Data Protection Policy

Aellius Professional Research and Consulting is a Limited Liability Company with its headquarters in Parker, Colorado, 80134, United States of America (“Aellius”, “we”, “our”, and “us”). Aellius offers a suite of software products and services around its software products. This Aellius Privacy and Data Protection Policy (“Privacy Policy”) explains how we collect, use, and disclose (personal data or personally identifiable information (“Personal Data”) that we may collect from you (“you”, “Licensee” or “Client”) when you visit our website or support site (collectively “The Sites”), purchase/license our software, or otherwise engage us for services or that a Client may provide to us when we provide services to that Client. As used in this Privacy Policy, Personal Data refers to information relating to an identified or “identifiable person” such as, but not limited to, name, address, email address, IP Address, social security or identification number or similar information. In certain places in this Policy, we may specifically reference the GDPR. By GDPR, we are referring to [Regulation \(EU\) 2016/679 \(General Data Protection Regulation\)](#), which defines roles such as Data Controller (“Controller”) and Data Processor (“Processor”) under the definitions of the General Data Protection Regulations (“GDPR”).

Although Aellius LynX Business Integrator, Aellius LynX Monitor, Aellius XForm, and Aellius LynX Output Manager (the “Products”) are hosted either on Client’s servers or by a Managed Services Provider (not Aellius) chosen by Client and Aellius does not routinely process data on behalf of its Clients using the Products, from time to time there are occasions where Aellius becomes a temporary Data Processor under the definitions of the GDPR, and that function will be addressed within this document as well.

The Sites are not intended for nor directed at children under the age of 16 years and we do not knowingly collect any data related to children under the age of 16 years.

Data We Collect From You

Information You Provide

You may provide us with information through the Sites, by email, phone, support ticket, or other method for these purposes:

- Requesting initial product information or a demo via our web contact form
- Requesting a quotation or related follow-up
- Requesting upgrades, bug fixes, new features, or general product information
- Requesting log in to the Support Site
- Using any forum feature or other input-enabled feature on the Sites
- Sending in a résumé for consideration for a job opening

The categories of Data you provide may include:

- First and Last Name (and in some instances, Middle Initial)
- Company Name
- Email Address
- Job Title
- Phone Number
- Mailing Address

- Any other identifier that permits Aellius to get in touch with you.

Information We Collect

Aellius collects, stores and uses information about your visits to the Sites and about your device (including PC, tablet, mobile or other) through which you access the Sites. This includes the following information:

Technical- IP address, browser type, device identifier, login information (where applicable), time zone settings, browser plug-in names and versions, operating system type and version, geographical location, internet service provider, and other readily available information regarding your connection as it relates to identifying who is connecting to our site and by which technical method.

Use-specific information- pages you viewed and searched for on the Sites, full URL (Uniform Resource Locator) used to access the Sites, response times for pages, length of your visits to specific pages, specific page interaction information (such as scrolls, clicks, etc.), and overall website navigation.

Software specific information- Aellius may electronically monitor your use of the Software to verify compliance with your End User License Agreement ("EULA") as well as validity of your permanent employee status with an approved business.

Sensitive Data

Aellius does not seek to collect sensitive data through our Sites nor by any other method. Sensitive data includes information related to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union status, sexual orientation, health, biometric, or genetic-related information. If this sensitive data is somehow inadvertently collected by the Sites, it will be immediately destroyed and not used for any purpose.

Data Protection Principles

In accordance with Article 5 of the GDPR, Aellius is committed to the following principles (next page) when processing Personal Data:

Lawfulness, fairness and transparency	Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject
Purpose limitation	Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
Data minimisation	Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
Accuracy	Personal data shall be accurate and, where necessary, kept up to date
Storage limitation	Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
Integrity and confidentiality	Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

Aellius as a Data Processor

While Aellius is the licensor of and provides certain services as described below for its Products, Aellius does not provide hosting or managed services related to the Products. The Products (“Software”) are hosted solely by Client or Managed Services Provider (not Aellius) of Client’s choice:

Aellius LynX Business Integrator

Aellius LynX Monitor

Aellius LynX Output Manager

Aellius XForm

Therefore, Aellius does not on a day-to-day basis collect nor process Personal Data on Client’s behalf, nor typically serve as Data Processor for the Personal Data for which Client serves as Controller other than as described previously. However, there are certain services (collectively, “Services”) that Aellius provides around the above software products that may place Aellius in a temporary Data Processor Role (for the duration of time Aellius is providing the Services). The Services include:

- Customization of Software where Aellius accesses Client network solely via secure Virtual Private Network (VPN) software or equivalent secure network of Client’s choosing to perform the work.
- Installation, Upgrade, Reconfiguration, or other movement of or changes to Software performed by Aellius remotely where Aellius accesses Client network solely via secure Virtual Private Network (VPN) software or equivalent secure network of Client’s choosing to perform the work.

- Extended/Extraordinary Support services provided solely at Aellius's discretion, whether Aellius elects to provide the services at no additional charge or for an additional fee, where Aellius accesses Client network solely via secure Virtual Private Network (VPN) software or equivalent secure network of Client's choosing to perform the work.
- Training- Aellius provides remote training services relevant to each Client's environment. In these cases, Aellius may employ WebEx or similar method to perform main part of the training, but then (if needed or requested by client) access Client network via secure Virtual Private Network (VPN) software or equivalent secure network of Client's choosing to perform the work.
- Any other billable consulting services around the Software where Client requests Aellius to remotely access Client's network, where Aellius accesses Client network solely via secure Virtual Private Network (VPN) software or equivalent secure network of Client's choosing to perform the work.

When providing Services to Clients through our remote platform, the only time we may act as Processors of the Personal Data for which Client serves as Controller is to provide the Services listed above under the direction of Client. In these circumstances, where Aellius is acting as a Data Processor, Processing of Personal Data shall be limited to solely that which is necessary to the purpose of providing the Service for which Client has engaged us. Aellius acknowledges that all Personal Data for which Client serves as Controller and which resides solely on Client's own servers or those at a Managed Services Provider (not Aellius) chosen solely by Client shall remain at all times under the Control of Client and Aellius shall have no interest or control over such Personal Data other than as is strictly necessary for the Services.

Aellius further acknowledges it has no relationship with individuals for whom Client serves as Controller. In the event that Aellius is directly contacted by a customer, vendor, or other person or entity for whom Client serves as Controller concerning data and/or privacy or seeking to correct, amend, or delete inaccurate Personal Data, Aellius shall direct such person or entity to contact Client directly. **Client shall be responsible for providing Aellius with an up-to-date email address for its Data Protection Officer and notifying Aellius within 5 business days of any change to this email address (providing an updated, valid replacement), so that Aellius may direct such requests to that email address of Client.**

Data Retention

Aellius will retain Personal Data we process on behalf of our Clients only for as long as needed to provide Services to Client. Aellius does not at any time store Personal Data controlled by its Clients on Aellius's Servers (with the exception of any emails Client may send containing Personal Data). We will retain and use this information as necessary to comply with our legal obligations, resolve disputes, and enforce agreements. Aside from the foregoing, Aellius has no interest in retaining Personal Data it processes on behalf of Client and unless Client has a prior request to return such items on file with Aellius, Aellius will destroy (by shredding) any paper or other copy containing Personal Data.

Subprocessors

Subprocessors used by Aellius who have their own comprehensive Privacy Policies, including GDPR provisions:	Website link to Subprocessor Privacy Policy*:	Purpose of Subprocessor:
---	---	--------------------------

Microsoft Azure**	https://www.microsoft.com/en-us/trustcenter/privacy/privacy-overview	Cloud hosting of all Aellius servers and Aellius web site
ZenDesk	https://www.zendesk.com/company/customers-partners/privacy-policy/	Aellius Support host (ticketing, etc.)

Note- Should any private subcontractor be used by Aellius at any time, Aellius shall hold them accountable to the same privacy standards or better as Aellius by either verifying that they have an acceptable privacy policy in place or by having them agree to and sign a copy of Aellius's policy.

*** Links re-checked and are correct as of 4/1/2019. Aellius is not responsible in the event Subprocessor relocates their Privacy policies. Please refer to the Legal page of respective Subprocessor for further information.**

**** Aellius servers do not host nor process any Client data; however, Microsoft Azure is listed as a potential Subprocessor since it hosts all Aellius servers.**

Security

Aellius has implemented appropriate technical, physical and organizational measures in accordance with industry standards designed to protect Personal Data against accidental or unlawful destruction or accidental loss, damage, alteration, unauthorized disclosure or access as well as all other forms of unlawful processing (including, but not limited to, unnecessary collection) or further processing.

Data Incident Management and Breach Notification

If Aellius becomes aware of and determines that an incident involving Personal Data under its control qualifies as a breach of security leading to the misappropriation or accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to Personal Data transmitted, stored on Aellius systems that compromises the security, confidentiality or integrity of such Personal Data, Aellius will report such breach to you as required by applicable law.

As information regarding the breach is collected or otherwise reasonably becomes available to Aellius and to the extent permitted by law, Aellius will provide You with additional relevant information concerning the breach reasonably known or available to Aellius.

Cross Border Transfers

Aellius Office and Servers are located in the United States, and to the best of our knowledge and research Aellius does not store, transfer, or manipulate Personal Data on behalf of any of its Clients that currently qualifies as Cross Border Transfers under the GDPR definition.

What Aellius Does with Personal Data

Aellius will only use Personal Data if we have a legal basis for doing so. The purposes for which we use and process Personal Data and the legal basis on which we do so is illustrated in the table below:

Scenarios where Aellius will Collect and Process Personal Data	Legal Basis for this Processing of Data
To process quotations.	Necessary as part of new business development and as a part of entering into a contractual agreement with you.

To process orders, invoices and payments.	Necessary for the fulfillment of our contractual obligations to Clients.
To issue product licenses, create and maintain support users, and process support tickets.	Necessary for the fulfillment of our contractual obligations to Clients.
To send you information and instructions related to products you have requested to evaluate or have purchased for installation.	Necessary for the fulfillment of our contractual obligations to Clients.
To enter into contracts with you, amend contracts with you, and to send notices related to contracts with you.	Necessary to begin the process of a contractual agreement, as well as to meet contractual obligations with Clients.
To provide you with information you request from Aellius (whether requested via the Sites, phone, email, or other method).	It is essential to our legitimate business interests to respond to your requests for information in order to generate and develop business. We consider this use to be proportionate and will not be prejudicial or detrimental to you.
To alert you to available product upgrades, special offers, or new services which may be of interest to you.	It is in our legitimate interests to market our products and services. We consider this use to be proportionate and will not be prejudicial or detrimental to you. <i>You have the right to opt out of receiving promotional emails at any time by clicking the Subscription or Unsubscribe links within the email.</i>
To send you event information, marketing materials, surveys, or announcements regarding Aellius product offerings.	It is in our legitimate interests to market our products and services. We consider this use to be proportionate and will not be prejudicial or detrimental to you. You have the right to opt out of receiving promotional emails at any time by clicking the Subscription or Unsubscribe links within the email.
To enforce the terms and conditions of contracts entered into with you.	It is in our legitimate interests to enforce our terms and conditions of service. We consider this use to be necessary for our legitimate interests and proportionate.
To post testimonials, comments, and/or reviews on our Sites which may contain personal information.	In such instances, we obtain consent from the client prior to posting the client's name along with any comments, reviews, or other information. If your information is on our Site and you wish to request to have it removed, please email us at the email address provided in the Contact Us section.

To post information to support forums or other parts of the Sites.

We allow users to post information within the Support site and it is within our legitimate business interests to do so for both promotional and for community support purposes. If you identify any information you have posted and would like to have removed from such forums or comment sections, please email us at the email address provided in the **Contact Us** section.

To send you information regarding changes to our policies, other terms and conditions, and other administrative information.

Necessary for the fulfillment of our contractual obligations to Clients.

Contacting Us

Aellius has appointed a Data Protection Officer to address any privacy concerns. If you have any questions about the Aellius Services Privacy Policy or your information, complaints regarding the Privacy Policy or our practices, or to exercise any of your rights as described in this document or under any data protection law, please contact us:

privacy.dpo@aellius.com

or by postal mail

Aellius

Attention- Data Privacy Officer

10940 S. Parker Rd, PMB 405

Parker, CO 80134

USA

Changes to our Privacy Policy

Aellius reserves the right to change this Privacy Policy from time to time to reflect changes in our information practices, as well as to demonstrate compliance with then-current data protection laws. Any changes will be posted on Aellius's web site (www.aellius.com) under Legal with an updated revision date. If we make any major changes to this Privacy Policy, we will notify you at the email you have provided as that of your Data Protection Officer or by means of a prominent notice on the Sites prior to the change becoming effective.