**Privacy Policy for IOTPay**

**Effective Date: [2020-10-22]**

This “Privacy Policy” explains how IOT Pay Technologies Inc. collects, uses, discloses, and otherwise processes personal data on behalf of our customers – typically, merchants (any, a “**Merchant**”) – in connection with our application, IOTPay, which runs on the Clover Point of Sale system (“**Clover POS**”). This Privacy Policy does not apply to Company’s privacy practices in any other context.
Company’s processing of personal data in connection with our application is governed by this Privacy Policy and our agreements with Merchants. In the event of any conflict between this Privacy Policy and a customer agreement, the customer agreement will control to the extent permitted by applicable law.
This Privacy Policy is not a substitute for any privacy policy that a Merchant may be required to provide to their customers, personnel, or other individuals.

**Information We Collect**

We may collect personal data from or on behalf of Merchants. Merchants determine the scope of the personal data transferred to us or that we collect, and the information we receive may vary by Merchant. Typically, the information we collect on behalf of Merchants includes:

**Information that we collect when a Merchant’s customers make a payment**

When a customer makes a payment via a Clover POS, we collect information about the transaction, which may include personal data. Information about transactions includes the payment card used, name associated with the payment card, the location of the merchant’s store, date and time of the transaction, transaction amount, and information about the goods or services purchased in the transaction.

In addition, we collect: date and time of the transaction,transaction amount when payment is made.

**Additional information Merchants’ customers provide through the Clover POS ancillary to a payment**

We may collect additional information ancillary to the payment. This information may include:

* Customers’ email address or phone number, such as when the customer chooses to receive an electronic receipt
* Customers’ marketing preferences, such as whether the customer wishes to receive marketing communications or newsletters
* Information about participating customers’ activity in a merchant loyalty program
* Customers’ physical address, where needed for delivery of goods or services
* Other information the customer provides, such as birthdate, interests or preferences, reviews, and feedback

In addition, we collect: nothing after payment is made.

**Information that we collect about Merchants’ personnel**

We may collect information about Merchants’ personnel and interactions with the Clover POS, such as clock-in and clock-out time and tips earned.

**Additional information that Merchants provide to us about their customers or personnel**

Merchants may provide us with additional information directly, via access they grant to us, or otherwise. The types of information that merchants may provide to us about their customers include email addresses, phone numbers, and purchase history. The types of information that merchants may provide to us about their personnel include email addresses, phone numbers, shifts, and sales history.

**How We Use the Information We Collect**

We use the personal data we collect for or on behalf of Merchants, to provide our services and the functionality of our application: [use transaction time and transaction amount to pay back merchant]

We may also use personal data for related internal purposes, including:

* To provide information about the application, such as important updates or changes to the application and security alerts
* To measure performance of and improve the application
* To respond to inquiries, complaints, and requests for customer support

In addition, Company may use personal data as we believe necessary or appropriate to (a) comply with applicable laws and lawful requests and legal processes, such as to respond to subpoenas or requests from government authorities; (b) enforce the terms and conditions that govern our application; (d) protect our rights, privacy, safety or property, and/or that of you or others; and (e) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

**How We Share Information**

We may share personal data that we collect with:

* The Merchant from whom or on whose behalf we collected the personal data
* The platform on which our application runs, the Clover POS. You may view Clover’s Privacy Notice [here](https://www.clover.com/privacy-policy).
* With third parties as a Merchant may direct
* With third party service providers that help us manage and improve the application
* With Company subsidiaries and corporate affiliates for the purposes described in this Privacy Policy or in our agreement with a Merchant

Company may disclose personal data to government or law enforcement officials or private parties as required by law, and disclose and use such information as we believe necessary or appropriate to (a) comply with applicable laws and lawful requests and legal processes, such as to respond to subpoenas or requests from government authorities; (b) enforce the terms and conditions that govern our application; (d) protect our rights, privacy, safety or property, and/or that of you or others; and (e) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.
Company may sell or transfer some or all of its business or assets, including your personal data, in connection with a business transaction (or potential business transaction) such as a merger, consolidation, acquisition, reorganization or sale of assets or in the event of bankruptcy, in which case we will make reasonable efforts to require the recipient to honor this Privacy Policy.

**Your Rights and Choices**

**Data Subject Rights**

To the extent that applicable law provides individuals with rights pertaining to their personal information, such as to review and request changes to their personal information, individuals should contact the Merchant with any requests pertaining to the Merchant’s use of our application. To the extent that Clover is responsible for responding to data subject rights requests under applicable law, individuals may contact Clover with applicable requests as explained in Clover’s Privacy Notice, <https://www.clover.com/privacy-policy>. Company will assist a Merchant, or Clover, as applicable, in responding to such requests subject to our contract with a Merchant or Clover.

**Complaints**

If you have a complaint about our handling of personal data, you may contact us via the contact information provided below.

**Updates**

We reserve the right to modify this Privacy Policy at any time. We will notify you of updates by updating the date of this Privacy Policy.

**Contact Us**

You may contact us with any questions, comments, or complaints, about this Privacy Policy or our privacy practices via: info@iotpay.ca

**Additional Information for Merchants Located in Europe**

**Controller**

[IF YOU HAVE APPOINTED A DATA PROTECTION OFFICER AND/OR AN EU REPRESENTATIVE UNDER THE GDPR, YOU SHOULD IDENTIFY THE RELEVANT PARTIES AND CONTACT DETAILS HERE, IN ADDITION TO THE CONTACT INFORMATION PROVIDED BELOW.]
Company is a data processor acting for and on behalf of the Merchant that has installed our application on their Clover POS. That Merchant is the controller of personal data that we process on its behalf. Clover is also a controller of personal data in some circumstances. Clover’s Privacy Notice is available at <https://www.clover.com/privacy-policy>.

**Legal Bases for Processing**

Company processes personal data as directed or permitted by the Merchant that uses our application. The Merchant is responsible for establishing a legal basis for our processing of personal data for or on behalf of the Merchant.

**Cross Border Data Transfer**

When we transfer personal data outside of Europe to countries not deemed by the European Commission to provide an adequate level of protection for personal data, we make the transfer pursuant to one of the following transfer mechanisms:

* A contract approved by the European Commission (sometimes called “Model Clauses” or “Standard Contractual Clauses”);
* The EU-US Privacy Shield;
* The recipient’s Binding Corporate Rules;
* The consent of the individual to whom the personal data relates; or
* Other mechanisms or legal grounds as may be permitted under applicable European law.

You may contact us with questions about our transfer mechanism.

**Data Retention**

Subject to our agreement with a Merchant, Company retains personal data for as long as necessary to (a) provide our products and services; (b) comply with legal obligations; (c) resolve disputes; and (d) enforce the terms of any agreement we may have with a Merchant. You may contact us for additional information about our data retention practices in connection with the application.

**Data Subject Rights**

Under certain circumstances, data subjects in Europe have certain rights relating to their personal data, which include the rights to request from the Controller (a) access to the data subject’s personal data; (b) correction of incomplete or inaccurate personal data; (c) erasure of personal data; (d) restriction of processing concerning the data subject; and (e) that the controller provide a copy of the data subject’s personal data that the data subject provided to the controller in a structured, commonly used and machine-readable format. Data subjects may also object to a controller’s processing of personal data under certain circumstances. Where processing is based on a data subject’s consent, the data subject has the right to withdraw consent at any time; however, the withdrawal of consent will not affect the lawfulness of processing based on consent before its withdrawal. Data subjects may also file a complaint with a supervisory authority. You may view contact information for supervisory authorities at <https://edpb.europa.eu/about-edpb/board/members_en>. Data subjects in Europe should direct any rights request to the appropriate Controller.