

External Privacy Notice

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External Privacy Notice of Messer's North American Companies

External notice

Messer North America, Inc. and Messer Canada Inc. (collectively, and together with their subsidiaries, Messer) are pleased to share their External Privacy Notice with you. This External Privacy Notice will explain how our organization uses the personal data we collect from you.

Personal data is any information relating to an identified or identifiable natural person, i.e., a data subject. An identifiable natural person is one who can be identified, directly or indirectly.

Introduction

Introduction

At Messer, the basis of each of our relationships is trust. You have chosen to visit or do business with Messer, and we honor that relationship with great care, beginning with the information you have chosen to share with us. We believe that your privacy should not be compromised. At the same time, we want to offer you the array of products and services you need. We also want to be able to respond to your requests, customize our websites for you, improve your online and offline experience, and communicate with you.

We recommend that you refer to this document from time to time to make sure that you are aware of any changes or modifications that may be made to this External Privacy Notice. If any such changes are made, they will be posted at this site.

Overview

Overview

Technology and new marketing practices have increased the amount of personal data collected and shared in today's marketplace. Individuals are concerned about the impact this development has or might have on their privacy and reputation. At Messer, we are sensitive to the importance of these concerns. We want to make interactions with us as effective and convenient as possible, and this involves making use of technology and personal data. But we also want the individuals with whom we interact to be confident that their relationship with Messer is treated with the appropriate confidentiality. We therefore commit to take reasonable steps to protect the privacy of the information shared with us.

Fair Information Practices

Accountability

This privacy notice is intended to address all of North America, including all relevant US states, territories, and Canadian provinces. Relevant laws within this region include Personal Information Protection and

Electronic Documents Act (PIPEDA), Alberta's Personal Information Protection Act (PIPA), British Columbia's Personal Information Protection Act (PIPA), Quebec's Privacy Act, the California Consumer Privacy Act (CCPA), and the California Privacy Rights Act (CPRA).

Personal data refers to information that can be used to identify, locate, or contact an individual, alone or when combined with other personal or identifying data.

The personal data of Canadian residents is transferred to the United States via internal Messer systems and may be accessible to government, law enforcement, national security authorities, and other authorities within the United States.

Notice

We will limit the use and collection of personal data to perform activities based on your consent or that further our legitimate interests to administer our business, manage customer and partner relationships, provide superior service to you, or to offer services and opportunities that we think will be of legitimate interest to you. This also means that we will use the personal data to help us identify and mitigate potential risks or loss to Messer. Of course, we will use this information only in accordance with the principles set out in this External Privacy Notice.

Choice and Consent

By accepting this Privacy Notice, whether by establishing a business relationship with us, providing us with your personal data, or otherwise interacting with us, you explicitly agree to the terms set forth in this Notice.

If you wish to withdraw or modify your consent to our collection, use, or disclosure of your personal data, please contact us.

Limited Use

Our collection of personal data is adequate, relevant, and limited to what is necessary in relation to the purposes for processing. We will not collect personal data that has no relevancy to our business.

Retention

We will only retain data for as long as is necessary and in accordance with our data retention procedures. For example, we will retain your personal data if you are a customer for as long as is needed to manage any account held with us and to be compliant with legal and regulatory requirements.

Accuracy

Messer gives you access to your account information for the limited purpose of viewing and, in some cases, updating your account information to ensure its accuracy.

Messer also employs reasonable measures to ensure the accuracy, timeliness, and completeness of personal data. If we become aware of inaccuracies in our records, we will take prompt steps to make appropriate corrections.

Recognition of an individual's Expectation of Privacy

Recognition of an individual's Expectation of Privacy

We recognize your right to privacy at Messer. Thus, we recognize that you have a right to expect that your personal data will remain private and secure. We will maintain standards to ensure that any information that is requested by us is held private and secure at all times.

What Data We Collect

What Data We Collect

We collect personal data when you voluntarily provide it to us through a variety of sources:

- Personal Identifiers, contacts, and characteristics (e.g., name, email address, phone number, photograph, etc.);
- Professional information (e.g., employer name, address, job title, department, or role);
- Web browsing data within our websites or apps;
- Information about how the services are accessed and used and about how you use our technology platforms, including apps, such as browser type, operating system, the page served, the time, the type of content being transmitted (e.g., video content) or application being used, how many users visited the sites, subscriber status and preceding page views;
- We may supplement the information we collect with information from external parties.

All of these pieces of information will be referred to collectively throughout this External Privacy Notice as "personal data."

How We Collect and Use Your Data

How We Collect Your Data

Information about you may be accumulated from a variety of sources. For example, we may collect nonpublic personal data about you from:

- Applications or other forms that you may fill out;
- Your transactional history with us, our affiliates, or others;
- Personal data you may provide when physically or electronically visiting a Messer location or using a Messer-provided app;
- Email and telephone communications;
- Comparison of our customer lists to lists received from other companies;
- Social media such as LinkedIn;

- Screening software, e.g., to ensure that we may legally do business with you; and
- From other sources for reasons such as improving personalization of our service. For example, we may try to provide you with product recommendations or special offers that we think will interest you.

How We Use Your Data

We may use your personal data for the following purposes:

- Respond to requests and process transactions;
- Facilitate and evaluate the use of our website and service providers;
- Facilitate the delivery of products and services;
- Improve our records;
- Marketing and customer communications;
- Dispute resolution; and
- Other legitimate business purposes.

Your Data Protection Rights

Your rights

Messer makes commercially reasonable efforts to keep your files complete, up-to-date, and accurate. If you wish to contact us, access, update, or correct your personal data, please contact us at any time at the following email: Privacy.Notice@messer-us.com

California Data Protection Rights

California residents have several rights that they are afforded. Messer provides the following rights to all persons residing in California:

- **Your right of access** - You have the right to ask us for copies of your personal data.
- **Your right to correct** - You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **Your right to delete** - You have the right to ask us to erase your personal data in certain circumstances.
- **Your right to opt-out of processing** - You have the right to ask us to restrict the processing of your personal data in certain circumstances.
- **Your right to opt-out of sale** - We do not sell or share personal data for compensation.
- **Your right to data portability** - You have the right to ask that we transfer the personal data you gave us to another organization, or to you, in certain circumstances.
- **Your right to opt-in for sensitive data** – You have the right to restrict the use of the sensitive personal data we collect, in certain circumstances.
- **Right against automated decision making** – We do not use automated decision making.

Canadian Data Protection Rights

Canadian residents have several rights that they are afforded. Messer provides the following rights to all persons residing in Canada:

- **Right to be informed** - At any time you have the right to ask about the purposes for which your personal data is collected and the means by which it is collected.
- **Your right of access** - You have the right to ask us for copies of your personal data.
- **Your right to correct** - You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **Your right to delete** - You have the right to ask us to erase your personal data in certain circumstances.
- **Your right to opt-out of processing** - You have the right to ask us to restrict the processing of your personal data in certain circumstances.
- **Your right to data portability** - You have the right to ask that we transfer the personal data you gave us to another organization, or to you, in certain circumstances.

If any Canadian resident needs to contact the Office of the Information and Privacy Commissioner for any reason, they can do so with the information below:

Telephone

Toll-free: 1-800-282-1376

Phone: 819-994-5444

Website

<https://www.priv.gc.ca/en/contact-the-opc/contact-the-information-centre/>

Mailing Address

Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, Quebec
K1A 1H3

Contact Information

If you are entitled to the rights listed above, then you are not required to pay any charge for exercising your rights. If you make a request, we will respond to you in the time provided by law, e.g., one month in Canada and 45 days in California. Notwithstanding the foregoing, a charge may occur to cover the administration efforts if we receive what may be considered excessive or repeated requests.

Please contact us at Privacy.Notice@messer-us.com if you wish to make a request. When you contact us, please provide us with your name, address, any email address you have provided to Messer, and a description of the circumstances under which you provided the data (e.g., to register a product, to receive a newsletter, etc.). To protect your privacy and security, we will also take reasonable steps to verify your identity before granting access or making corrections to data we maintain.

Disclosure of Personal Data

Disclosure of Personal Data

There are times when we are required to disclose your personal data, while at other times we may voluntarily provide your personal data to carefully screened third parties. In any event, we will always carefully control the way in which any personal data is shared.

For example, we must disclose your personal data if ordered to do so by court order.

On the other hand, we may disclose such information:

- To certain providers with which Messer has an ongoing relationship, like a joint marketing agreement;
- To companies that participate with Messer in supplying products and services to customers;
- To companies that promote products and services on our behalf;
- To other companies and individuals who perform functions on our behalf. Functions may include fulfilling orders, delivering packages, sending postal mail and email, removing repetitive information from customer lists, analyzing data, providing marketing assistance, processing credit card payments, and providing customer service;
- To certain business transferees. As we continue to develop our business, we might sell or buy businesses, portions of businesses, or assets. In such transactions, personal data generally is one of the transferred business assets. Also, in the unlikely event that Messer or substantially all of its assets are acquired, personal data will be one of the transferred assets as part of the transaction;
- To enforce or apply our Terms and Conditions of Website Use Agreement and other agreements; or protect the rights, property, or safety of Messer, our customers, or others. This may include exchanging information with other companies and organizations for fraud protection and credit risk reduction; or
- With your consent. Other than as set forth above, you will receive notice when information about you might go to third parties, and you will have an opportunity to choose not to share the information.

Whenever we disclose any personal data to such companies, we require that they honor and adhere to our commitment to privacy. Nonetheless, if you are a resident of Canada or California and do not wish to have your personal data revealed to such companies, you may “opt out” of these disclosures, that is, you may direct us not to make those disclosures (other than disclosures permitted by law). For more information about opting out of such disclosures, please read our “Opt Out Option” below.

“Opt Out” As described above, if you are a resident of Canada or California you have an “opt out” option that allows you to choose whether or not you want your personal data to be shared with third parties. If you wish to exercise your right to “opt out,” you may request this by emailing us at Privacy.Notice@messer-us.com.

Keeping Your Information Secure

Keeping Your Information Secure

Keeping your information secure is one of our most important responsibilities. To that end, Messer employees are informed of their responsibility to protect confidential personal data through training sessions and are bound by this External Privacy Notice. They are governed by a code of conduct that includes the responsibility to protect the confidentiality of personal data.

We also restrict access to your personal data to only those employees who need to know such information.

We safeguard information according to established security standards and procedures, and we continually assess new technology for protecting information. Our employees are trained to understand and comply with these information safeguard principles.

Whenever we ask for personal data on our website, we use Secure Sockets Layer (SSL) technology for transferring data. This technology encrypts – or scrambles – your account information so it is virtually impossible for anyone other than Messer to read it.

We reveal only the last five digits of your credit card numbers when confirming an order. Of course, we securely transmit the entire credit card number to the appropriate credit card company during order processing.

You can also help maintain the security of your information by not sharing your I.D. or password with anyone, by changing your password regularly, and by remembering to sign off when you are finished using the computer.

Linking From Our Site

On occasion Messer may provide links on its website to other websites operated by third parties. If you use these links, you will leave Messer's website, and your browser will be re-directed to websites over which Messer has no control. You should acquaint yourself with these other websites, as they may have privacy policies that differ significantly from ours.

Protecting Our Children

Protecting Our Children

Messer does not sell products for purchase by children. We do not knowingly solicit data from children, and we do not knowingly market to children. We recognize that protecting children's identities and privacy online is important and that the responsibility to do so rests with both the online industry and with parents. The only situation in which Messer might collect personal data from a child would be if a child includes the information in a question, he or she submits to us—which we ask children not to do. If Messer receives such information, we delete the information as soon as we discover it and do not use it for any purpose. We also do not disclose it to third parties.

Contact Us

Contact Us

If you have any questions regarding this External Privacy Notice, please contact us as follows:

In the United States Michael V. Yap Senior Counsel and Regional Compliance Officer Messer North America, Inc. 200 Somerset Corporate Blvd, Suite 7000 Bridgewater, NJ, 08807 +1 908.508.3937 michael.yap@messer-us.com and/or to Privacy.Notice@messer-us.com	In Canada Alev Hincer MBA, CHRL, LLM Director HR, Canada and Caribbean Messer Canada Inc. 5860 Chedworth Way Mississauga, Ontario +1.905.501.2560 alev.hincer@messer-ca.com and/or to Privacy.Notice@messer-us.com
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Document Information

About this Document

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1.0	December 2023	RSM US LLP	Michael V. Yap Senior Counsel Compliance, Legal - Brian Williams VP, Human Resources Americas	Greg Schuetz CLO & VP, Americas

Change History

Version	Description of Change
1.0	First issue