



EU/EEA Privacy Statement

Effective from December 2020

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INTRODUCTION

About this statement and how to read it

The purpose of this document is to provide information to you, as an individual located in the European Union or the European Economic Area (collectively, “**EU/EEA**”), about the use of your personal data by Dairy, LLC dba Dairy.com, including its subsidiaries, (collectively, “Dairy.com” or “we”). Dairy.com respects your privacy and is committed to protecting it through our compliance with EU/EEA data protection legislation which comprises of- the General Data Protection Regulation (No 2016/679/EU) which came into force on 25 May 2018 (“**GDPR**”), Privacy and Electronic Communications Directive 2002/58/EC and other relevant law as will be updated when required (“**Data Protection Legislation**”).

This document outlines what personal data we, as a data controller, collect and process in our dealings with you, how and why we process that personal data and what your rights are in respect of your personal data.

The statement has been written to provide you with clear and transparent information in an easy to understand format. To help with this, the statement is split into three sections:

- (i) PART A “SPECIFIC INFORMATION”: This contains different sections for each type of individual whose personal data we process, with each section providing information on how we process personal data specifically belonging to that type of individual. So, to understand how we process your personal data, go to the section(s) that relates to you.
- (ii) PART B “GENERAL INFORMATION”: This contains information about processing that is relevant to ALL individuals, including information about your rights under Data Protection Legislation.

Contact

If you have any questions about our privacy statement, your rights, or how we use your information, please do not hesitate to contact our appointed GDPR Article 27 representative, Symmetry Solutions Ltd, at:

Post: Symmetry Solutions Ltd, The Tara Building, 11-15 Tara Street, Dublin 2, D02RY83, Ireland

Email: ddc@symmetrygroup.ie

Changes to this statement

We will update this Privacy Statement from time to time. Any changes will be made available on our website and, where appropriate, notified to you by written notice or e-mail.

PART A: SPECIFIC PROCESSING INFORMATION

1. WEBSITE VISITORS

Where you visit our website, this section relates to you. If you visit our website and do not engage with us in any other way, please see our cookies banner on our website for more information on the cookies we use on our website. If you choose to submit an online enquiry via our website, please proceed to the next section below which relates to online enquirers.

2. ONLINE ENQUIRERS

Where you choose to submit an online enquiry to us, this section relates to you.

2.1. How we collect your personal data

Information about you, including your personal data, is gathered directly from you when you provide your details when you complete and submit a webform via our website.

2.2. The personal data we use

We process and use all personal data included in the webform and related correspondence. This includes:

- IDENTITY data including first name and surname
- CONTACT data, including your email and phone number
- OCCUPATIONAL data, including the name, location and business type of the company you work for or represent
- PREFERENCES with regard to your personal data and interests in our products or services

2.3. The purpose and legal basis for processing your personal data

We only process your personal data where it is lawful and necessary to do so.

We are based in the United States and the information we collect from you will be processed in the United States. By providing your personal data to us you acknowledge and consent to the processing of your data in the United States. The United States has not sought nor received a finding of “adequacy” from the EU/EEA under Article 45 of the GDPR. Accordingly, we rely on derogations for specific situations as set forth in Article 49 of the GDPR and in particular, we collect and transfer to the U.S. personal data only with your consent.

You can withdraw your consent at any time by emailing marketingconsent@dairy.com.

As detailed in this EU/EEA Privacy Statement, we apply suitable safeguards to protect the privacy and security of your personal data and to use it only consistent with your relationship with us and the processing described in this document. Where your personal data is transferred to suppliers to assist us with this processing, we enter into data processing agreements which include standard contract clauses for transfers to locations outside the EU/EEA as appropriate.

2.4. Who we share your personal data with

Your personal data will be shared to a limited number of third parties where it is necessary to do so, including:

- (i) To third parties who are providing services to us to enable us to manage the relationship with you, namely our marketing, email and CRM software providers.
- (ii) To statutory, regulatory, government or law enforcement bodies as required by law.

Where we enter into agreements with third parties to process your personal data on our behalf, we will ensure that appropriate contractual protections are in place to protect the security of the data.

2.5. Transfers outside the EU/EEA

In connection with the above purposes:

- (i) we collect and process your personal data in the United States of America based on your explicit consent in accordance with GDPR Article 49(1)(a);
- (ii) we transfer your personal data onward to the abovementioned third parties outside the EU/EEA using appropriate measures in place to comply with our obligations under applicable law governing such transfers, which may include
 - a. to a jurisdiction which has been subject to an “Adequacy” decision from the European Commission, meaning the jurisdiction is recognised as providing for an equivalent level of protection for personal data as is provided for in the EU/EEA; and/or
 - b. entering into a contract governing the transfer which contains the “standard contractual clauses” approved for this purpose by the European Commission.

2.6. Consequences of not giving your data to us

You are not under any obligation to provide your personal data to us. However, please note that without your personal data we will be unable to respond to your enquiry.

2.7. How long we keep your personal data for

Personal data is kept in a form, which permits data subject identification only for as long as is permitted while following fair and lawful processing. No personal data will be kept for a period longer than necessary. The personal data will be kept for the earlier upon which you remove your consent for the transfer of personal data to the US or 36 months after your last communication with us.

3. REPRESENTATIVES OF THIRD-PARTY LEGAL ENTITIES

3.1. How we collect your personal data

In our business to business relationships with third party companies and organisations (e.g. potential, current and legacy suppliers and customers), we will process some personal data belonging to individuals who represent those companies and organisations in the capacity of an employee, director or otherwise. If you fall into this category of individual where you are representing a company or organisation ("**Your Organisation**"), we gather your personal data from both direct and indirect sources:

- (i) Directly from you. Examples include when you, on behalf of Your Organisation:
 - a. Interact directly with us via telephone, email, post and/or in person;
 - b. Submit enquiries and information via our website;
 - c. To assess the suitability of Your Organisation's capacity to enter into a contract;
 - d. For the purpose of entering into a contract with Your Organisation; or
 - e. For the purpose of payment with Your Organisation.

- (ii) From third parties. Examples include collection from:
 - a. Publicly available information. For example, from press publications, online search engines and related results.
 - b. Referees you nominate to us as part of Your Organisation tendering for work with us;
 - c. Introducers or common business associates who may pass on your details to us; or
 - d. Third parties who provide services to Your Organisation (e.g. representatives).

3.2. The personal data we use

As you are acting on behalf of Your Organisation and not a personal capacity, the personal data we use for the business to business relationship is limited and includes:

- IDENTITY DATA including your first name, surname, salutation and signature on signed documents;
- CONTACT DATA including business email address and business telephone number(s);
- OCCUPATIONAL including name of Your Organisation, your job title and any work or educational related information that may be submitted to us as part of a tender.

3.3. The purpose and legal basis for processing your personal data

We will only process your personal data where it is lawful and necessary to do so, namely for the purpose of taking steps to enter into and perform a contract to obtain or provide services from or to Your Organisation.

We are based in the United States and the information we collect from you will be processed in the United States. By providing your personal data to us you acknowledge and consent to the processing of your data in the United States. The United States has not sought nor received a finding of "adequacy" from the EU/EEA under Article 45 of the GDPR. Accordingly:

- (i) for pre-contractual steps between us and Your Organisation, we rely on derogations for specific situations as set forth in Article 49 of the GDPR and in particular, we collect and transfer to the U.S. personal data only to carry out pre-contractual measures with Your Organisation; and
- (ii) for the performance of the contract with Your Organisation, we collect and transfer your personal data to the U.S. based on “standard contract clauses” between us and Your Organisation.

As detailed in this EU/EEA Privacy Statement, we apply suitable safeguards to protect the privacy and security of your personal data and to use it only consistent with your relationship with us and the processing described in this document. Where your personal data is transferred to suppliers to assist us with this processing, we enter into data processing agreements which include standard contract clauses for transfers to locations outside the EU/EEA as appropriate.

3.4. Who we share your personal data with

We do not share your personal data with third parties unless it is necessary. Sharing occurs with a limited set of individuals and organisations and in limited circumstances. Examples of when sharing may occur and the third parties to whom we share your personal data are as follows:

- (i) To third parties who are providing services to us to enable us to manage the relationship with you. For example, our software providers, our professional advisors, and our financial statement auditors. Where we enter into agreements with third parties to process your personal data on our behalf, we will ensure that appropriate contractual protections are in place to protect the security of the data; and
- (ii) To statutory, regulatory, government or law enforcement bodies as required by law.

3.5. Transfers outside the EU/EEA

In connection with the above purposes:

- (i) We collect and process your personal data in the United States of America for the purposes of entering into a contract with Your Organisation based on the implementation of pre-contractual measures in accordance with GDPR Article 49(1)(b);
- (ii) we collect and process your personal data in the United States of America for the purposes of performing a contract with Your Organisation based on “standard contractual clauses”, which have been approved for this purpose by the European Commission and are put in place with Your Organisation;
- (iii) we transfer your personal data onward to the abovementioned third parties outside the EU/EEA using appropriate measures in place to comply with our obligations under applicable law governing such transfers, which may include:

- a. to a jurisdiction which has been subject to an “Adequacy” decision from the European Commission, meaning the jurisdiction is recognised as providing for an equivalent level of protection for personal data as is provided for in the EU/EEA; and/or
- b. entering into a contract governing the transfer which contains the “standard contractual clauses” approved for this purpose by the European Commission; or

3.6. Consequences of not giving your data to us

You are not under any obligation to provide your personal data to us. However, we need certain personal data for the purpose of execution (e.g. a signature) or performance (e.g. an email address for contact purposes) of a contract with Your Organisation. Failure to obtain such personal data will not allow us to execute or perform such contracts.

3.7. How long we keep your personal data for

Personal data is kept in a form, which permits data subject identification only for as long as is permitted while following fair and lawful processing. No personal data will be kept for a period longer than necessary. The personal data will be kept for the earlier upon which you remove your consent for the transfer of personal data to the US or 36 months after your last communication with us

PART B: GENERAL INFORMATION

1. How we keep your personal data safe

Appropriate security measures are implemented in order to protect your personal data.

Security measures refer to physical security in the office (e.g. securely locked filing cabinets, etc.) as well as implementing appropriate technology and cyber security measures across our systems and networks in order to prevent any accidental or unauthorised access, interference, damage, loss or disclosure of personal data.

In the event of certain types of personal data breaches, we are legally obliged to notify the relevant EU/EEA supervisory authority and affected individuals to whom the personal data belong. We have implemented internal procedures to manage personal data security breaches in accordance with our legal obligations.

2. Your Rights

You have a number of rights in respect to your personal data. These are:

- (i) The right to **access** your personal data, which includes receiving confirmation on whether the personal data are being processed and if so, receiving the personal data and related information about why they are being processed, the categories of personal data involved, to whom the personal data have been or will be shared and how long the data will be kept for. We will accede to any such valid requests within one month of the receipt of a valid request in writing
- (ii) The right to request that we **rectify** inaccurate data or update incomplete data. You may also request that we restrict the processing of the personal data until the rectification or updating has been completed, although please be aware that we may have to suspend the operation of your account or the products or services that we provide.
- (iii) The right to request that we **erase** your data under certain circumstances, including where you want to withdraw the consent you previously gave to us, where you object to us processing the data for our own legitimate interests or where our processing of the data is unlawful. In the case of unlawful processing, you can also request that this **processing is restricted** rather than the personal data being erased. Please be aware that we may have to suspend the operation of your account or the products or services that we provide where data processing is restricted.
- (iv) The right to **object** to the processing of your personal data, where such processing is being conducted for the purpose of:
 - a. Direct marketing;
 - b. Establishing, exercising or defending ourselves or others from legal claims; or
 - c. Our legitimate interests, unless we can demonstrate that our interests override your interests and rights. You may request that we restrict the processing of the personal data until this analysis of legitimate interests has been concluded, although please be

aware that we may have to suspend the operation of your account or the products or services that we provide where data processing is restricted.

- (v) The right to receive your data in a **portable** format or, subject to it being technically feasible, have us transfer it directly to a third party. This applies where you have provided us with consent for the processing or where the processing is necessary for entering a contract with us.
- (vi) The right, at any time, to **withdraw consent** you have provided to us to process your personal data.
- (vii) The right to **lodge a complaint** with a supervisory authority, in particular in the EU/EEA Member State of his or her habitual residence, place of work or place of the alleged infringement if the data subject considers that the processing of personal data relating to him or her infringes the Data Protection Legislation.
If you wish to raise a complaint in relation to how we processed your personal data, please contact our representative at **marketingconsent@dairy.com**. We take your privacy and data protection very seriously and we endeavour to address your complaint as expediently and as thoroughly as we can in order to find a satisfactory resolution for you.