

Data Security Policy

Revised – Oct 2023

Forty Five Positive Tech Pvt Ltd
B-904, Emaar Digital Greens, Sector-61, Gurgaon, Haryana 122102

Revision History

Version-1 (v1) Release	Apr, 2021
Version-2 (v2) Release	Jun 2022
Version-3 (v3) Release	Oct 2023

DATA SECURITY POLICY

This Data Security Policy (“**Policy**”) outlines how the Company will comply with data security obligations when handling personal data relating to our customers and other third parties.

M/s Forty-Five Positive Tech Private Limited (“**Company / We / Data Processor**”), operating under the brand name SPALBA, is committed to complying with securing the data and protecting the information of its users / consumers who use the official website of the Company from all geographical territories. In order to protect the personal privacy and data of all legal and natural individuals including but not limited to our customers and third parties whose data we hold, we follow and abide by the legal and statutory compliances of the applicable laws of India only. In such an event, we recommend the user / consumer to make himself/ herself/ itself aware of such applicable laws, before using the official website of the Company and sharing its personal and other data across the same.

This Policy shall be read in conjunction with the Terms and Conditions and other policies of the Company, as have also been made available on the official website of the Company. In case of any article / clause / definition / provision which may not have been covered in this Policy, such article/ clause / definition / provision shall be applicable in conjunction with the instant Policy, as has been mentioned in the Terms and Conditions laid down by the Company.

We handle the personal data of our customers and other third parties (“**Third Party**”) as data processors. We understand we have specific legal obligations to protect that Data in our possession for processing. We ensure that all personal data relating to its customers and other third parties is handled securely with due regard for their privacy. Compliance with this Policy will help to ensure that all personal data held by the Company is handled lawfully.

All employees and associates of the Company are required to comply with this Policy and this Policy is also applicable to all the users / consumers of the services offered by the Company and to the natural individuals who visit the official website of the Company.

1. DEFINITIONS

- 1.1 “**We**”, “**Our**”, and “**Us**” shall mean and refer to the Company, or as the context so requires.
- 1.2 “**Third Party**” means an actual or prospective customer, distributor, reseller, vendor, supplier, consultant, professional adviser, business partner or any other third party that does or may do business with the Company.
- 1.3 “**Personal Information**” shall mean and refer to any personally identifiable information that we may collect from you such as name, email id, mobile number, password, etc. For removal of any doubts, please refer to the Privacy Policy of the Company.

2. PERSONAL DATA PROCESSED, AND CATEGORIES OF DATA SUBJECTS

2.1 Categories of “Personal Data”

2.1.1 The categories of Personal Data processed are:

- personally, identifiable information (e.g. name, surname, email)
- statistical or other usage data observed on the internet (e.g. via analytics, services etc.)
- customer history
- billing, invoicing and payment data
- Other third party data collected during events and conferences

2.1.2 The Personal Data collected will be processed for enabling the functionality of the software and applications as authorized in accordance with the prevailing and applicable laws of India.

3. DATA SECURITY PRINCIPLES

The data protection principles listed below are the foundation of this Policy:

3.1 Lawfulness, fairness and transparency

The Company shall process Personal Information fairly, and in compliance with this Policy and applicable laws.

3.2 Data Accuracy

The Company will take all reasonable steps to ensure that Personal Information is accurate and complete and will rectify or erase any incorrect Personal Information without delay.

3.3 Purpose Limitation

The Company will ensure that the Personal Information collected is used for specified, explicit and legitimate purposes and only to the extent necessary to fulfil those purposes.

3.4 Data Retention

The Company will only keep the Personal Information only till it is necessary to fulfil the purpose(s) for which it was collected or to comply with territorial legal restrictions of the Third Party.

3.5 Data Security

All Personal Information collected will be processed in a secure manner by the Company.

4. OBLIGATIONS OF THE COMPANY

The Company warrants and undertakes that:

- 4.1. It will comply with all applicable law including applicable data protection laws for the purposes of this Policy.
- 4.2. It will have in place appropriate technical and organisational measures, and all measures as per the provisions of the present Policy, to protect the confidentiality of the Personal Data and

to protect the Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and which provide a level of security appropriate to the risk represented by the processing and the nature of the data to be protected.

- 4.3. It will obtain guarantees from any sub-processors processing the Personal Data, that they will have in place appropriate technical and organisational measures, , to protect the confidentiality of the Personal Data and to protect the Personal Data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, and which provide a level of security appropriate to the risk represented by the processing and the nature of the data to be protected.
- 4.4. It will have in place procedures so that any individual party it authorises to have access to the Personal Data, including employees of the Company, will respect and maintain the confidentiality and security of the Personal Data. Any person acting under the authority of the Data Processor shall be obligated to process the Personal Data only on instructions from the Company. This provision does not apply to persons authorised or required by law or regulation to have access to the Personal Data.
- 4.5. It will not disclose any Personal Data to any external sources in any circumstances unless such disclosure is necessary in order to fulfil the purpose for which it has been collected, or is required by the applicable law.
- 4.6. It will give the Third-Party prompt notice of a Personal Data breach or a potential data breach, once becoming aware of same, and the Company will cooperate with the Third Party in implementing any appropriate action concerning the breach or the potential breach as the case may be, including corrective actions.
- 4.7. It will delete from its systems all soft copies of any Personal Data and return all soft and hard copy documentation on the completion of the purpose for which it has been collected or on request from the Third Party and will do so in a timely manner, giving a written confirmation of the same having been done.
- 4.8. Without prejudice to other legal provisions concerning the Third Party's right to compensation and the liability of the Parties generally, as well as, legal provisions concerning fines and penalties, the Company will carry full liability in the instance where it or its sub-processor is found to have infringed the applicable laws through the processing of the Personal Data.
- 4.9. It will be capable of demonstrating its compliance with the obligations of the applicable data protection laws.

5. THE COMPANY'S USE OF THIRD-PARTY INFORMATION

- 5.1. The information provided by you shall be used to provide and improve the service for you and the users.

- a. For maintaining an internal record.
 - b. For enhancing the services provided.
- 5.2. Further, the Third Party's Personal Data may be collected and stored by us for internal record.
- 5.3. We use the Third Party's tracking information such as IP addresses, and or Device ID to help identify you and to gather broad demographic information and make further services available to you.
- 5.4. We will not sell, license or trade the Third Party's Personal Information. We will not share the Third Party's Personal Information with others unless they are acting under our instructions or we are required to do so by law.
- 5.5. Information collected *via* our server logs includes users' IP addresses and the pages visited; this will be used to manage the web system and troubleshoot problems. We also use third party analytics, tracking, optimization and targeting tools to understand how users engage with our platform so that we can improve it and cater personalized content/ads according to their preferences.

6. HOW INFORMATION IS COLLECTED

- 6.1 Before or at the time of collecting Personal Information, the Company will identify the purposes for which such information is being collected. If the same is not identified to the Third Party, they have the right to request the Company to elucidate the purpose of collection of said Personal Information, pending the fulfilment of which you shall not be mandated to disclose any information whatsoever.
- 6.2 The Company will collect and use the Third Party's Personal Information solely with the objective of fulfilling those purposes specified by the Company in this Policy, within the scope of the consent of the individual concerned or as required by law. The Company will only retain Personal Information as long as necessary for the fulfilment of those purposes. We will collect Personal Information by lawful and fair means and with the knowledge and consent of the individual concerned.
- 6.3 Personal Data should be relevant to the purposes for which it is to be used, and, to the extent necessary for those purposes, should be accurate, complete, and up-to-date.

7. SENSITIVE PERSONAL DATA

The Company does not normally hold sensitive Personal Data relating to customers or other third parties. However, Personal Data falling within these categories is subject to additional protection and, therefore, where sensitive data is collected for any reason, we endeavour to obtain consent from the owner of such data.

8. DISCLOSURE OF INFORMATION

- 8.1 Information collected will not be considered as sensitive if it is freely available and accessible in the public domain or is furnished under any of the legislations governing the present Policy.
- 8.2 Due to the existing regulatory environment, the Company may have to disclose information to the government, law enforcement agency or any external parties upon receiving any statutory order, notice, or any other communication from any government organisation or department, thereby, requiring the Company to do so.
- 8.3 We do not sell or rent any personally identifiable information about you to any Third Party. However, the following describes some of the ways that your personally identifiable information may be disclosed:
- 8.3.1. External Service Providers:** There may be a number of services offered by external service providers that help you use our Platform. If you choose to use these optional services, and in the course of doing so, disclose information to the external service providers, and/or grant them permission to collect information about you, then their use of your information is governed by their privacy policy.
- 8.3.2. Law and Order:** We co-operate with law enforcement inquiries, as well as other Third Parties to enforce laws, such as intellectual property rights, fraud and other rights. We can (and you authorize us to) disclose any information about you to law enforcement and other government officials as we, in our sole discretion, believe necessary or appropriate, in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose us or you to legal liability.

9. DELETION AND RETURN OF PERSONAL DATA

- 10.1. The Company shall not create copies or duplicates of the data, except for backup copies, insofar as they are necessary for ensuring that data is processed correctly, and where the retention of such data is required by law or otherwise to achieve the desired and intended purposes of the Company.
- 10.2. In any case, the Company may retain beyond termination of the contract all the information necessary to demonstrate the compliance of the processing activities carried out.
- 10.3. The information referred to under sub clause 10.2 of the present clause 10, shall be stored by the Company in accordance with the applicable retention periods, statutory or otherwise determined. The Company may hand the documentation over to the Third Party upon termination of any such agreement. In such case, the Company is relieved from any obligation to keep such information or any documentation of the same.

10. SECURITY

- 11.1 The Company will treat your data as an asset that must be protected against loss and unauthorized access. We employ many different security techniques to protect such data from unauthorized access by members inside and outside the Company.
- 11.2 The Company is committed to ensuring that all staff with data handling responsibilities receives appropriate training in relation to data security and confidentiality.
- 11.3 The Company recognises that the use of external contractors to handle personal data usually creates additional data security risks.
- 11.4 The Company acknowledges that any contractors that are engaged to handle personal data behalf of the Company, must be carefully selected and properly supervised. Therefore, whenever a contractor is engaged to carry out work that involves the processing of Personal Data, the Company will allow such contractor to handle Personal Data only if we are satisfied that the contractor's data security measures are adequate and only where a written contract setting out the contractor's obligations in relation to that data are clearly set out in accordance with law.
- 11.5 However, as effective as encryption technology is, no security system is impenetrable. Our Company cannot guarantee the security of our database, nor can we guarantee that information you provide won't be intercepted while being transmitted to the Company over the internet.

11. DATA SECURITY BREACHES

Any data security breach should be reported to the Company through mail to irt@spalba.com so that action can be taken to protect affected individuals and to ensure that the risk of recurrence is minimised. If the Company discovers that there has been a breach of Personal Data that poses a risk to the rights of the Third Party, it will report it to the appropriate legal authority within 72 hours of discovery. The Company will record all data breaches regardless of their effect. If the breach is likely to result in a high risk to the rights of the owner of the data, it will inform the affected person of the breach and provide them with information about its likely consequences and the mitigation measures the Company has taken.

12. SEVERABILITY

Each paragraph of this Policy shall be and remain separate from and independent of and severable from all and any other paragraphs herein except where otherwise expressly indicated or indicated by the context of the Policy. The decision or declaration that one or more of the paragraphs are null and void shall have no effect on the remaining paragraphs of this Policy.

13. AMENDMENT

The Policy may change from time to time. The most current version of the Policy available on the official website of the Company will govern our use of your information and will always be available for viewing. Any amendments to this Policy shall be deemed as accepted by the User on their continued use of the official website of the Company along with any other associated platforms.

14. CONSENT WITHDRAWAL, DATA DOWNLOAD & DATA REMOVAL REQUESTS

To withdraw your consent, or to request the download or delete your data with us for any or all our products & services at any time, please email your concerns and queries to irt@spalba.com

15. CONTACT US

If you have any questions or concerns regarding this Policy, you may contact us by sending an e-mail with your concerns and queries to info@spalba.com