



Pivotal Systems Corporation Privacy Policy

PIVOTAL'S COMMITMENT TO PRIVACY

Pivotal Systems Corporation (ARBN 626 346 325), its subsidiaries and affiliates in the United States of America, Europe and Asia (collectively referred to as **Pivotal**) are committed to managing personal information in accordance with the Australian Privacy Principles under the *Privacy Act 1988* (Cth) and in accordance with other applicable privacy laws.

This document sets out our policies for managing your personal information and is referred to as our **Privacy Policy**.

In this Privacy Policy, "**we**", "**us**" and "**our**" refers to Pivotal, and "**you**" and "**your**" refers to any individual about whom we collect personal information.

This Privacy Policy applies to all personal information collected by us, or submitted to us, whether offline or online, including personal information collected or submitted through our website www.pivotalsys.com, through our official social media channel pages which we control (such as our LinkedIn page), through email messages that we may send to you or receive from you, as well as in administering and managing relationships with our shareholders.

ABOUT PIVOTAL

Pivotal is a leading developer and provider of innovative gas flow control solutions to the semiconductor industry, providing semiconductor manufacturers with significant yield, cost and output benefits and enabling the manufacture of more advanced semiconductors.

Pivotal has an extensive product portfolio incorporating its industry leading gas flow control technology, which address both etching and depositing stages of semiconductor manufacturing, enabling manufacturers to accurately deposit or etch materials away from silicon wafer as part of the production process.

WHAT INFORMATION DOES PIVOTAL COLLECT ABOUT YOU?

Customers and prospective customers and other business partners

Our customers include:

- integrated device manufacturers;
- original equipment manufacturers; and
- approved distributors and representatives.

We generally only deal directly with our customers (see above). When your organisation enquires about our products or services or when your organisation becomes a customer of Pivotal, or we otherwise do business with you (e.g. because you work for one of our suppliers, resellers, distributors or other business partners), a record is made which may include your personal information.

The type of personal information that we collect will vary depending on the circumstances of collection and the purposes for which we are dealing with you, but will typically include:

- personal details such as your name, title, e-mail, postal address and other business contact details (such as your LinkedIn profile);
- information about your employer or an organisation who you represent;
- your professional details (such as your job title);
- any additional personal information you provide to us, or authorise us to collect, as part of your interaction with Pivotal (such as your dietary requirements if you are attending an event which we are hosting); and



- other contact details regarding our interactions and transactions with you and the organisation you represent.

In rare and specific circumstances we may collect what is classified as “sensitive information” under applicable privacy laws. We only ever do this to the extent such sensitive information is relevant to our functions and activities and in accordance with applicable privacy laws.

Prospective employees/applicants

We collect personal information when recruiting personnel, such as your name, title, date of birth, gender, contact details, qualifications and work history (including references and other information included in a CV or cover letter as part of the application process). Generally, we will collect this information directly from you.

We may also collect personal information from third parties in ways which you would expect (for example, from recruitment agencies or referees you have nominated). Before offering you a position, we may collect additional details such as your tax file number and superannuation information and other information necessary to conduct background checks to determine your suitability for certain positions.

We may also collect relevant information from third party sources such as LinkedIn and other professional websites.

Shareholders

We (or a share registry provider we may engage) may also collect information to maintain shareholder information in accordance with ASX requirements, such as:

- the name of the individual shareholder and any trustee (if applicable);
- personal details relating to any Power of Attorney (e.g. the attorney’s name, address, occupation, date of birth and phone number);
- bank account details; and
- your SRN or HIN.

When we collect personal information from shareholders, we may also use and disclose it for other reasons related to your shareholding, such as identity verification, providing shareholder services, sending you correspondence and documents and responding to complaints or inquiries. We may also use your information to market our products and services, such as exclusive shareholder offers, to you.

Visitors to our websites

The way in which we handle the personal information of visitors to our websites is discussed below.

What happens if you don’t provide your personal information?

You can always decline to give Pivotal any personal information we request, but that may mean we cannot provide you with some or all of the products or services you have requested, and may not be able to do business with you effectively or meet the expectations of customers or shareholders. If you have concerns about personal information we have requested, please let us know.

HOW AND WHY DOES PIVOTAL COLLECT AND USE YOUR PERSONAL INFORMATION?

Pivotal collects personal information reasonably necessary to carry out our business, to assess and manage our customers' needs, and provide products and services. We may also collect information to fulfil administrative functions associated with these services, for example billing, entering into contracts with you and/or third parties and managing customer and other business relationships. We also collect personal information to administer and manage relationships with our shareholders. Pivotal may allow shareholders and other visitors to our websites to sign up for alerts and otherwise communicate with us.



The purposes for which Pivotal usually collects and uses personal information depends on the nature of your interaction with us, but may include:

- responding to requests for information and other general inquiries about our products and services;
- managing our relationship with you if you are a supplier, business partner or shareholder;
- managing, planning, advertising and administering programs and events which may be of interest to you;
- researching, developing and expanding our products and services;
- informing you of our activities, products and services; and
- recruitment processes (including for contractors).

Pivotal generally collects personal information directly from you. We may collect and update your personal information over the phone, by email, over the internet or social media, or in person. We may also collect personal information about you from other sources, for example:

- our affiliated and related companies; and
- third party suppliers and contractors who assist us to operate our business.

Pivotal also collects and uses personal information for market research purposes and to innovate our delivery of products and services.

HOW DOES PIVOTAL INTERACT WITH YOU VIA THE INTERNET?

You may visit our websites (www.pivotalsys.com) without identifying yourself. If you identify yourself (for example, by providing your contact details in an enquiry), any personal information you provide to Pivotal will be managed in accordance with this Privacy Policy.

Pivotal's websites use cookies. A 'cookie' is a small file stored on your computer's browser, which assists in managing customised settings of the website and delivering content. We collect certain information such as your device type, browser type, IP address, pages you have accessed on our websites and on third-party websites. You are not identifiable from such information.

You can use the settings in your browser to control how your browser deals with cookies. However, in doing so, you may be unable to access certain pages or content on our website.

Pivotal's websites may contain links to third-party websites. Pivotal is not responsible for the content or privacy practices of websites that are linked to our website.

CAN YOU DEAL WITH PIVOTAL ANONYMOUSLY?

Pivotal will provide individuals with the opportunity of remaining anonymous or using a pseudonym in their dealings with us where it is lawful and practicable (for example, when making a general enquiry). Generally it is not practicable for Pivotal to deal with individuals anonymously or pseudonymously on an ongoing basis. If we do not collect personal information about you, you may be unable to utilise our products or services or participate in our events, programs or activities we manage or deliver.

HOW DOES PIVOTAL HOLD INFORMATION?

Pivotal stores information in paper-based files or other electronic record keeping methods in secure databases (including trusted third party storage providers based in Australia and overseas). Personal information may be collected in paper-based documents and converted to electronic form for use or storage (with the original paper-based documents either archived or securely destroyed). We take reasonable steps to protect your personal information from misuse, interference and loss and from unauthorised access, modification or disclosure.

Pivotal maintains physical security over paper and electronic data stores, such as through locks and security systems at our premises. We also maintain computer and network security; for example, we



use firewalls (security measures for the Internet) and other security systems such as user identifiers and passwords to control access to our computer systems.

Our websites do not necessarily use encryption or other technologies to ensure the secure transmission of information via the internet. Users of our websites are encouraged to exercise care in sending personal information via the internet.

We take steps to destroy or de-identify information that we no longer require.

DOES PIVOTAL USE OR DISCLOSE YOUR PERSONAL INFORMATION FOR DIRECT MARKETING?

Pivotal may use or disclose your personal information for the purpose of informing you about our services, upcoming promotions and events, or other opportunities that may interest you or as otherwise permitted under applicable privacy laws.

If you do not want to receive direct marketing communications, you can opt-out at any time by contacting us using the contact details below or using the opt-out functionality contained in the electronic message.

If you opt-out of receiving marketing material from us, Pivotal may still contact you in relation to its ongoing relationship with you.

HOW DOES PIVOTAL USE AND DISCLOSE PERSONAL INFORMATION?

For customers and other business partners

The purposes for which we may use and disclose your personal information will depend on the services we are providing you. For example, if you have engaged us to deliver our products and services to your organisation, we may disclose information about you to service providers where required to provide your organisation with the relevant products and services.

Disclosure to contractors and other service providers

Pivotal may disclose information to third parties we engage in order to provide our products and services or administer our relationships with shareholders, including contractors and service providers used for freight and logistical services, data processing, data analysis, customer satisfaction surveys, information technology services and support, website maintenance/development, printing, archiving, mail-outs, and market research.

Personal information may also be shared between related and affiliated companies of Pivotal, located in Australia and overseas.

Third parties to whom we have disclosed your personal information may contact you directly to let you know they have collected your personal information and to give you information about their privacy policies.

Use and disclosure for administration and management

Pivotal will also use and disclose personal information for a range of administrative, management and operational purposes. This includes:

- administering billing and payments and debt recovery;
- planning, managing, monitoring and evaluating our products and services;
- quality improvement activities;
- statistical analysis and reporting;
- training staff, contractors and other workers;



- risk management and management of legal liabilities and claims (for example, liaising with insurers and legal representatives);
- responding to enquiries and complaints regarding our products and services;
- verifying the identities of our shareholders and managing our relationships with them;
- obtaining advice from consultants and other professional advisers; and
- responding to subpoenas and other legal orders and obligations.

Other uses and disclosures

We may use and disclose your personal information for other purposes explained at the time of collection (such as in a specific privacy collection statement or notice) or otherwise as set out in this Privacy Policy.

DOES PIVOTAL DISCLOSE YOUR PERSONAL INFORMATION OVERSEAS?

Pivotal is a global organisation and works with customers, suppliers, resellers, service providers, sponsors and commercial interests across the globe. It is likely that your personal information will be disclosed to overseas recipients including to service providers who may handle, process or store your personal information on our behalf.

Unless we have your consent, or an exception under the Australian Privacy Principles applies, we will only disclose your personal information to overseas recipients where we have taken reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to your personal information.

Entities which are related entities of Pivotal, or are otherwise affiliated with Pivotal, have operations in the United States of America, Asia (principally China, South Korea, Taiwan and Japan) and Europe (principally Germany and France). In circumstances where your information is disclosed to overseas recipients, those recipients are likely to be located in countries in the regions in which Pivotal and its related entities and affiliates operate.

HOW CAN YOU ACCESS OR SEEK CORRECTION OF YOUR PERSONAL INFORMATION?

You are entitled to access your personal information held by Pivotal on request. To request access to your personal information please contact our Privacy Officer using the contact details set out below.

We will take reasonable steps to ensure that the personal information we collect, use or disclose is accurate, complete and up-to-date. You can help us to do this by letting us know if you notice errors or discrepancies in information we hold about you and letting us know if your personal details change.

However, if you consider any personal information we hold about you is inaccurate, out-of-date, incomplete, irrelevant or misleading you are entitled to request correction of the information. After receiving a request from you, we will take reasonable steps to correct your information.

We may decline your request to access or correct your personal information in certain circumstances in accordance with the Australian Privacy Principles. If we do refuse your request, we will provide you with a reason for our decision and, in the case of a request for correction, we will include a statement with your personal information about the requested correction.

WHAT SHOULD YOU DO IF YOU HAVE A COMPLAINT ABOUT THE HANDLING OF YOUR PERSONAL INFORMATION?

You may contact Pivotal at any time if you have any questions or concerns about this Privacy Policy or about the way in which your personal information has been handled.

You may make a complaint about privacy to the Privacy Officer at the contact details set out below.



The Privacy Officer will first consider your complaint to determine whether there are simple or immediate steps which can be taken to resolve the complaint. We will generally respond to your complaint within a week.

If your complaint requires more detailed consideration or investigation, we will acknowledge receipt of your complaint within a week and endeavour to complete our investigation into your complaint promptly. We may ask you to provide further information about your complaint and the outcome you are seeking. We will then typically gather relevant facts, locate and review relevant documents and speak with individuals involved.

In most cases, we will investigate and respond to a complaint within 30 days of receipt of the complaint. If the matter is more complex or our investigation may take longer, we will let you know.

If you are not satisfied with our response to your complaint, or you consider that Pivotal may have breached the Australian Privacy Principles or the Privacy Act, a complaint may be made to the Office of the Australian Information Commissioner. The Office of the Australian Information Commissioner can be contacted by telephone on 1300 363 992 or by using the contact details on the website www.oaic.gov.au.

If you are located outside of Australia you may wish to take your complaint up with the local data protection authority in your jurisdiction.

HOW CHANGES ARE MADE TO THIS PRIVACY POLICY?

Pivotal may amend this Privacy Policy from time to time, with or without notice to you. We recommend that you visit our website regularly to keep up to date with any changes. We also try to let you know about major changes to our Privacy Policy (for example by putting up a notice on our website).

HOW CAN YOU CONTACT PIVOTAL?

The contact details for Pivotal are:

Pivotal Privacy Officer
48389 Fremont Blvd., Suite 100, Fremont, CA, 94538
info@pivotalsys.com
(510) 770-9125

This Privacy Policy was last updated in June 2018.