

P&D Tool Data Protection Notice

Version Date: May 22, 2019

Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (“Dynamic”, “our”, “us”, or “we”), is the Data Controller in relation to all personal data collected and processed through or in relation to the P&D Tool application (the “App”) as set out in this Notice. We are committed to safeguarding the privacy of App users.

This Notice describes how we will collect and process¹ your personal data² in connection with your use of the App with products that use a LiNX controller, such as a power wheelchair, for example (“product”). If you disagree with the terms of this Notice you can select “Cancel” on the Consent form that follows this Notice, or at any time turn-off or delete the App, in which case you will not be able to use the App.

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Personal data we collect and process

We will collect and transmit the data described in this Notice for the purposes described in this Notice.

We will collect and process (a) data from your mobile devices used to access the App, including the IP addresses; and (b) generic data related to your use of the App (such as how often you use the App and what features of the App you access the most, for example).

If you contact us, we may receive information that you provide.

The term “Data” means the information and data described in this section “Personal data we collect and process.”

Why we process your personal data

We process the Data for the purpose of:

- (1) automatically updating your mobile device with the latest version of LiNX controller firmware, that you can then use to manually update LiNX controllers.

Our legal basis - we process the Data out of necessity for the (i) performance of a contract, (ii) compliance with a legal obligation as it relates to the warranty on a LiNX controller or (iii) purposes of our legitimate interests as listed above.³

(2) improving our applications, products and services, including: (i) research and development of new and improved applications, products and services; (ii) using anonymized or aggregated technical data (to the extent that it is not possible to identify or re-identify individuals) for our research or business purposes; and (iii) sharing or selling anonymized or aggregated technical data (to the extent that it is not possible to identify or re-identify individuals) to third parties for research or their business purposes.

Our legal basis - we process the Data out of necessity for the purposes of our legitimate interests as listed above.⁴

Where we get your personal data

The Data we collect when you sign-up for the App comes from you.

We may separately have access to other personal data about you, which we receive from you as a customer, namely your name, business contact information, product purchase information and related warranties and guarantees for such products, if any. We may combine such data with the Data for the purposes described [above](#).

We will collect data about any devices used to access the App (such as your mobile phone or computer) directly from those devices.

How long we keep your personal data

We will retain anonymized or aggregated Data (to the extent that the aggregated data does not make it possible to re-identify individuals) as long as needed for, or relevant to, our research and business purposes.

We will retain all other Data for a period required to: comply with applicable laws or regulations (e.g. EU medical device directives), perform contractual commitments, manage any after sales issues, establish, exercise or defend our legal rights or provide you with access to the Data through the App.

Why we share your personal data with third parties

Subject to appropriate contractual safeguards, we may share the Data with (i) any member of our corporate group (this means our subsidiaries, our ultimate parent company and all its subsidiaries) ("[group members](#)") insofar as reasonably necessary, and (ii) third party cloud vendors and other service providers in the Internet and data management service sectors that will process the Data on our behalf for the purposes set out in this Notice.

We may make aggregated, anonymous data relating to activity on the App available to third parties.

We also disclose such Data: (a) to our professional advisors and insurers in order to establish, exercise or defend our legal rights; (b) to tribunals and courts, law enforcement

authorities and other parties to the proceedings and their professional advisors in connection with any ongoing or prospective administrative or legal proceedings; (c) to the foregoing third parties mentioned in (a) and (b) and others to the extent that we are required to do so by law or by a court ruling or order; and (d) to the purchaser (or prospective purchaser) of all or substantially all of our shares (or our parent company's shares), or all or substantially all of our assets (or our parent company's assets) that we are (or are contemplating) selling.

International transfers of your personal data

The group members, cloud vendors and service providers listed in (i) and (ii) in the preceding section, and other recipients listed in (a) to (d) in the preceding section may be located in countries outside of the European Union ("EU"), namely in New Zealand and the USA. New Zealand is officially recognised by the European Commission as adequately protecting personal data (see [here](#)). Data transfers to the USA are subject to safeguards, provided by either the EU-US Privacy Shield framework (see [here](#)), standard data protection clauses approved by the European Commission or a supervisory authority, Binding Corporate Rules or approved certifications or codes of conduct to protect the Data so transferred. For information relating to the mechanisms that we use for international transfers of the Data please contact our data protection [officer](#) listed below.

Your data protection rights

You may contact us either in writing by sending a letter to Dynamic Controls, of 39 Princess St. Riccarton, Christchurch, New Zealand (Attn: Data Protection Representative) or by e-mail at esusupport@dynamiccontrols.com to exercise the following rights:

- (1) to access your personal data;
- (2) request that we rectify or delete your personal data or restrict the processing of your personal data;
- (3) to object to the processing of your personal data;
- (4) to object, on grounds relating to your particular situation, at any time to processing of your personal data which is based on the legal basis of necessity for the purposes of the legitimate interests pursued by the controller or by a third party;
- (5) to refuse to give or withdraw your consent at any time;
- (6) to receive the personal data, which you have provided to us, in a structured, commonly used and machine-readable format and to transmit those data to another controller (so-called data portability); or
- (7) any other rights provided for under the relevant data protection law. You also have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or of an alleged infringement of the General Data Protection Regulation. If you object to processing or withdraw your consent, you can continue to use your product, but you will not be able to utilize the App and we will not process your personal data as described in this Notice. You may also contact us if you have questions relating to this Notice.

You can stop all collection of information by the App by uninstalling the App. You may use the standard uninstall processes available through your mobile device or via the mobile application marketplace or network.

You can opt out of receiving push notifications through your device settings. Please note that opting out of receiving push notifications may impact your use of the App.

You can prevent your mobile device from sharing location at any time through your mobile device's operating system settings.

Contact details of our EU data protection representative:

Dynamic Europe Limited
Unit 7, Finepoint Way
Kidderminster
Worcestershire DY11 7FB
United Kingdom
Attn: Data Protection Officer
eusupport@dynamiccontrols.com

Personal data you collect and process

The App permits you to download information to your mobile device, such as the serial number and technical product data (battery levels, usage patterns, error codes, seat angle patterns, motor characteristics, and run time for example) of a product connected to the App, and to save that data on your mobile device as a file ("Configuration File"). Although the App does not collect any information about the product end user's **health**, the end users use of the product together with the Configuration File may reveal the fact, or be an indication, that the end user has a particular health condition, which may be considered sensitive information ("Sensitive Information"). The Configuration File and the Sensitive Information (individually and collectively the "End User Data") may include the Personal data of the product end user. You are the controller (as defined under the General Data Protection Regulation ("GDPR")) of the End User Data and it is your responsibility to provide required privacy notices and obtain any required consent of the product end user prior to Processing the End User Data, and to secure and protect the End User Data in accordance with GDPR.

- 1 "*Process*" or "*Processing*" is any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
- 2 "Personal data" means any information relating to an identified or identifiable natural person ('data subject'), directly or indirectly, in particular by reference to an identification number or some other factor specific to the person's identity. Examples of personal data are your name or contact details or information about your usage of your product.
- 3 See Article 6(1)(b) (necessity for the performance of a contract) and Article 6(1)(c) (necessity for compliance with a legal obligation) of the GDPR. See also fn. 4.
- 4 See Article 6(1)(f) of the GDPR (necessity for purposes of legitimate interests).

Consent

in Relation to the P&D Tool application

By selecting the “I AGREE” button, you provide your CONSENT to:

(1) The installation of the P&D Tool application on your mobile device for use with a product (e.g., power wheelchair) using a LiNX controller and the access by Dynamic Controls (of 39 Princess St. Riccarton, Christchurch 8041, New Zealand) as the controller of your personal data.

(2) The combination of your personal data that we may have collected separately in relation to providing you sales or services on products (e.g., warranty repair) with the data described in the section “Personal data we collect and process” in the [P&D Tool Data Protection Notice](#) for the purpose of providing the P&D Tool application.

(3) You are the controller (as defined under GDPR) of the product user’s personal data saved to your mobile device and it is your responsibility to provide required privacy notices and obtain any required consent of the end user prior to processing the end user’s personal data.

By selecting the “I DISAGREE” button, you do not provide your consent to the data processing activity described in this Consent. In this case and in case you refuse to give consent or you withdraw consent, you can continue to use your product, but you will not be able to utilize the P&D Tool application and we will not process your personal data as described in the Notice and this Consent, except for your personal data that we may have collected separately in relation to providing you services on your product.