

## **Privacy Notice**

### **Last Update April 2019**

Protecting the security and privacy of your personal data is important to Siemens. Therefore, Siemens (as defined below) operates Siemens Smart Thermostat RDS (“**App**”) in compliance with applicable laws on data protection and data security.

For App users residing in the United States, “**Siemens**” shall be Siemens Industry, Inc. a Delaware corporation, through its Building Technologies Division, with its principal office in Buffalo Grove, Illinois, 60089, USA; for all App users residing elsewhere, “**Siemens**” shall be Siemens Switzerland AG, Smart Infrastructure Global Headquarter, Theilerstrasse 1a, 6300 Zug, Switzerland.

In the following, we provide information on the categories of data we process via the App, the purposes of processing and the parties with which we may share such data, where applicable.

#### **1. Categories of personal data processed**

We process the following personal data (your personal data):

- Personal data that you actively provide to us within the App i.e. information that you actively enter when registering for the App or creating a user account or when using contact and other forms offered within the App such as full name, your e-mail address, language preference, your company information;
- Session information such as IP-address or information on your operating system; and
- Information on your usage of the App.

#### **2. Purpose of the processing**

We process your personal data for the following purposes:

- to offer the App’s services and functions and to administer your use of the App;
- to verify your identity;
- to answer and fulfill your specific requests;
- to provide support;
- to send you marketing information or to contact you in the context of customer satisfaction surveys as further explained in Section 9; and
- as reasonably necessary to enforce our agreements, to establish or preserve a legal claim or defense, to prevent fraud or other illegal activities, including attacks on Siemens’ information technology systems.

The personal data processed is strictly necessary for the purposes mentioned above. If you do not provide us with the aforementioned personal data, we may not be able to offer the App to you.

We only process your personal data if we are permitted by applicable law to do so. In particular if you are based in the European Economic Area, the legal basis for Siemens processing data about you is that such processing is necessary for the purposes of:

- (i) Siemens exercising its rights and performing its obligations in connection with any contract we make with you (Article 6 (1) (b) General Data Protection Regulation),
- (ii) compliance with Siemens’ legal obligations (Article 6 (1) (c) General Data Protection Regulation), and/or
- (iii) legitimate interests pursued by Siemens (Article 6 (1) (f) General Data Protection Regulation).

Generally, the legitimate interest pursued by Siemens in relation to our use of your personal data is the efficient operation, management and support of the App, but we may disclose other legitimate interests for specific uses.

In some cases, we may ask if you consent to the relevant use of your personal data. In such cases, the legal basis for Siemens processing that personal data is that you have consented (Article 6 (1) (a) General Data Protection Regulation).

### **3. Push notifications**

The activation of push notification services allows Siemens to provide you with the following information: (1) Change filter notification (2) Digital input notification and (3) Condensation monitor notification. In the course of using this function and after activation of the push-notification permission, a connection with the push notification service of your operating system provider is established and your device receives notifications over this connection. For this purpose information on your device identifier is transferred to your operating system provider.

### **4. Cookies**

The App might make use of unique identifier or cookies. You will find additional information [here](#) on this subject in our Cookie Policy.

### **5. Usage statistics and profiles**

Siemens may store information on your interaction with the App in usage statistics and profiles for the purpose of analyzing the use of the App and allowing us to tailor and optimize the App and our products to better match our customers' interests. Usage statistics and profiles do not include your personal data.

### **6. Google Maps**

In order to offer you certain location-based functions, the App uses "Google Maps" (e.g. to let you obtain directions to your local Siemens point of contact). When you use Google Maps in a country of the European Economic Area and/or Switzerland, your personal data will be processed by Google Ireland Ltd., Gordon House, Barrow Street, Dublin 4, Ireland, otherwise by Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA (each referred to as "Google"). The processed personal data may include, , your device's IP address and your location. Location data can only be processed if you granted permission to access, or actively provided your location data within the App.

The data controller responsible for the processing of your personal data in connection with Google Maps is Google; Google's privacy notice can be found at <https://www.google.com/policies/privacy>.

### **7. Links to other websites**

This Privacy Policy applies only to this App, and not to websites or applications offered and operated by third parties. We may provide links to other websites or applications (such as Google Maps or YouTube) which may be of interest to you. Any link to an external website or application is marked as such. Siemens is not responsible for the privacy practices or the content of such external websites or applications.

### **8. App permissions**

The use of certain functions of the app may require you to provide certain App permissions. App permissions allow the App to access information stored on your device.

If you make use of an iOS device, the App may ask for the permissions listed below. The data collected via such permissions and the purposes of the data collection are the following:

- Permission to access the camera: Via this permission the app collects information from the QR-code on the Smart Thermostat. This information is processed and used for the purpose of associating your account with the Smart Thermostat.

If you make use of an Android device, the App permissions used by this App, data collected via permissions and the purposes of the data collection are the following:

- Permission to access the camera: Via this permission the app collects information from the QR-code on the Smart Thermostat. This information is processed and used for the purpose of associating your account with the Smart Thermostat.
- Permission to access the phone is required in order to let an incoming call notification have control of the screen. The app needs the phone status to stop any actions and move to the background until the phone status changes again (call ends).
- Permission to access the storage: Allows the user to install the app on an external SD card. Without this permission the user can only install to internal storage.

You may manage the use of App permissions in the section “settings” of your operating system. Please note that the use of certain functions of the App may no longer be possible if you deactivate the respective App permission.

#### **9. Processing of personal data for customer satisfaction surveys and for direct marketing**

Where and as permitted under applicable law, Siemens may process your contact information for direct marketing purposes (e.g. trade show invitations, newsletters) and to carry out customer satisfaction surveys, in each case also by e-mail. You may object to the processing of your contact data for these purposes at any time by writing to [contact@siemens.com](mailto:contact@siemens.com) or by using the opt-out mechanism provided in the respective communication you received.

#### **10. Transfer and disclosure of personal data**

For the purposes mentioned above Siemens may transfer or disclose your personal data to :

- other Siemens companies or third parties - e.g. sales partners or suppliers - in connection with your use of the App or our business relationship with you;
- third parties which provide IT services to Siemens and which process such data only for the purpose of such services (e.g., hosting or IT maintenance and support services); and/or
- third parties in connection with complying with legal obligations or establishing, exercising or defending rights or claims ( e.g. for court and arbitration proceedings, to law enforcement authorities and regulators, to attorneys and consultants.

##### **a. Recipients of your personal data outside of the EEA**

If you are located within European Economic Area, please be aware that sometimes the recipients to whom Siemens transfers or discloses your personal data are located in countries in which applicable laws do not offer the same level of data protection as the laws of your home country.

In such cases and if required by applicable law, Siemens takes measures to implement appropriate and suitable safeguards for the protection of your personal data. In particular:

- We share your personal data with Siemens companies in such countries only if they have implemented the Siemens Binding Corporate Rules („BCR“) for the protection of personal data. Further information about the Siemens BCR can be found here.
- We transfer personal data to external recipients in third countries only if the recipient has (i) entered into EU Standard Contractual Clauses with Siemens, (ii) implemented Binding Corporate Rules in its organization or (iii) – in case of US recipients – the recipient is certified under the Privacy Shield. You may request further information about the safeguards implemented in relation to specific transfers by contacting [dataprotection@siemens.com](mailto:dataprotection@siemens.com).

## b. Your rights

The data protection law applicable to Siemens when processing your personal data may entitle you to specific rights in relation to your personal data. You can find out more about those rights by contacting [dataprotection@siemens.com](mailto:dataprotection@siemens.com).

In particular and subject to the respective statutory requirements, if you are located in the European Economic Area, you are entitled to:

- Obtain from Siemens confirmation as to whether or not personal data concerning you are being processed, and where that is the case, access to the personal data;
- Obtain from Siemens the rectification of inaccurate personal data concerning you;
- Obtain from Siemens the erasure of your personal data;
- Obtain from Siemens restriction of processing regarding your personal data;
- Data portability concerning personal data, which you actively provided; and
- Object, on grounds relating to your particular situation, to processing of personal data concerning you.

Further background information and explanations related to the rights described above are available on the European Commissions' website "[Rights for citizens](#)".

### **11. Retention Periods**

Unless indicated otherwise at the time of the collection of your personal data (e.g. within a form completed by you), we erase your personal data if the retention of that personal data is no longer necessary (i) for the purposes for which they were collected or otherwise processed, or (ii) to comply with legal obligations.

### **12. Data Privacy Contact**

The Siemens Data Privacy Organization provides support with any data privacy related questions, comments, concerns or complaints or in case you wish to exercise any of your data privacy related rights. The Siemens Data Privacy Organization may be contacted at: [dataprotection@siemens.com](mailto:dataprotection@siemens.com).

The Siemens Data Privacy Organization will always use best efforts to address and settle any requests or complaints you bring to its attention. Besides contacting the Siemens Data Privacy Organization, you always have the right to approach the competent data protection authority with your request or complaint.

### **13. Do Not Track**

At this time our Service does not recognize or respond to "Do Not Track" browser signals.

### **14. Children**

This Service is not directed to children under the age of thirteen. We will not knowingly collect personal data via this Service from children under the age of thirteen without insisting that they seek prior parental consent if required by applicable law. We will only use or disclose personal data about a child to the extent permitted by law, to seek parental consent, pursuant to local law and regulations or to protect a child.

### **15. Security**

To protect your personal data against accidental or unlawful destruction, loss, use, or alteration and against unauthorized disclosure or access, Siemens uses reasonable physical, technical and organizational security measures. Unfortunately, there is no complete assurance of security in transit

or storage to any information that you transmit, no complete assurance that information will not be accessed, disclosed, altered, or destroyed by a breach of any of our physical, technical, or organizational measures.

**If you reside within the United States, please also note the following provision:**

#### **16. California Privacy Rights**

California's "Shine The Light" law permits those App users who are California residents to annually request a list of their personal information (if any) that we disclosed to third parties for direct marketing purposes in the preceding calendar year, and the names and addresses of those third parties. At this time, we currently do not share any personal information with third parties for their direct marketing purposes.

#### **17. Changes to the Privacy Policy**

We may update this Privacy Policy from time to time. The date of the latest update is indicated at the top of this privacy policy.