

PRIVACY POLICY FOR THE LT SERVICE (INCLUDING THE TRY LT SERVICE) AND APPLICATIONS (NON-US VERSION COVERING UK/EU NEW ZEALAND, AUSTRALIA AND BRAZIL)

ADInstruments NZ Limited, and any other companies within our corporate group are involved in the processing of your personal data ("**we**" or "**us**" or "**our**"), are committed to protecting and respecting your privacy. A full list of our companies which are relevant for the processing of your personal data can be found at <https://www.adinstruments.com/support/intra-group-data-transfer>. In addition, KuraCloud Limited (77 Vogel Street, Dunedin 9016, New Zealand) is the group company that develops and maintains the Lt platform.

For most purposes, we are a **processor** of personal data submitted to our Service and Apps by our customers and their users, and our customers' own privacy policies shall apply to the processing of your personal data via our Service and Apps – you should ensure that you read and understand those privacy policies. This should cover, for example:

- Where we process your biological information on behalf of your educational institution, which we only use to provide the Service to you, unless this has been anonymised. We will not use such information in a personally identifiable format for any other purpose. We will not share your biological information with any third party, except as needed to provide the Services to you.
- If you are an educator, our use of your personal data on behalf of your educational institution to enable you to measure the success of and improve your teaching.

However, for limited purposes, as set out in this privacy policy, we are a **controller** of your personal data.

This policy (together with the relevant [Terms of Service](https://www.adinstruments.com/legal/lt) (<https://www.adinstruments.com/legal/lt>)) sets out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us as a controller. Capitalised terms in this policy have the same meanings as in the Terms of Service.

Please read the following carefully to understand the applicable laws and our practices regarding your personal data and how we will treat it in connection with the Service including www.kuracloud.com, and any mobile or other Apps.

If you have any questions about this policy, please contact our Data Protection and Privacy Officer at privacy@adinstruments.com.

1. INFORMATION WE MAY COLLECT FROM YOU

We may collect and process the following information about you:

1.1 Information you give us

You may give us information about you by using the Service or Apps or by corresponding with us by phone, email or otherwise. This includes information you provide when you use the Service or Apps. The information you give us may include your name, address, email address and any image, video, audio, animation, text, and any other data captured via the Apps. This information may also include any suggestion, feedback, or idea provided by you. This may

involve different data and use of that data depending on whether you are a representative or administrator on behalf of your educational institution or a Service or App user (or both). In using the Services, in particular the sampling panel and other data acquisition features, you may provide us with certain biological information about yourself, such as information about heart, muscle, and brain activity and function, which may be treated as special category data or sensitive personal data in certain jurisdictions such as EU countries, the United Kingdom, New Zealand, Australia or Brazil.

1.2 Information we collect about you

With regard to each of your visits to the Service we may automatically collect the following information:

- 1.2.1 log-in information, technical information, including the Internet protocol ("IP") address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
- 1.2.2 anonymised and aggregated information about visits, including page response times and download errors;
- 1.2.3 any phone number, email or address used to contact our customer service team or information provided in this correspondence;
- 1.2.4 the date and time of the creation of your account.

2. COOKIES

- 2.1 The Service uses essential cookies for authentication purposes when logging in to the Service, and other cookies to distinguish you from other users of the Service and Apps and to enhance your experience when using the Service and Apps. More information about our use of cookies can be found in our [Cookie Policy \(https://www.adinstruments.com/support/cookies\)](https://www.adinstruments.com/support/cookies).

3. USES MADE OF THE INFORMATION

We use information held about you in the following ways:

3.1 Information you give to us

- 3.1.1 In our role as a controller, we will use this information for the following purposes and to fulfil the following lawful bases:

Purpose of processing	Lawful basis / Lawful Purpose
<ul style="list-style-type: none">to enable you to log in and access the Service and apps in accordance with our obligations arising from any contracts entered into between us and you or your educational institution;	Performance of contract
<ul style="list-style-type: none">to enforce our rights arising from any contracts entered into between us and you or your educational institution;	Legitimate interests

<ul style="list-style-type: none"> to notify you about changes to our Service and Apps; 	Performance of contract Legitimate interests Consent (where required)
<ul style="list-style-type: none"> to ensure that Content from our Service and Apps is presented in the most effective manner for you and for your Device; and 	Legitimate interests
<ul style="list-style-type: none"> to guide the development of the Content. 	Legitimate interests

3.2 Information we collect about you

In our role as a controller, we will use this information for the following purposes and to fulfil the following lawful bases:

Purpose of processing	Lawful basis
<ul style="list-style-type: none"> to issue invoices and for account management purposes; 	Performance of contract Legitimate interests
<ul style="list-style-type: none"> for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes; 	Legitimate interests
<ul style="list-style-type: none"> to improve the Service and Apps to ensure that Content is presented in the most effective manner for you and for your Device; 	Legitimate interests
<ul style="list-style-type: none"> to allow you to participate in interactive features of our Service and Apps, when you choose to do so; 	Legitimate interests Consent (if required)
<ul style="list-style-type: none"> as part of our efforts to keep the Service and Apps safe and secure, to protect our rights, property, or safety of the rights, property, or safety of our customers, or others; 	Legitimate interests Performance of a legal obligation
<ul style="list-style-type: none"> to enforce our rights arising from any contracts entered into between us and you or your educational institution; and 	Legitimate interests
<ul style="list-style-type: none"> fraud detection and protection, and compliance with our legal and regulator obligations. 	Performance of a legal obligation Legitimate interests

4. DISCLOSURE OF YOUR INFORMATION

- 4.1 We may share your personal information with any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries for the purposes listed in 3.1 and 3.2 above.

- 4.2 We may share your anonymised and aggregated information with selected third parties including business partners, suppliers and sub-contractors for the performance of any contract we enter into with them or you.
- 4.3 Where you participate in a group or elect to share your information with other groups, the Service and Apps will allow you to share certain personal or other information of yours with those groups in order to provide the Service and Apps to you and to others. For example, you may share lab data with other members of your group, other groups, or your instructors as part of your lab course work. Your work will also be accessible by persons in your educational institution such as IT support personnel of the educational institution.
- 4.4 We may disclose your personal information to third parties:
- 4.4.1 which support our business operations, such as IT service providers, hosting providers, marketing services companies and financial management services;
 - 4.4.2 in the event that we sell or buy any business or assets, we may disclose your personal information to the prospective seller or buyer of such business or assets;
 - 4.4.3 if our assets, or substantially all of our assets are acquired by a third party, personal information held by us about you will be one of the transferred assets; or
 - 4.4.4 if we are under a duty to disclose or share your personal information in order to comply with any legal obligation, or in order to enforce or apply our Terms of Service or our framework subscription agreement and other agreements; or to protect our rights, property, or safety of the rights, property, or safety of our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud detection and protection, and sharing personal data with law enforcement and regulators where we are obliged to do so.

5. WHERE WE STORE AND TRANSFER YOUR PERSONAL INFORMATION

- 5.1 The information that we collect from you may be transferred to, and stored in, a country other than where you are located, including the United States for authentication. ADI allocates each Lt User a Unique ID for authentication purposes. The user is then directed to the local region selected by your educational institution, and they have complete control over the data they add to Lt. Data may also be processed outside your location by staff who work for us, such as by our authorised support operations in New Zealand, or for one of our suppliers.
- 5.2 Some of our trusted partners who have access to your personal data may be located or transfer or host data outside your country. Additionally, some of the third party service providers we use who have access to your personal data may be located or transfer or host data outside your country.
- 5.3 We comply with international data transfer requirements under applicable data protection laws when transferring personal data to another jurisdiction. For example, we will ensure your personal data is processed under strict organisational and contractual controls, specifically standard contractual clauses (and any required supplementary measures) for data transfers covered by EU or UK data protection laws. For more information about these controls and how to access a copy, please contact us using the contact details below.

- 5.4 All information you provide to us is stored on our secure servers, using encryption measures where appropriate. Unfortunately, the transmission of information via the internet is not completely secure. Although we will work hard to protect your personal information, we cannot guarantee the security of your information transmitted to the Service; use of the Service and Apps is at your own risk.

6. HOW LONG WE RETAIN YOUR PERSONAL INFORMATION FOR

- 6.1 We will delete your User Content within three years after you terminate your account or earlier upon request.
- 6.2 For other personal data, we will retain this for as long as we are obliged, under relevant legislation and regulation, or otherwise for no longer than it is necessary for our lawful purposes. We securely erase it once no longer needed.
- 6.3 The retention period of your personal data may need to be extended where we require this to bring or defend legal claims. We may also retain data for longer periods for statistical purposes, and if so we will anonymise or pseudonymise this.

7. YOUR RIGHTS

We will comply with your instructions to action requests from individuals exercising their data protection rights under all applicable data protection laws. For users in the United Kingdom, European Union, Australia or Brazil this will include:

- Your right of access - You have the right to ask us for copies of your personal information.
- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.
- Where we are processing your data based on consent, you have the right to withdraw your consent at any time (although this will not affect the lawfulness of the processing up to that point).

You are not usually required to pay any charge for exercising your rights. If you make a request, we will respond to you within such timeframes as required under applicable data protection laws. Please contact us at privacy@adinstruments.com if you wish to make a request.

8. BE CAREFUL WHEN YOU SHARE INFORMATION WITH OTHERS

- 8.1 Please be aware that whenever you share information through the Apps or Services, that information may be accessed by others. In addition, please remember that when you share information in any other communications with third parties, that information may be passed along or made public by others. This means that anyone with access to such information can potentially use it for any purpose, including sending unsolicited communications.
- 8.2 Where you have chosen a password, which enables you to access our Service, you are responsible for keeping this password confidential. You should not share this password with anyone.

9. CHILDREN'S RIGHTS

- 9.1 The Service and Apps are intended for users who are 18 years old or older (although we do acknowledge that there could be users who are 17 years old). We do not knowingly collect personal information from children under the age of 13. If we become aware that we have inadvertently received personal information from a child under the age of 13, we will delete such information from our records.

10. SPECIFIC PROVISIONS WHERE NEW ZEALAND PRIVACY ACT 2020, APPLIES

- 10.1 For the purposes, of New Zealand law where the term processor is used this refers to scenarios in which ADI are acting as an agent of another agency in respect of the of personal data submitted to our Service and Apps by our customers and their users. Controllers refers to when we are using the personal data for our own purpose – for the limited purposes as set out in this privacy policy.

Data Sharing

- 10.1 Personal information collected in connection with our Services may be transferred to other countries or regions, with privacy laws that differ from New Zealand. We will ensure any such transfers are done in compliance with the Privacy Act 2020.

Data subject rights

- 10.2 We will comply with your instructions to action requests from individuals exercising their data protection rights under all applicable data protection laws. For users in New Zealand, this will include:
- Your right of access - You have the right to ask us for copies of your personal information.
 - Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
 - Where we are processing your data based on consent, you have the right to withdraw your consent at any time (although this will not affect the lawfulness of the processing up to that point).

11. SPECIFIC PROVISIONS WHERE AUSTRALIAN PRIVACY LAW, PRIVACY ACT 1998 (CTH), APPLIES

Sensitive information and health information

- 11.1 Sensitive information (as defined in section 6 of the *Privacy Act 1988* (Cth)) is personal information that includes information or an opinion about an individual's racial or ethnic origin, political opinions or associations, religious or philosophical beliefs. Sensitive information also includes health information.
- 11.2 We will not collect sensitive information, including health information, about you without your consent.

Anonymity and pseudonymity

- 11.3 Where possible, you have the option of dealing with us anonymously or by using a pseudonym. If you do so, however, this may limit your ability to use the Service.

Marketing

- 11.4 Where you have consented to receiving promotional marketing communications, you have the right to withdraw your consent at any time. You can also unsubscribe from promotional or marketing communications either via the unsubscribe links within the communications or by contacting our Data Protection and Privacy Officer on the details below.

Complaints

- 11.5 If you have a complaint about our data handling practices, you can lodge a complaint with or contact our Data Protection and Privacy Officer on the details below.

12. SPECIFIC PROVISIONS WHERE BRAZILIAN GENERAL DATA PROTECTION LAW (LGPD), FEDERAL LAW NO. 13,709/2018, APPLIES

Data sharing

- 12.1 Where in accordance with paragraph 4 above, where consent was the legal basis adopted to process data and the sharing with other controllers was not previously informed to the data subject, a new consent shall be collected for us to disclose your personal data with any controllers. (However, this will be exceptional because, we act primarily as a processor and our customers will typically be the controller and are therefore responsible for obtaining all necessary consents, where required.)

Data subject rights

- 12.2 In addition to the rights listed in paragraph 7, data subjects included under the scope of the LGPD are also entitled to:
- the right of anonymization, blocking or deletion of unnecessary or excessive data or data processed in non-compliance with the LGPD
 - the right of information about public and private entities with which the controller has shared data

- the right of information about the possibility of denying consent and the consequences of such denial
- the right to revoke consent
- the right to petition before the Brazilian National Data Protection Authority (ANPD), and
- the right to request for the review of decisions made solely based on automated processing of personal data affecting the data subject's interests, including decisions intended to define her/his personal, professional, consumer and credit profile, or aspects of her/his personality.

13. CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our privacy policy in the future will be posted on this page. Please check back frequently to see any updates or changes to our privacy policy. The changes will go into effect on the "Last updated" date shown in the revised privacy policy.

14. CONTACT

Please contact our Data Protection and Privacy Officer at privacy@adinstruments.com. If you have any questions, comments or requests regarding this Privacy Policy.

You can also complain to your local data protection regulator if you are unhappy with how we have used your data.

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