

## **PRIVACY POLICY**

We, Hatio Sea Sdn Bhd (“Company”, “We”, “Our”, “Us”) are the owners of the platform comprising of a website [[www.myoperato.com](http://www.myoperato.com)] & web-based application “Operato MMS” together referred to as (“Platform”). The platform is a software as service (SaaS) based marketplace order management system that facilitates the simplification of backend ecommerce operations for businesses of all sizes, sellers, third party logistics companies, brands etc. by managing critical aspects of their offline and online logistics business on a day-to-day basis. The Company offers services that assists Users in order processing, inventory management, customer onboarding, customer configuration, order management, inbound shipment processing, dispatch, third party logistics carrier management, enterprise resource planning, User management, warehouse facilities management, through the Platform (“Services”).

We respect data privacy rights and are committed to protecting personal information collected on the Platform. This privacy policy (“Privacy Policy”) sets forth how we collect, use and protect the personal information collected on the Platform.

**PLEASE READ THIS PRIVACY POLICY CAREFULLY. BY CLICKING “I AGREE” OR BY CONTINUING TO USE THE SERVICES, USER AGREES TO THIS PRIVACY POLICY. IF USER DOES NOT AGREE TO THIS PRIVACY POLICY, USER MAY NOT AVAIL THE SERVICES OR ACCESS THE PLATFORM. IF YOU ARE USING THE SERVICES OR ACCESSING THE PLATFORM ON BEHALF OF A THIRD PARTY, YOUR COMPANY, YOU REPRESENT THAT YOU HAVE THE AUTHORITY TO USE AND AVAIL SERVICES OR ACCESS THE PLATFORM AND TO BIND SUCH THIRD-PARTY TO THE TERMS AND CONDITIONS OF THIS PRIVACY POLICY AND, IN SUCH AN EVENT YOUR USE OF THE SERVICES OR THE PLATFORM SHALL REFER TO USE BY SUCH THIRD PARTY. IF YOU DO NOT HAVE SUCH AN AUTHORITY (TO PROVIDE ANY PERSONAL INFORMATION OF A THIRD PARTY) OR DO NOT AGREE TO THE TERMS OF THIS PRIVACY POLICY, THEN YOU SHOULD REFRAIN FROM USING THE SERVICES.**

**This Privacy Policy is an electronic record in the form of an electronic contract being compliant and construed in accordance with the data protection laws of various jurisdiction such as The European Union (“EU”) General Data Protection Regulation (“the GDPR”), Malaysia Personal Data Protection Act 2010 (PDPA) Act 709 (“Privacy Rules”) that require publishing of privacy policy for collection, use, storage and transfer of sensitive personal data or information.**

### **1. DEFINITIONS**

- i. **“User(s)”, “you” or “your”**- means any organization or its permitted users (including end users of its customers), individuals, that use the Platform to avail the Services and also include visitors of the Website.
- ii. **“User Content”** – means all the data, and materials uploaded/shared on the Platform by the Users for availing the Services, including, without limitation, information related Inventory, products, orders and Third-Party Information.

## **2. WHAT DATA DO WE COLLECT?**

To sign up and use our Services through the Platform, you are required to provide us with information including but not limited to your name, e-mail address, contact number, company's name, company's physical address, business information, your customer's information and Third Party Information. For the sake of brevity, the aforementioned information shall be referred to as "Personal Information".

### **Third Party Information**

User understands and acknowledges that for availing the Services or accessing its account, User shall be required to share personal information relating to third parties such as buyers, fulfilment centres and/or last-mile delivery partners ("Third Party Information"). These Third Party Information shall include but not limited to, order details, order value, product details, buyer details such as buyer's name, contact details, telephone no., shipping address or buyer's other personal information, codes, logos, third-party carrier systems information and any other information that is owned by such third parties. User represents that the User has all the requisite rights and authority from such third parties to collect and share such Third Party Information with the Company or the Platform. The User confirms that the Company shall not be required to enter into any separate arrangement or agreement with such Third Party for collection and storing of the Third Party Information. The User shall be solely responsible for making the third party aware of existence of this privacy policy. The Third Party Information shall be accorded same level of protection that is provided to User's Personal Information under this policy.

User represents, warrants and confirms that any and all Third Party Information shared with us, is in accordance with all applicable laws, rules and regulations, and do not violate any privacy or other rights of third parties. User confirms that we have no responsibility or obligation with respect to the legal compliance of User's collection practices with respect to such Third Party Information. We acknowledge User's ownership rights in the Personal Information. In course of collecting information we may also collect your Internet Protocol ("IP") addresses whenever you access our Services. Such information may include the browser name, your usage and log related information, the type of electronic device, manufacturer, make, model, unique ID of the electronic device and other technical information about User's means of connection to our Platform, such as the operating system and the internet service providers utilized and other similar information. For example, we may use IP addresses to monitor the regions from which User navigates our Platform.

As per the provisions of the GDPR we shall be considered the Controllers of the Personal Information collected on the website and the Processors of the Personal Information, including the User Content and Third Party Information provided by the Users on the Platform.

### **Cookies**

We use cookies and similar tracking technologies to track user traffic patterns and hold certain registration information. Tracking technologies also used are beacons, tags and scripts to collect and track information and to improve and analyze our service. If you wish to not have the information these technologies collect, used for the purpose of serving you targeted ads the Help menu on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to disable cookies altogether etc.

**We use cookies to:**

- improve the user experience on the website/ Platform
- understand the usage based on the geographical area
- understand the usage based on the demographics
- understand and get usage patterns of the users

**Examples of Cookies We Use:** Session cookies, First party cookies, Secure Cookies, HTTP-only cookies.

**The cookies will collect following information:**

- User login information

**Will disabling the cookies allow users to use the website?**

We will not restrict the usage of the website if the cookies are disabled.

**3. ACCURACY OF INFORMATION**

User undertakes that he/she shall be solely responsible for the accuracy, correctness, or truthfulness of the Personal Information including User Content and Third Party Information shared or uploaded on the Platform, whether of its own or any third party. In the event the User is sharing any Personal Information or User Content on behalf of a third person, the User represents and warrants that he has the necessary authority to share or upload such Personal Information or User Content on the Platform, we shall not be responsible for verifying the same.

**4. WHAT DO WE DO WITH YOUR DATA?**

We use the Personal Information for the following purposes:

- i. to provide you with information about our Services and/or our periodic newsletters;
- ii. for creation or development of business intelligence or data analytics in relation to the Services provided by us (for this purpose we may share the Personal Information with certain software or tools available online);
- iii. to improve the Services;
- iv. to address your queries and provide business solutions;
- v. to maintain and manage your account on our website;
- vi. for client communication/administration;
- vii. to manage our relationship with you;
- viii. to provide you information that we may believe may be of your interest;
- ix. for internal record keeping; and
- x. to comply with our legal or statutory obligations.

**Legal Basis (for people from the EU):** We will not process your Personal Information without a lawful basis to do so. We will process your Personal Information only on the legal basis of consent [as provided in Art. 6 (1) (a) of the GDPR], contract [as provided in Art. 6 (1) (b) of the GDPR], or on the basis of our legitimate interests [as provided in Art. 6 (1) (f) of the GDPR], provided that such interests are not overridden by your privacy rights and interests.

## 5. ANONYMIZED DATA

We may also use your Personal Information and non-personal information collected by us to create aggregate anonymized data. We ensure that such anonymized data doesn't directly identify you or your Personal Information shared with us. We may use this anonymized data for any purpose including but not limited to, conduct research, understand patterns, trends, analytical purposes, and to improve our Services. By using the Privacy Policy, you provide us the right to use your information to create anonymized data and use it for our business purposes.

## 6. WHO DO WE DISCLOSE YOUR DATA TO?

We do not sell, rent, share, distribute, lease or otherwise provide your Personal Information to third parties, without your prior consent. Keeping this in mind, we may disclose your Personal Information in the following cases:

- **Affiliates:** We may provide your Personal Information to our affiliates to enable them to promote our product and Services.
- **Service Providers:** We may share your Personal Information with the service providers who work with us in connection with operating the Platform and/ or providing the Services. All such service providers are subject to stringent confidentiality restrictions consistent with this Privacy Policy.
- **Business Partner/Joint Marketing Arrangements:** Where permitted by law, we may share Personal Information with joint marketers and with our business partners with whom we have a marketing and commercial business arrangements, we would require all such joint marketers and business partners to have written contracts with us that specify appropriate use of the Personal Information, require them to safeguard the Personal Information, and prohibit them from making unauthorized or unlawful use of the Personal Information.
- **Merger or Acquisition:** We may transfer your Personal Information if we are acquired by another entity, or if we merge with another company or transfer a part of our business, including the Platform, to a third party. Any such third party or resultant entity that receives your Personal Information shall have the right to continue to use your Personal Information in line with the purposes set out herein. In the event of such a sale or transfer, we may notify you.
- **Legal and Regulatory Authorities:** We may disclose your Personal Information in order to comply with our legal obligations/ court orders/ requests by Govt. Authorities.

## **7. TRANSFER OF YOUR PERSONAL INFORMATION ACROSS BORDERS (FOR EU RESIDENTS)**

The Personal Information we collect (of EU residents) might be processed outside the EU at a secure center located in Singapore. We collect and transfer Personal Information outside the EU in accordance with EU data protection laws. We will ensure that any such transfers of Personal Information (outside the EU) will be in accordance with the GDPR.

## **8. HOW LONG DO WE RETAIN YOUR DATA?**

We will retain your Personal Information as long as it is required to be retained for the purpose of provision of the Services and to comply with our legal obligations. Subject to this section, we will try to delete your Personal Information upon reasonable written request for the same. Please note, however, that there might be latency in deleting Personal Information from our servers.

## **9. OUR SECURITY MEASURES**

We value User's Personal Information and Third Party Information, and protect it on the Platform against loss, misuse or alteration by taking extensive security measures. Your Personal Information is stored on, Amazon Web Services (AWS), or any other similar cloud service partner or technology infrastructure, as may be used by the Company, from time to time. Although we provide appropriate firewalls and protections, we cannot warrant the security of any Personal Information transmitted as these systems are not hack proof. Data pilferage due to unauthorized hacking, virus attacks, technical issues is possible, and we assume no liability or responsibility for it. You are required to be careful to avoid "phishing" scams, where someone may send you an e-mail that looks like it is from us asking for your personal information.

## **10. ACCESSING AND MODIFYING PERSONAL INFORMATION**

The User shall be solely responsible for maintaining the confidentiality of its account and for all other activities that occur under his/her account. You must keep your account and password secure. We encourage you to use "strong" passwords (passwords that use a combination of upper- and lower-case letters, numbers and symbols) for your account. You shall be solely responsible for your acts and omissions. We shall not be liable for any Personal Information including User Content and Third Party Information loss caused by any unauthorized use of your account. In case User needs to access, review, delete and/or make changes to the Personal Information, User may request the administrator appointed by User's organization to do so. User shall keep User's Personal Information updated to help us improve our Services. If User updates, modifies or corrects his Personal Information, we may continue to keep copies of the Personal Information prior to such update, modification or correction for uses provided for in this Privacy Policy. We shall not verify any such modifications or corrections made by the User. User shall be solely liable for such modifications or corrections. In case User is not able to modify, delete its Personal Information User may contact us at [support@hatiolab.com](mailto:support@hatiolab.com).

## **11. LINKS TO OTHER WEBSITES**

Our Platform may contain links to other websites/applications of your interest. Please note that we do not have any control over such other websites/applications, and you will be accessing these websites/applications at your own risk. Therefore, we cannot be responsible for the protection and privacy of any information which you provide whilst visiting such websites/applications and those are not governed by this Privacy Policy. You should exercise caution and look at the privacy policy applicable to such websites/applications.

## **12. LIMITATION OF LIABILITY**

To the extent permissible under the law, we shall not be liable for any direct, indirect, incidental, special, consequential or exemplary damages, including but not limited to, damages for loss of profits, goodwill, data, information, or other intangible losses (even if we have been advised of the possibility of such damages), arising out of this Privacy Policy.

## **13. INDEMNIFICATION**

User agrees to indemnify us, our subsidiaries, affiliates, officers, agents and employees (each, an "Indemnified Party") and hold the Indemnified Party harmless from and against any claims and demand, including reasonable attorneys' fees, made by any third party due to or arising out of or relating to: (i) use, accuracy and correctness of Personal Information, User Content, Third Party Information that User submits or shares through the Platform; (ii) User's violation of this Privacy Policy, (iii) or User's violation of rights of another User.

## **14. GOVERNING LAWS AND DISPUTES**

This Privacy Policy shall be construed and governed by the laws of Singapore. Any dispute arising out of this Privacy Policy shall be resolved through arbitration. The arbitration will be conducted in Singapore in English language, in accordance with the Rules of Singapore International Arbitration Center (SIAC) by a sole arbitrator who shall be appointed by the Company and the award made in pursuance thereof shall be binding on the parties. The dispute resolution and arbitration process mentioned in this Section will not prohibit the Company from approaching the courts for appropriate interim reliefs. For any EU residents, this Privacy Policy shall be governed by the provisions of the GDPR.

## **15. CHANGES TO THIS POLICY**

We may update this Privacy Policy from time to time. In case of any change in the Privacy we shall notify the Users through email, we shall obtain your consent for your continued use of the Platform after such change of the Privacy Policy. This Privacy Policy was last modified on January 31, 2021.

## **16. CONTACT US**

If you have any questions or concerns or grievances regarding this Privacy Policy, you can email us at our email-address [support@hatiolab.com](mailto:support@hatiolab.com)

## **17. COMPANY ADDRESS**

Hatio Sea Sdn Bhd (1317458D)

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Setia Alam, 40170 Shah Alam,  
Selangor Darul Ehsan, Malaysia