

Data Processing Liability

Data Processing Liability Disclaimer by Ontex

Object

This non-liability declaration or disclaimer regarding the liability in the event of data processing by Ontex (hereinafter called: "Disclaimer") is applicable to all data processing by Ontex BVBA, registered in the Crossroad Bank for Enterprises under number 0419.457.296, having its registered office at Genthof 5, 9255 Buggenhout (hereinafter called: "ONTEX") and any of its affiliated companies that use the data or information collected via the website on the following address: www.id-direct.com (hereinafter called: "Website").

By ticking the provided opt-in case or by confirming the password upon receipt of this Disclaimer by e-mail, you declare that the company or institution you represent (hereinafter called: "User") agrees to the use of such information in accordance with the present Disclaimer.

Nonetheless, ONTEX reserves the right to modify this Disclaimer at all times.

Data Collection

The information entered by the User falls within the scope of the possibility offered by ONTEX on its website to use, free of charges, the webtool intended to inform the User amongst other things on the frequency of orders, product information, education (hereinafter called: "Services").

The information communicated by the User collected in the scope of the Services, consists of, but is not limited to, the number of patients, address, individual product applications, medical information, (hereinafter called: "Data"). The User hereby gives the unequivocal approval to ONTEX to be allowed to use the Data under the terms and conditions mentioned in this Disclaimer.

ONTEX does not keep the collected data for a longer period than legally authorized and in no event longer than necessary for the exercise of the Services desired by the User.

In no event does the use of the Services suppose that a sales agreement or any other agreement is entered into so as to impose any obligations on ONTEX, other than the ones mentioned in this Disclaimer.

Data Processing

The Data transferred by the User in the scope of the use of the Services will be processed in accordance with the Law of 8 December 1992 regarding the protection of the personal privacy with regard to the processing of personal data (hereinafter called: “Privacy Law”) and all applicable implementing orders of this law.

The User is responsible for observing the legal stipulations regarding the legitimacy of the transfer and the use of the Data in accordance with amongst other things, but not exclusively, clauses 4§1, 4§2 and 7 of the Privacy Law. Therefore, the User is exclusively responsible for observing among other things the following legal obligations: obtaining a written (special) authorization, respecting the principle of efficiency, the active information obligation with regard to the person interested and the right to perusal of the person interested, taking the necessary safety measures, etc.

The use of the Website or the Services by the User, as well as the collection of the Data by ONTEX will in no event lead to the fact that ONTEX is considered as “Party responsible for the processing” as stipulated in clause 1§4 of the Privacy law.

At all times, ONTEX only acts by order of the User who is responsible for the processing and ONTEX will only process Data under the supervision and the responsibility of the User. As a result, this processing corresponds to the assignment that ONTEX receives from the User by means of the use of the Services.

When appropriate or required, personal information can and will be transferred by ONTEX to the upholders of justice, regulatory and other government bodies, or to third parties if this is necessary or desirable to meet the legal or regulatory obligations.

Data Protection

ONTEX will make all reasonable efforts with regard to the technical and organizational safety measures in the scope of the processing to be executed.

To that end, ONTEX will use generally accepted and high-quality technological standards and standards of operational safety for the protection against loss, abuse, alteration or destruction of all the Data communicated by the Users.

Liability

The User remains at all times exclusively liable for the legal legitimacy, the topicality, the accuracy, the completeness and/or the quality of the Data supplied. This also applies to the competence of the natural person to transfer the Data in the name of the respective company, the User.

ONTEX is not by any manner or means obliged to check the Data entered for correctness or legitimacy.

ONTEX can in no event be held responsible for direct or indirect incidental material damage or moral prejudice of any nature (not limited to consequential damage, lost profit, damage by loss of data, etc.) that might result from the processing of the Data communicated by the User and this in as far as no demonstrable deliberate negligence can be found on behalf of ONTEX.

The approval of this Disclaimer supposes that the User safeguards ONTEX against any claims of third parties (amongst which the patients concerned or clients of the User) that are based on the proposition that the use of the Services by the User, amongst which but not exclusively the transfer of the respective Data, the possible loss of these Data, is in any way unlawful or caused damage.

Miscellanea

ONTEX reserves itself the right to, at all times, refuse the User access and use of the Services, temporarily or permanently, and this without stating any reasons.

The User accepts the Website and the Services as he or she finds it (i.e. on an “as is” basis). Therefore, ONTEX shall be safeguarded against any claims regarding the quality, the integrity, the appropriateness of the Website and the Services and/or its results.

Information and Complaints

In case you, the User, should have any questions or remarks with regard to this Disclaimer or you should have the feeling that your interests are not or not sufficiently looked after, we ask you to address your questions and remarks to the customer service at the following address customerservice@ontexglobal.com.

Applicable Law and Disputes

This Disclaimer has been drawn up, shall be interpreted and is governed by and in accordance with the Belgian law.

Any disputes with regard to this Disclaimer shall fall within the exclusive competence of the Courts of Dendermonde.