

Privacy Policy

Peakon ApS of Frederiksberggade 11, 1459, Copenhagen K, Denmark and its group companies (collectively, “Peakon” / “we” / “our” / “us”) are committed to protecting and respecting your privacy.

This Peakon privacy policy (“Privacy Policy”) is provided in a layered approach so you can click through to specific areas set out below.

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IMPORTANT INFORMATION

Purpose of this Privacy Policy

Peakon has entered into an agreement with your employer (“Employer Agreement”) to grant you access to the Peakon platform (“Platform”) and/or to complete surveys or otherwise use the Platform. This Privacy Policy sets out how we collect and process your personal data.

References in this Privacy Policy to “your employer” shall refer to the entity who has entered into the Employer Agreement with us. You will typically be an employee, officer, contractor or consultant of a Peakon client.

Our status and responsibilities

Your employer is the data controller for the purposes of personal data processed under this Privacy Policy. Peakon will process your personal data on behalf of your employer and in accordance with its lawful instructions.

The information you provide to us and/or upload to the Platform (whether or not it constitutes personal data) will also be governed by the Employer Agreement.

Where Peakon acts as a data controller; for example, where you receive marketing communications from us, our other privacy policy will apply. For further information [please see here](#).

For information on how to contact us, please see the [“How to contact us”](#).

PERSONAL DATA WE COLLECT ABOUT YOU AND HOW WE COLLECT IT

We will collect and process the following personal data about you:

Information you give us. You may give us information about you:

- when using the Platform’s functions, including by filling in forms, providing individual feedback or completing surveys on or via the Platform. The extent of the information collected in surveys is set by your employer. This information may include your name, photo, age, company email address, company telephone number, job title, level of seniority, department, work start date, salary and primary office location, as well as any views/comments you provide to us about you or your colleagues’ performance in your respective roles, or information regarding your employer, your colleagues or other third parties during the course of completing surveys or otherwise using the Platform;
- if you contact or correspond with us (for example, using any support function made available by us) and we may keep a record of that correspondence (either directly or through our service providers).
- any comments, opinions and/or feedback you provide to us regarding the Platform, for example during any trial or beta period that you may participate in, when providing NPS scores or participating in research panels.

Information your employer gives us. Your employer may give us information about you:

- when creating a user profile for you in order to enable you to access the Platform under the Employer Agreement (whether on a trial or full basis) or to enable us to send surveys, individual feedback requests and similar communications to you. This information may include your name, age, company email address, company telephone number, job title, level of seniority, department, work start date, salary and primary office location;
- otherwise in the course of your employer’s use of the Platform.

Information we collect about you. Each time you complete a survey or otherwise use the Platform we may automatically collect the following information:

- when you use the Platform, we will keep a record of the details of that usage, including the date, time, location, frequency and duration of the usage;
- we may obtain further information about you from your employer, for example to verify your eligibility to access and use the Platform;
- technical information about your computer or mobile device for system administration and analysis, including your IP address, URL clickstreams, unique device identifiers, operating system, and network and browser type;
- other information about your use of the Platform, including the pages you have viewed, the duration spent on the Platform and data files you have uploaded to the Platform. This information may be linked to your user profile (where relevant).

Information we receive from other sources.

- We work closely with third parties (including for example, business partners, other companies within our group, subcontractors and analytics providers) and may receive information about you from them. Details of third party providers are set out in the section below entitled “[Who we share your information with](#)”.

HOW WE USE YOUR PERSONAL DATA

Please note that we are permitted to collect, use, disclose and/or otherwise process any information other than personal data, including data sets you upload to the Platform or otherwise provide to us, to the fullest extent permitted by the Employer Agreement.

Where we have collected, received or generated personal data from or about you, we may use this for the purposes, and on the legal bases, as set out below.

Information you give to us. We will use this information to:

- carry out our obligations arising from the Employer Agreement. This includes providing your employer with aggregated and anonymised reports and analysis summarising information provided during your use of the Platform, including in any engagement surveys, aggregated with information from other employees and personnel, and (where relevant) comparing this data with past or future employee responses and/or industry benchmarks. Where applicable, this will also include providing you with individual feedback comments from your colleagues, and providing your individual feedback to your colleagues. All survey and/or individual feedback responses are entirely optional: individual questions (or the entire survey) may be skipped and there is no requirement for any surveys to be completed;
- contact you for your feedback on our services and to help us evaluate and improve our services, for example by acting on any information you have provided to us;
- notify you about changes to the Platform and any other services of ours that you use, including informing you about new versions of the Platform and about new features, functionality and service offerings; or
- deal with any enquiries, correspondence, concerns or complaints you have raised, or that have been raised by or concerning third parties (such as your employer) involving you and any issues caused by your use of the Platform.

Information we collect about you. We will use this information:

- to administer and improve the Platform and other services, including ensuring that content is presented in the most effective manner for you and for your computer or device;
- to report to your employer relating to the use of the Platform, as may be required under the Employer Agreement;
- for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- to allow you to participate in interactive features of the Platform, when you choose to do so;
- as part of our efforts to keep the Platform safe and secure; or
- to compile reports (which do not personally identify you) of usage of the Platform.

Information we receive from other sources.

- We may combine information from other sources with the information you give to us or we collect about you and use this information as specified above.

In relation to the above uses, we shall process your personal data on the legal basis determined by your employer or where it's necessary for the purposes of our legitimate interests, including:

- to enable us to perform our contractual obligations under the Employer Agreement;
- to improve or optimise our services;
- to maintain the security of our computer systems;
- to understand how the Platform is used and to improve the user experience of the Platform;
- to protect and defend our legal rights;
- for troubleshooting, and
- for data analysis, testing and research purposes.

Please also note:

- We will not undertake any surveys or analysis via the Platform by specific reference to any special categories of personal data (including racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data, health data, sex life or sexual orientation), unless this has been expressly requested or configured by your employer. Where this is the case, it is your employer's responsibility to ensure they have obtained your explicit consent to such processing or that they have another lawful basis for such processing (please contact your employer if you have

any questions). However, you might, in the course of providing comments or feedback in a survey, provide personal data within one of the above categories where this has not been requested. .

- For engagement surveys, we will not reveal your identity to your employer other than in exceptional circumstances, as explained further below in the section entitled "[Who we share your personal data with](#)".
- Data collected from you and other employees or personnel may be used by us in an aggregated and anonymised form for statistical and benchmarking purposes including enabling comparisons to other organisations within the same industry.

WHO WE SHARE YOUR PERSONAL DATA WITH

We may share your personal data with other companies in our group, where necessary or desirable to do so in the course of the provision of services to you or your employer.

We may also share your personal data with selected third parties in accordance with this policy, including:

- sub-processors, service providers (for example of IT services), business partners and/or suppliers for the performance of any contract that we enter into with your employer (such as the Employer Agreement), including the following:
 - Amazon Web Services, Inc and Heroku, Inc; who provide cloud hosted infrastructure and services used by us to operate the Platform as a hosted solution; and
 - Google LLC, Delighted, Inc., Intercom, Inc., Nexmo, Inc., Skilljar Inc. and Gainsight, Inc., who provide product tools and functionality used by us in delivery of the Platform and associated services.
- government or other law enforcement agencies, in connection with the investigation of unlawful activities or for other legal reasons (this may include your location information).

We require all our third party service providers and all other companies within our group to take appropriate and stringent security measures to protect your personal data in line with our policies. We do not allow our third party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes in accordance with our instructions.

We may also disclose your personal data to other third parties in the following circumstances:

- if we sell or buy any business assets or receive investment into our business, we may disclose your personal data to the prospective or actual buyer, seller or investee of such business or assets;
- if Peakon ApS or substantially all of its assets are acquired by a third party, in which case personal data held by us, including your data and data about our customers, suppliers and correspondents will be one of the transferred assets;
- we may disclose your personal data to our legal advisers if they need to have access to this information in order to advise us on our legal rights and obligations; and
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our terms of use or other contracts between us and you or your employer; or to protect the rights, property or safety of us, our customers or others.

Engagement survey: responses and your employer

Please note that:

- feedback and comments provided by you during engagement surveys are collated and conveyed to your employer in an aggregated or otherwise anonymised form. As such, your anonymity is protected

by default. Please also note that we merely report the feedback and comments and do not undertake any investigation or assessment into their veracity or legality;

- the Platform may include an automated keyword flagging function, using a list of keywords which are pre-agreed by your employer. Any word in comments contained in an engagement survey which matches a keyword is automatically reported to your employer, without revealing your identity. We do not, however, notify you when any keywords originating from you are reported to your employer. This keyword flagging function operates automatically and we do not carry out any manual checks or otherwise monitor, supervise or exercise any discretion over the transmission of keywords to your employer. We do not assume any responsibility to you in respect of the keyword flagging function, and we expressly disclaim, to the fullest extent permissible by law, any and all responsibility and liability in respect of (a) any failure or delay by us in reporting keywords, and (b) any acts or omissions of your employer as a consequence of or in connection with the reporting of such keywords.

Engagement survey: disclosing your identity to your employer

From time to time we may receive a request from your employer to disclose your identity or we may consider it appropriate to disclose your identity in the absence of such a request. We will consider this in accordance with our internal policy on revealing anonymity. Your identity will in general only be disclosed to your employer where it is necessary to do so for reasons of substantial public interest. This is only likely to occur in exceptional circumstances. For example, we may consider (based on your or others' comments) that you or another person identified is experiencing or at risk of physical, mental or emotional harm (including self-harm) and requires support, and that there is a need to protect the well-being of you or another person, and furthermore that we cannot reasonably obtain your consent (for instance if you are away from your workplace and therefore not contactable for a period of time) or where seeking your consent would prejudice the purpose of the disclosure. By way of further example, we may consider (based on your or others' comments) that disclosure of your identity to your employer is necessary to prevent or detect an unlawful act (such as fraud or other criminal act), and that we cannot request your consent since this would prejudice the purpose of the disclosure.

Individual feedback responses

Please note that:

- feedback and comments provided by you to your colleagues, when giving individual feedback, are not anonymous and your identity will be visible to both your colleagues (to whom you have given individual feedback) and other applicable persons determined by your employer e.g. your colleague's line manager and/or any designated mentor(s);
- scores provided by you to your colleagues, when giving individual feedback, are collated and conveyed to your colleagues (to whom you have given individual feedback) and your employer in an aggregated and otherwise anonymised form i.e. your colleagues and/or your employer will not be able to see the score you gave to a specific colleague.

Except as explained above, we will not disclose your personal data to any third parties for any other purpose unless we have a legal right or obligation to do so.

INTERNATIONAL DATA TRANSFERS

A number of our service providers (<https://peakon.com/sub-processors>) are based outside the European Economic Area ("EEA"), predominantly in the United States. We may transfer your personal data to those services providers in the United States or other countries outside the EEA in order to provide our services via the Platform.

We have put in place appropriate measures to ensure that your personal data are treated by those third parties in a way that is consistent with and which respects the EU laws on data protection, including verifying that the recipient is certified under the EU-US Privacy Shield, or in putting in place written contractual agreements to

meet EU-approved data protection obligations. If you require further information about these protective measures, please contact us at privacy@peakon.com.

SECURITY

You will not ordinarily require a username or password to gain access to or complete a survey or otherwise provide us with information via the Platform. Where we have given you a username, password and/or security information which enables you to access particular features of the Platform (for example, as an administrator or manager for your employer), you are responsible for keeping these access credentials confidential. You must not share these details with anyone, or store them in a way that may allow a third party to access them. Please see the Terms of Use for more details on your employer's obligations regarding not sharing your access credential with third parties and how doing so may affect your ability to use the Platform: <https://peakon.com/terms-of-use/>.

We maintain appropriate technical and organisational measures to ensure that an appropriate level of security in respect of all personal data we process. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to the Platform and you acknowledge that any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features which are appropriate to the type of personal data you have provided to try to prevent unauthorised access or inadvertent disclosure, which may include two factor authentication and end-to-end encryption.

CONSENT

Where consent is required for our use of your personal data, by ticking the appropriate consent box or otherwise communicating your consent to us (whether by phone, email or other means), you consent to our use of that personal data as set out in this policy. If you disclose someone else's personal data to us, you confirm that you have their consent to disclose this to us and for us to use and disclose it in accordance with this policy.

HOW LONG WE KEEP YOUR PERSONAL DATA FOR

We will retain your personal data for a period of five years, or three months after being removed from the Platform by your employer, or until six months after our relationship with your employer has ended (whichever is sooner). After this period, your personal data will be anonymised or deleted.

We will not store your personal data for longer than is reasonably necessary to use it in accordance with this Privacy Policy or with our legal rights and obligations. For the avoidance of doubt, aggregated and anonymised data and any information other than personal data can be stored indefinitely.

YOUR RIGHTS

You have the below rights in regards to your personal data. Please contact your employer directly if you would like to exercise any of these rights (other than a change to your marketing preferences, which should be notified directly to us).

- **Access.** You have the right to access information about the personal data we hold about you. We reserve the right to charge a reasonable fee in response to unreasonable or repetitive requests, or requests for further copies of the same information.
- **Right to object to processing.** You have the right to object to processing of your personal data where that processing is being undertaken by us on the basis of our (or a third party's) legitimate interest. In such a case we are required to cease processing your data unless we can demonstrate compelling

grounds which override your objection. You also have the right to object at any time to the processing by us of your personal data for direct marketing purposes.

- **Rectification.** You have the right to request that we rectify any inaccurate personal data that we hold about you.
- **Erasure.** To the extent permitted by applicable data protection laws, you have the right to request that we erase any personal data that we hold about you, based on one of a number of grounds, including the withdrawal of your consent (where our processing of that data is undertaken on the basis of your consent), or if your object to our continued processing (as mentioned above). This right does not extend to information which is not personal data. We also reserve the right to retain your personal data in an anonymised form for statistical and benchmarking purposes.
- **Request to restriction of processing.** This enables you to ask us to restrict the processing of your personal data in certain circumstances, for example if you want us to establish its accuracy or the reason for processing it.
- **Portability.** You have the right to obtain copies of your personal data to enable you to reuse your personal data across different services and with different companies. You may also request that your personal data is transmitted directly to another organisation where this is technically feasible using our data processing systems.
- **Automated processing.** Not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects ("Automated Decision-Making"). Automated Decision-Making currently does not take place on our Platform or in our services.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Please note that if you exercise any of the above rights to require us to restrict or cease processing or to delete personal data, and this type of processing is required in order to facilitate your use of the Platform, you will no longer be able to use the Platform following the date on which we action your request. This does not include your right to object to direct marketing which can be exercised at any time without restriction. Please allow at least 5 working days for your request to be actioned.

Save as set out above, your rights detailed above can be exercised free of charge in accordance with applicable data protection laws.

COOKIES

Our Platform uses cookies to distinguish you from other users. This helps us to provide you with a good experience when you use the Platform and also allows us to improve the Platform. For detailed information on the cookies we use and the purposes for which we use them see our Cookie policy at <https://peakon.com/cookie-policy>.

CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our Privacy Policy will be posted on this page and where appropriate may be notified to you by email or advised to you on next log in to the Platform. Continued use of the Platform will signify that you agree to any such changes.

HOW TO CONTACT US

We have appointed a data protection officer (“DPO”) who is responsible for overseeing questions in relation to this Privacy Policy. You can contact our DPO by emailing privacy@peakon.com or writing to us at Peakon Data Protection Officer, Frederiksberggade 11, 1st floor, 1459, Copenhagen K, Denmark.

We are committed to resolving any privacy concerns you have. However, if you feel we have not addressed your specific concern, you have the right to make a complaint at any time to the relevant supervisory authority in your country responsible for data protection issues.