

PRIVACY POLICY / DATA PROTECTION

13.1 We respect your privacy and are committed to protecting it through our compliance with the policy set out in this Section 13 (the "Privacy Policy"). We also comply with our obligations under the Irish Data Protection Act 1988, together with its amendments in 2003 (the "Act"), and the EU Data Protection Directive 95/46/EC. This Privacy Policy describes the types of information we may collect from you or that you may provide when you visit the Website and our practices for collecting, using, maintaining, protecting and disclosing that information. Please read this Privacy Policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website. By accessing or using the Website, you agree to this Privacy Policy. This Privacy Policy may change from time to time. Your continued use of the Website after we make changes is deemed to be acceptance of those changes, so please check the Privacy Policy periodically for updates.

13.2 This Privacy Policy applies to information that we collect about you on the Website, in e-mail, text and other electronic messages between you and the Website, through mobile and desktop applications you download from the Website, which provide dedicated non-browser-based interaction between you and the Website and when you interact with our advertising and applications on third-party websites and services.

13.3 We wish to remind you that this Privacy Policy applies to personal data that we process when you use the Website. It does not apply to any links to third-parties' websites and/or services, such as third-party applications, that you may encounter when you use the Website.

13.4. Information We Collect About You and How We Collect It.

We collect several types of information from and about users of our Website, including:

- "personal data" which means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession;
- information that is about you but individually does not identify you; and/or
- information about your Internet connection, the equipment you use to access our Website and usage details.

We collect this information:

- directly from you when you provide it to us;
- automatically as you navigate through the Website. Information collected automatically may include usage details, IP addresses and information collected through cookies and other tracking technologies;
- from third parties, for example, our business partners;

- from records and copies of your correspondence, if you contact us; or
- details of transactions you carry out through our Website, including your financial information.

13.5. Cookies

As you navigate through and interact with our Website, we may automatically collect certain information about your equipment, browsing actions and patterns, including: details of your visits to our Website, including traffic data, location data, logs and other communication data and the resources that you access and use on the Website. The information we collect automatically is statistical data, and does not identify any individual. We use this information to help make the Website more useful and reliable and to give you the best experience on our Website. When we use cookies in relation to the Website, we will do so in accordance with the provisions of Articles 5(3) - 5(5) of the European Communities (Electronic Communications Networks and Services) Privacy and Electronic Communications) Regulations 2011. The technologies we use for this automatic data collection may include:

- Cookies (or browser cookies). A cookie is a small file placed on the hard drive of your computer to improve your user experience and gather analytical data about how the Website is being used. Cookies are saved on the hard drive of your device by means of your browser, enabling us to recognize your browser for purposes such as saving your preferences and directing relevant content to you. A cookie in no way gives us access to your computer, device or any information about you, other than the data you choose to share with us. The cookies that we use may be persistent cookies (which are cookies that will continue to exist even after the given browser session is closed) or session cookies (which are cookies that only last for a given browser session). This helps us to provide you with a good experience when you use the Website and also allows us to improve our Website. The cookies that we use may record details of transactions you carry out through the Website. Details of your visits to the Website including, but not limited to, traffic data, location data, weblogs and other communication data may also be collected.
- Flash Cookies. Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies.
- Third-party Advertiser Use of Cookies.

Some advertisements on the Website are served by third-party advertisers, ad networks and ad servers. These third parties may use cookies to collect information about our users. This may include information about users' behavior on the Website and other websites to serve them interested-based (behavioral) advertising. We do not control these third parties' tracking technologies or how they may be used and we shall have no liability in respect of them. If you have any questions about an advertisement, you should contact the responsible advertiser directly.

You may refuse to accept browser cookies by activating the appropriate setting on your browser. Most of the currently available browsers give you the option of managing cookies by, for example, disabling them entirely, accepting them individually, and deleting saved cookies from your hard drive. However, if you disable cookies you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website. By using the Website (with your browser settings set to accept cookies) you are consenting to the use of cookies as described in this Section 13.5.

13.6. How We Use Your Information.

We use information that we collect about you or that you provide to us, including any personal data:

- to present our Website and its contents to you;
- to provide you with information, products or services that you request from us;
- to fulfill any other purpose for which you provide it;
- to provide you with notices about your account;
- to carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- to notify you about changes to our Website or any products or services we offer or provide through it;
- to allow you to participate in interactive features on our Website; and
- for any other purpose with your consent.

Whenever necessary, we shall utilize your information in compliance with applicable laws, regulations and other requirements, including providing assistance to law enforcement agencies, regulatory authorities and other governmental agencies. You likewise understand that your data may be used in the course of internal audit performance. We will not resell or provide your data to third parties for marketing purposes.

13.7. Disclosure of Your Information.

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction. We may disclose personal data that we collect or you provide as described in this Privacy Policy:

- to our subsidiaries and affiliates;
- to contractors, service providers and other third parties we use to support our business; however, we require such organizations to acknowledge the confidentiality of such personal data, undertake to respect any individual's right to privacy and comply with applicable data protection legislation and this Privacy Policy and use such personal

data only for our purposes and otherwise follow our reasonable directions with respect to such data;

- to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal data held by us about our Website users is among the assets transferred;
- to third parties to market their products or services to you if you have consented to these disclosures. We contractually require these third parties to keep personal data confidential and use it only for the purposes for which we disclose it to them; and
- for any other purpose disclosed by us when you provide the information.

We may also disclose your personal data:

- to comply with any court order, law or legal process, including to respond to any government or regulatory request;
- to enforce or apply these Terms and the provisions of the Receivables Purchase Agreement that we may enter into with you, including for billing and collection purposes;
- if we believe disclosure is necessary or appropriate to protect our rights, property, or safety, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

The data collected automatically in the Website through the use of cookies may also be disclosed as set out above and to certain service providers, such as data analysis companies, provided that we disclose information to third parties in an aggregate format that does not constitute personal data and does not allow the identification of individuals.

13.8. Choices About How We Use and Disclose Your Information.

We strive to provide you with choices regarding the personal data you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of the Website may then be inaccessible or not function properly.
- **Disclosure of Your Information for Third-Party Advertising.** By using the Website you provide your express consent for us to share your personal data with unaffiliated or non-agent third parties for promotional purposes; however, you can opt-out by checking the relevant box located on the form on which we collect your data. You can also always opt-out by logging into the Website and adjusting your user preferences

in your account profile by checking or unchecking the relevant boxes or by sending us an e-mail stating your request to info@defactor.com.

- **Promotional Offers from us.** By using the Website you provide your express consent for us to have your e-mail address/contact information used by us to promote our own or third parties' products or services; however, you can opt-out by checking the relevant box located on the form on which we collect your data or at any other time by logging into the Website and adjusting your user preferences in your account profile by checking or unchecking the relevant boxes or by sending us an e-mail stating your request to info@defactor.com. If we have sent you a promotional e-mail, you may send us a return e-mail asking to be omitted from future e-mail distributions.
- **Targeted Advertising.** By using the Website you provide your express consent for us to use information that we collect or that you provide to us to deliver advertisements according to our advertisers' target-audience preferences; however, you can opt-out by checking the relevant box located on the form on which we collect your data. You can also always adjust your user advertising preferences in your account profile by checking or unchecking the relevant boxes or by sending us an e-mail stating your request to info@defactor.com.

We do not control third parties' collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way.

13.9. Data Security.

We have implemented measures designed to secure your personal data from accidental loss and from unauthorized access, use, alteration and disclosure. We do our utmost to protect the privacy of your information through the appropriate use of security technology. We ensure that we have appropriate physical and technological security measures to protect your information; and we ensure that, when we outsource any processes, the service provider has appropriate security measures in place. All information you provide to us is stored on our secure servers behind firewalls.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the Internet is not completely secure. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. Although we do our best to protect your personal data, we cannot guarantee the security of your personal data transmitted to our Website. Any transmission of personal data is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

We are not responsible for any delays, delivery failures, or any other loss or damage resulting from (i) the transfer of data over communications networks and facilities, including the internet, or (ii) any delay or delivery failure on the part of any other service provider, and you

acknowledge that the Website may be subject to limitations, delays and other problems inherent in the use of such communications facilities. You will appreciate that it is not for us to perfectly secure your personal data from cyber-attacks, such as hacking, spyware and viruses. Accordingly, you will not hold us liable for any unauthorized disclosure, loss or destruction of your personal data arising from such risks. Although we will do our best to protect personal data about you, we cannot guarantee the security of your data transmitted to the Website, and any transmission is at your own risk.

We have appointed personnel to oversee our management of personal data in accordance with the Act. We regard breaches of your privacy very seriously and we have implemented measures to secure and protect your information, such as training our employees who handle your personal data to respect the confidentiality of such personal data and your privacy, storing personal data in a combination of secure computer storage facilities and paper based files and other records, taking steps to protect the personal data we hold from misuse, loss, unauthorized access, modification or disclosure.

We restrict access to personal data to employees, contractors and agents who need to know such personal data in order to operate, develop or improve the Website.

The Act also requires us not to store personal data longer than necessary. We will cease to retain your personal data when we no longer require such personal data for the purposes we originally notified you of or for any business or legal needs.

13.10. Access to Data and Data Updating

You have the right to know what data we hold about you: If you would like to know what personal data we hold about you, please contact us at the contact details above. We will seek to swiftly respond to your inquiry. We may charge a small processing fee if less than twelve (12) months has passed since your last inquiry relating to personal data we hold about you.

We endeavour to ensure that the personal data we hold about you is accurate and up-to-date. We realize that such personal data changes frequently with changes of address and other personal circumstances. We encourage you to contact us as soon as possible in order to update any personal data we hold about you.

13.11 International Transfers of Personal Data

Where we may need to process or deal with your personal data outside of Ireland, we will ensure that such transfer is in compliance with this Privacy Policy or is permitted under applicable data protection and privacy laws and regulations.

Some elements of the Website may be hosted on servers located in countries outside the European Economic Area ("EEA"). The laws applicable to the protection of personal data in such countries may be different from those applicable in your home country. The personal data that we collect from you may be transferred to, and stored at, a destination outside the EEA. It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. By using the Website, you consent to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy.

13.12 Changes to Our Privacy Policy.

It is our policy to post any material changes we make to our Privacy Policy in these Terms. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting our Website and this Privacy Policy to check for any changes. If you do not agree to these changes, please do not continue to use the Website to submit personal data. Your continued use of the Website following any changes to this Privacy Policy constitutes your acceptance of any such changes made.

13.13. Contact Information. To ask questions or comment about this privacy policy and our privacy practices, contact us at the contact details provided above.