

Acoustic Price & Promotion Optimization Data Processing and Protection Data Sheet

1. Definitions

Capitalized terms used but not defined in this Data Processing and Protection Data Sheet shall have the same meaning as set forth in the Acoustic Software as a Service Agreement ("**Agreement**") or the Data Processing Addendum ("**DPA**").

2. Categories of Data Subjects

2.1 Data Subjects whose Customer Personal Data may generally be Processed by Acoustic Price & Promotion Optimization (the "**Product**") may include Customer's customers ("**End-user**"), application users, contractors, and to the extent required by law any other legal entities whose Personal Information is Processed by the Product.

2.2 Given the nature of the Product, Customer acknowledges that Acoustic is not able to verify or maintain the above list of categories of Data Subjects. Therefore, in the case the Customer provides additional information on other categories of Data Subjects than set out below, Customer is responsible for providing complete, accurate, and up-to-date information to Acoustic on the actual categories of Data Subjects that Customer will Process in the Product via Additional Instructions to Acoustic as set out in the DPA: <https://acoustic.com/acoustic-terms>.

3. Types of Customer Personal Data

3.1 The lists as set out below are the types of Customer Personal Data, including special categories of Personal Data pursuant to Art. 9 (1) GDPR that generally can be Processed by the Product.

3.2 Given the nature of the Product, Customer acknowledges that Acoustic is not able to verify or maintain the below lists of types of Customer Personal Data. Therefore, in the case the Customer provides additional or other Customer Personal Data than set out below, Customer is responsible for providing complete, accurate, and up-to-date information to Acoustic on the actual types of Customer Personal Data that Customer will Process in the Product via Additional Instructions to Acoustic as set out in the DPA.

3.3 Types of Customer Personal Data that generally can be Processed by the Product:

- End-user information (such as name, phone number, e-mail address)
- Technically identifiable Personal Information (such as device IDs, usage-based identifiers, static IP address)

The Product is not intended to Process any special categories of Personal Data.

4. Subject Matter, Nature and Purpose of the Processing

The Product is composed of a series of components that provide pricing or promotion management related software. Price Management provides everyday price recommendations based upon historical data and business rules and predicts performance. Price Optimization provides optimization science to pricing management. Promotion Management enables retailers to import and plan promotions. Promotion Optimization provides the ability for a retailer to forecast the performance of a promotional offer from Promotion Management. Promotion Execution enables creation of an ad/circular layout and place relevant promotional offers within it; it includes proofing and exporting. Markdown Optimization enables a retailer to build a markdown plan with the proper cadence and discount depths to profitably clear out merchandise by a specific out date.

The Processing activities with regard to Customer Content (including Customer Personal Data) within the Product include:

- Receipt of Content from Data Subjects and/or third parties
- Computer processing of Content, including data transmission, data retrieval, data access, and network access to allow data transfer if required
- Technical customer support involving Content at Customer request, including monitoring, problem determination, and problem resolution
- Transformation and transition of Content as necessary to deliver the Product
- Storage and associated deletion of Content
- Backup of Content

5. Technical and Organizational Measures

The following technical and organizational measures (“**TOM**”) apply to the Customer Personal Data identified in Section 3.3:

- Acoustic's TOM for ensuring a level of security appropriate to the risk for Acoustic's scope of responsibility in regard to the Product are Acoustic's Data Security and Privacy Principles as set forth in Annex A to the DPA or as otherwise described below or within the specific Service Descriptions as set forth in Exhibit A to the Agreement made available to Customer.

6. Third-Party Subprocessors

The Product involves the following third-party Subprocessors in the Processing of Content, including Customer Personal Data:

6.1. Rackspace US, Inc.

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- **Rackspace US, Inc.**
1 Fanatical Place, City of Windcrest
San Antonio TX 78218

6.2. Subprocessor Changes and Additional Information

Any changes to Subprocessors will be communicated via update of this document as published on <https://acoustic.com/acoustic-terms> or a successor site upon reasonable notice to Customer in accordance with the DPA. Additional details on each third-party Subprocessor are available upon request.

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