Datgel

Privacy Policy

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For Datgel geotechnical and geoenvironmental software, services and websites

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1 About this policy

1.1 This policy explains how Datgel collects, uses, discloses and protects personal information in connection with its geotechnical and geoenvironmental software products (desktop, web and mobile applications, gINT add-ins, hosted and synchronisation services, and trial versions), its support, training and other services, and its websites, including www.datgel.com. It does not cover Datgel's consumer products (such as Zen Reader and Email Sprucer), which have their own privacy policies.

1.2 **Who we are.** "Datgel", "we" and "us" mean Datgel Pty Ltd (ABN 31 116 883 731) and Datgel Asia Pte Ltd (UEN 201132358H). The Datgel company that contracts with you or your organisation is responsible for the personal information collected under that contract. Datgel Pty Ltd operates www.datgel.com. The two companies share personal information with each other where needed for the purposes in this policy.

1.3 **Contact.** Send privacy questions and requests to **privacy@datgel.com**. That address is also the contact for Datgel's Data Protection Officer for the purposes of Singapore's Personal Data Protection Act 2012. Legal notices under an agreement with Datgel go to legal@datgel.com.

1.4 Where your organisation has an agreement with Datgel (such as the Datgel Master Customer Agreement and Software License Schedule, or the Trial Terms of Use), that agreement governs the relationship between Datgel and your organisation. This policy explains how Datgel handles personal information under it.

2 Personal information we collect

2.1 Information you give us

- **Account and registration:** your name, email address, organisation, job title, country and telephone number, and your Datgel sign-in identity.
- **Orders, quotes and billing:** billing name and address, purchase and invoice details, and your organisation's tax details. Payment-card details are entered with our payment provider; Datgel does not store full card numbers.
- **Agreements:** the name, title and electronic signature of the person who signs an agreement for your organisation.
- **Support and services:** your support requests, emails, chat messages, attachments and the information you share during remote-support or training sessions.
- **Trials:** the details you give when you enrol in a trial.
- **Marketing and events:** your marketing preferences, event and webinar registrations, survey responses, feature votes and any comments you post on our websites.
- **Your choices:** where offered, your telemetry and consent choices (see section 11.8).

2.2 Information collected when you use Datgel software ("Telemetry")

When you use Datgel software, it sends Datgel information about that use. Telemetry is described in clause 7.8 of the Master Customer Agreement, Section H of the Software License Schedule and clause 6 of the Trial Terms of Use. It comprises:

- **License-usage records:** who used the software, where and when — including the computer name, the operating-system user name, a device identifier derived from the hardware, internal and public IP addresses, license, entitlement and lease details, the operating system, locale and time zone, the start and end time of each use, and the approximate location of use (which may be derived from the IP address).

- **Standard application telemetry:** performance metrics, diagnostic traces, error and exception reports and diagnostic logs, the software version, the operating-system identifier and a product identifier.
- **Feature-usage events:** a short name for an action in the software (such as opening a map or viewing a help page) with a few properties describing it. Properties are limited to system-defined identifiers, set values, identifiers your organisation assigns (such as project identifiers) and the text of searches of Datgel's documentation; other free text you type is not collected as a property.

Telemetry normally has your email address and organisation name attached, so that it can be attributed to you and to your organisation.

Datgel does not intentionally collect your organisation's project or geotechnical data, file contents, or other data you enter or upload as Telemetry. Error reports and diagnostic logs may nevertheless sometimes capture fragments of it (such as a file path or project name); Datgel uses such fragments only to fix faults and deletes them as soon as reasonably practicable after becoming aware of them.

2.3 Information collected when you use our websites

When you visit our websites we collect your IP address, browser and device type, the pages you view, the website that referred you, and information from cookies and similar technologies (see section 9).

2.4 Information from other people

- **Your organisation**, for example when an administrator registers you, invites you or assigns you a license.
- **Our partners and resellers**, when they pass on an enquiry or order.
- **Publicly available business sources**, such as company websites and professional networking profiles, for business contacts.

2.5 Your organisation's data in our hosted services

Where your organisation stores project or other data in a Datgel hosted service ("Customer Data"), Datgel processes that data on your organisation's behalf and under its instructions, as set out in our agreement with your organisation. Your organisation's own privacy policy applies to any personal information in that data, and requests about it should go to your organisation. We will help your organisation respond. Customer Data is not Telemetry.

2.6 Artificial-intelligence features

When you use an artificial-intelligence feature of Datgel software or our websites (such as an assistant), the content you submit — which may include project data, photographs or files — and the response are processed by an artificial-intelligence model provider to generate the response. We use only providers that are bound by contract not to use that content to train their models. The providers in use and where they process content are published at www.datgel.com/legal/ai-providers. Conversations are kept for as long as reasonably needed for the feature, support and security, and then deleted.

2.7 Children

Datgel's products and services are for businesses and professionals and are not directed at anyone under 18. We do not knowingly collect personal information from children, and will delete it if we learn that we have.

3 How we use personal information

We use personal information to:

- provide, license, activate, update and support Datgel software and services, and manage accounts and sign-in;
- verify compliance with licenses, including the number of users, the devices used and where the software is used;
- process quotes, orders, invoices, payments and renewals, and recover amounts owed;
- diagnose and fix faults, and keep our software, services and websites secure, including detecting misuse and fraud;
- understand how our software is used and improve it;
- send you service, license, security and agreement notices, including notice of changes to the Software License Schedule;
- send marketing, as described in section 4;
- provide artificial-intelligence features when you use them; and
- comply with law (including tax and sanctions law), and establish, exercise or defend legal claims.

We do not sell personal information, and we do not use Telemetry to deliver advertising. We may use aggregated or de-identified statistics that do not identify you or your organisation.

4 Marketing

We send business contacts information about Datgel products, services, training and events where the law allows. This includes people who have subscribed and contacts at organisations that are or have been Datgel customers. In the EU, EEA and UK, marketing to existing customer contacts relies on our legitimate interests, and you can object at any time. Every marketing email contains an unsubscribe link, and you can also unsubscribe by emailing privacy@datgel.com. Unsubscribing does not stop service, license and account messages.

5 Legal bases for using personal information

Where the law requires a legal basis (for example, the EU and UK General Data Protection Regulations), we rely on the following:

Use	Legal basis
Providing the software and services you or your organisation have ordered; accounts and sign-in; orders, invoices and payments; support	Performance of a contract with you; where the contract is with your organisation, our legitimate interests in performing it
License-usage records and standard application telemetry	Performance of a contract and our legitimate interests in providing, supporting and securing the software and verifying license compliance
Feature-usage events attributed to you	Our legitimate interests in understanding and improving our software; where the law requires consent (see section 11.5), your consent
Marketing	Your consent, or our legitimate interests where the law allows marketing to existing customers
Security, fraud prevention, legal claims	Our legitimate interests
Tax, accounting, sanctions and other legal obligations	Compliance with a legal obligation

Datgel acts as an independent controller of Telemetry and of the other personal information described in sections 2.1 to 2.4. Datgel will maintain a Legitimate Interests Assessment for its use of Telemetry.

6 Who we share personal information with

We share personal information only as described in this section.

6.1 Service providers

We use service providers to run our software, services and business. They may use personal information only to provide their service to us. The current list for our software and hosted services is in clause D.6 of the Software License Schedule (www.datgel.com/legal/license-schedule), and the artificial-intelligence providers are at www.datgel.com/legal/ai-providers. At the date of this policy they are:

Service	Provider	Location
Hosting of our software's hosted services and Customer Data, and Telemetry	Microsoft Azure	Australia
Our website www.datgel.com, including accounts, orders, quotes, agreements signed through it, license files, and files uploaded to or downloaded from it	Microsoft Azure (with Azure Front Door for delivery)	USA; test copies in Singapore; delivered through global networks
Sign-in, license entitlements and license-checkout records	10Duke Enterprise	Finland (EU)
Artificial-intelligence features	As published at www.datgel.com/legal/ai-providers (currently Anthropic)	As published (currently USA)
Speech-to-text for voice input	Microsoft Azure AI Speech	As published with the AI providers
Maps and place-name search	OpenStreetMap Foundation (incl. Nominatim), OpenTopoMap, Microsoft Azure Maps, Singapore Land Authority (OneMap)	UK; global networks; Singapore
Electronic signature	SignNow (airSlate)	USA
Online payments	Airwallex	Australia and the card networks
Sales, quoting, billing contacts and marketing email	Microsoft Dynamics 365	Singapore (Asia Pacific)
Email, documents and file storage, including messages sent to privacy@, legal@ and support	Microsoft 365	Asia Pacific (Microsoft's Asia-Pacific datacentres)
Accounting, invoices and payment records	Xero	USA, Australia and New Zealand (as stated by Xero)
Customer relationship information	Common Room	USA
Sending email from our services	Twilio SendGrid	USA
Website analytics and advertising measurement (where cookies are accepted)	Google (Google Analytics, Google Ads)	USA and other countries

Service	Provider	Location
Website fonts (loaded with every page of www.datgel.com, before any cookie choice)	Google (Google Fonts)	USA; global networks
Website code libraries (loaded with content pages of www.datgel.com, before any cookie choice)	code.jquery.com (OpenJS Foundation); stackpath.bootstrapcdn.com (StackPath); cdn.datatables.net (SpryMedia)	Global networks
Videos embedded in our websites	Vimeo	USA; global networks
Public IP address lookup for license-usage records	Amazon Web Services; ipify	USA; global networks

6.2 Others

- **Your organisation:** administrators of your organisation can see who holds and uses its licenses, and Datgel may report license use to your organisation.
- **Software vendors whose licenses we resell or whose platforms our products extend**, where a license type requires usage reporting to that vendor (for example, usage reporting for certain gINT add-in license types).
- **Professional advisers, auditors and insurers**, under duties of confidentiality.
- **Courts, regulators, law-enforcement and other authorities**, where the law requires it or to establish, exercise or defend legal claims.
- **A buyer or successor**, if a Datgel business or its assets are sold or merged, under confidentiality obligations.

7 Where we store personal information, and international transfers

Datgel is based in Australia and Singapore. Our hosted services and Customer Data are hosted in Australia, and Telemetry is processed in Australia (license-event records are also held by 10Duke in Finland). Our website, www.datgel.com — including website accounts, orders, quotes, the agreements signed through it and the files stored on it — is hosted by Microsoft Azure in the United States (South Central US region), and test copies of it are kept in Singapore. Our sales, quoting and marketing records (Microsoft Dynamics 365) are hosted in Singapore, and our email and documents (Microsoft 365) in Microsoft's Asia-Pacific datacentres. Some of our service providers process personal information in other countries — at the date of this policy, the United States, Finland and other EU countries, the United Kingdom, Australia, New Zealand and Singapore, and through global content-delivery networks — as shown in section 6.1.

Where we send personal information to another country, we take the steps the applicable law requires so that it remains protected to a comparable standard, such as contractual commitments with our providers. Where the EU or UK General Data Protection Regulation applies, we use the European Commission's Standard Contractual Clauses (and the UK addendum) or another lawful transfer mechanism. For our website and the other services that Microsoft provides to us, including those hosted in the United States, Microsoft's Data Protection Addendum incorporates the Standard Contractual Clauses, and Microsoft is certified under the EU-U.S. Data Privacy Framework, its UK Extension and the Swiss-U.S. Data Privacy Framework. You can ask us for more information at privacy@datgel.com.

8 How long we keep personal information

We keep personal information for as long as we reasonably need it for the purposes in this policy, or for any longer period the law requires, and then delete or de-identify it. For example:

- account information, while your account is active and for a reasonable period afterwards;
- orders, invoices and other financial records, for as long as tax and accounting law requires;
- signed agreements, for the life of the agreement and the period in which claims can be brought;
- license-usage records and other Telemetry, for as long as reasonably needed to verify license compliance, resolve disputes, support and secure the software and improve it;
- a record that you have unsubscribed from marketing, so that we respect your choice; and
- Customer Data, as set out in the agreement with your organisation.

Copies in backups are deleted as those backups expire in the ordinary course.

9 Cookies and similar technologies

Our websites use cookies and similar technologies:

- **Necessary cookies** keep you signed in, run the shopping cart, protect the site and remember your cookie choices. They do not need consent.
- **Analytics cookies** (Google Analytics) help us understand how our websites are used. With analytics consent we also load Vimeo’s video player interface, which lets us measure how long embedded videos are watched.
- **Advertising cookies** (Google Ads) help us measure whether our advertising works.

Where the law requires it, we ask for your consent before setting analytics or advertising cookies, and they stay off unless you accept. You can change your choice at any time using the cookie settings link on our websites, and you can block or delete cookies in your browser.

Some content on our websites comes from other providers and is loaded whenever a page is shown, before you make a cookie choice: fonts from Google Fonts, website code libraries from content-delivery networks (code.jquery.com, stackpath.bootstrapcdn.com and cdn.datatables.net) and, on pages that contain a video, the Vimeo video player. To deliver that content, these providers receive your IP address and information about your browser. We embed Vimeo videos in Vimeo’s “do not track” mode, in which the player sets no cookies of its own; Vimeo’s network may still set a short-lived security cookie (see the table below).

The Datgel Assistant on our websites stores nothing in your browser until you open it. Once you use it, it keeps your conversation (for up to 12 hours) and your display and voice preferences in your browser’s local storage and, if you sign in to it, your sign-in details in session storage. These are needed to provide the service you asked for.

At the date of this policy, www.datgel.com uses the following cookies and similar technologies. Durations for Google’s cookies are as documented by Google.

Cookie or item	Set by	Purpose	Category	Duration
Nop.customer	Datgel (www.datgel.com)	Recognises your browser so the website can keep your shopping cart,	Necessary	1 year

Cookie or item	Set by	Purpose	Category	Duration
		your cookie choices and your settings.		
NOPCOMMERCE.AUTH	Datgel (www.datgel.com)	Keeps you signed in.	Necessary	Until you sign out, or 30 days after your last visit
ASP.NET_SessionId	Datgel (www.datgel.com)	Keeps your visit together, for example your time zone (so dates show in your local time) and the steps of a checkout.	Necessary	Until you close your browser
__RequestVerificationToken	Datgel (www.datgel.com)	Protects the website's forms against cross-site request forgery.	Necessary	Until you close your browser
ARRAffinity, ARRAffinitySameSite	Datgel, on Microsoft Azure (www.datgel.com and assistant.datgel.com)	Sends your requests to the same server during a visit.	Necessary	Until you close your browser
datgel-assistant-session, -size, -voice, -rate (local storage)	Datgel (Datgel Assistant)	Keep your Assistant conversation and your display and voice preferences. Written only once you use the Assistant.	Necessary	Conversation 12 hours; preferences until you clear them
__cf_bm	Vimeo (vimeo.com, through Cloudflare)	Vimeo's protection against automated traffic, set when a page loads a Vimeo video or player.	Necessary (set by Vimeo)	30 minutes
_ga	Google (Google Analytics)	Distinguishes visitors, for website statistics.	Analytics	2 years
_ga_MJPLXJE7L4	Google (Google Analytics)	Keeps the state of your visit, for website statistics.	Analytics	2 years
watchTime-<video id> (local storage)	Datgel (www.datgel.com)	Records how long you watched an embedded video, until it is sent to our website.	Analytics	Until the next page you view
_gcl_au	Google (Google Ads)	Links your visit to a click on one of our Google ads, to measure whether our advertising works.	Advertising	90 days

Datgel's desktop software does not use browser cookies. Datgel's web applications use necessary cookies and local storage for sign-in and security. Telemetry from Datgel software is described in section 2.2.

10 Security and data breaches

We take reasonable steps to protect personal information from misuse, interference, loss and unauthorised access, modification or disclosure, including encryption in transit, access controls, and hosting with established cloud providers. Payment-card details are handled by our payment provider and are not stored by Datgel.

If a data breach is likely to cause serious harm, or is otherwise notifiable, we will notify the affected individuals and the relevant regulator as the applicable law requires — for example, under Australia's Notifiable Data Breaches scheme, Singapore's Personal Data Protection Act 2012 or the EU and UK General Data Protection Regulations.

11 Your rights and choices

Your rights depend on the law that applies to you. This section sets out the main rights; you have any other rights your local law gives you.

11.1 Everyone

- You can update most account details yourself by signing in to www.datgel.com.
- You can unsubscribe from marketing at any time (section 4).
- You can contact us at privacy@datgel.com with any question or concern.

11.2 Australia

Under the Privacy Act 1988 (Cth) and the Australian Privacy Principles, you can ask for access to the personal information we hold about you and ask us to correct it. If you have a complaint, please contact us first; if you are not satisfied with our response within 30 days, you can complain to the Office of the Australian Information Commissioner (www.oaic.gov.au).

11.3 Singapore

Under the Personal Data Protection Act 2012, you can ask for access to your personal data and how it has been used or disclosed in the past year, ask us to correct it, and withdraw any consent you have given (which may mean we can no longer provide some services). Where we use your personal data under an exception to consent in the Act, such as the legitimate-interests exception, withdrawing consent does not stop that use, but your other rights still apply. You can complain to the Personal Data Protection Commission (www.pdpc.gov.sg).

11.4 European Union, European Economic Area, United Kingdom and Switzerland

Where the EU or UK General Data Protection Regulation or the Swiss Federal Act on Data Protection applies, you can ask for access to, correction of, deletion of, restriction of, or a portable copy of your personal information; object to our use of it based on legitimate interests (and object at any time to direct marketing); and withdraw any consent you have given. You can complain to your local data-protection authority (in the UK, the Information Commissioner's Office; in Switzerland, the Federal Data Protection and Information Commissioner).

If you object to feature-usage events being attributed to you, we will continue to collect those events without attributing them to you. License-usage records and standard application telemetry are needed to provide and secure the software and to verify license compliance,

so an objection will not normally stop that processing; we will consider any objection as the law requires.

11.5 Countries that require consent

In some countries (at the date of this policy, the People's Republic of China, the Republic of Korea, Vietnam and the United Arab Emirates), the law requires your consent before feature-usage events are attributed to you. If you are in one of these countries we ask for it, for example when you register on www.datgel.com. Giving consent is optional; if you do not give it, or later withdraw it, your feature-usage events are collected without being attributed to you, and nothing else changes. You also have the other rights your local law gives you.

11.6 Other countries

If you are elsewhere, you have the rights your local data-protection law gives you. Contact privacy@datgel.com to exercise them.

11.7 Making a request

Email privacy@datgel.com from the address registered with us, or write to us at the address in section 14. We may need to verify your identity before acting on a request, and we will respond within the time the applicable law requires. Requests about personal information in your organisation's Customer Data should go to your organisation (see section 2.5).

11.8 Feature-usage settings

Where the law gives you a choice about feature-usage events, you can make it in your user settings on www.datgel.com, in the software where it provides a setting, or by emailing privacy@datgel.com. Your organisation's administrator may also be able to choose that feature-usage events for everyone at a site are collected without attribution.

12 Links to other websites

Our websites and software may link to other websites. We are not responsible for their privacy practices, and this policy does not apply to them.

13 Changes to this policy

We may update this policy from time to time. We will publish the updated policy at www.datgel.com/legal/privacy with its version date, and where a change materially affects how we use your personal information we will tell you by email or in our software where we reasonably can.

14 Contact us

- **Privacy questions and requests, and our Data Protection Officer:** privacy@datgel.com
- **Legal notices:** legal@datgel.com
- **Datgel Pty Ltd:** Level 6, 241 Commonwealth Street, Surry Hills NSW 2010, Australia · +61 2 8202 8600
- **Datgel Asia Pte Ltd:** 1 North Bridge Road, #08-08 High Street Centre, Singapore 179094 · +65 6631 9780