

PRIVACY POLICY

This is the privacy policy (“**Privacy Policy**”) that governs how we, PrimeSense, Ltd. (“**PrimeSense**”, “**we**”, “**our**” or “**us**”), use Personal Information (defined below) that we collect, receive and store about individuals who use the website www.openni.org[1] (together with its subdomains, content and services, the “**Site**”). This Privacy Policy forms part of the Terms of Use, available at <http://openni.org/terms-of-use/>[2] (the “**Terms**”). Capitalized terms not defined herein shall have the meaning ascribed to them in the Terms.

1. Introduction. We have implemented this Privacy Policy because your privacy, and the privacy of other Site users, is important to us. We provide this Privacy Policy explaining our online information practices and the choices you can make about the way your Personal Information is collected and used in connection with the Site and certain services that we offer through or in connection with the Site. “**Personal Information**” means any information that may be used, either alone or in combination with other information, to personally identify an individual, including, but not limited to, a first and last name, a personal profile, an email address, a home or other physical address, or other contact information.

2. Consent and Modification. By using the Site, you consent to the terms of this Privacy Policy and to PrimeSense’s processing of Personal Information for the purposes set forth herein. If you do not agree to this Privacy Policy, please do not use the Site. We reserve the right, at our discretion, to change this Privacy Policy at any time, which change will be effective ten (10) days following posting of the revised Privacy Policy on the Site. Your continued use of the Site ten (10) days following such posting means that you accept those changes.

3. What Personal Information We Collect and How We Collect It. We do not currently require you to provide Personal Information in order to have access to general information available on the Site. But, we do receive and/or collect information from you in the following ways:

3.1. ‘Contact Us’ Information. If you send us a “Contact Us” request, whether by submitting an online form that we make available or by using an email address that we provide, you may be required to provide us with information such as your name, email address and any other Personal Information you disclose.

3.2. Account. In order to provide you with certain services or programs through the Site you may be required to create an account (“**Account**”). When you create an Account you will be asked to provide us with information which may include your first and last name, a user name, your email address, a password that you will use for your Account, and other specified information. We shall then send an email to your nominated email address to instruct you how to confirm your registration.

3.3. Profile. The Site may enable you to build a profile in connection with your Account (“**Profile**”). You may choose to provide us with information to use and display with your Profile, such as your user name, a profile picture, and other additional information.

3.4. Software Downloads. We may offer you the opportunity to download, access and use certain software from the Site. If you choose to do so, you may first be required to provide certain Personal Information such as your name, email address and other specified information. You acknowledge that your use of software that you download via the Site is subject to the terms and conditions of the related software license agreement, which you agree to abide by.

3.5. OpenNI Arena. We provide certain software application hosting services on the Site (“**Hosting Services**”) whereby Site users may access, download, run and use software applications that have been uploaded or submitted to the Site by other Site users (each an “**Application**”). If you choose to participate in the Hosting Services, you will first be required to register an Account. If you submit an Application you may also be asked to provide us with additional information such as your phone number, company name, your (or your company’s) address, and a company website URL.

3.6. Forum.

(a) The Site provides you with the opportunity to participate in an open forum that enables you to share your knowledge and experiences with the OpenNI community and receive and view related information from PrimeSense and other Site users (“**Forum**”). If you choose to participate in the Forum, we will require you to provide us with your email address. We (or one of our third party service provider’s) shall then send you an email to your designated email address to instruct you how to confirm your participation.

(b) We use the tools, software or services of third party service providers, such as Google Groups, to provide the Forum. Please note that in order to participate in the Forum you will need to register a Google account (or use your pre-existing Google account). You acknowledge that your participation in the Forum is facilitated through the OpenNI group at Google Groups.

(c) If you choose to participate in the Forum, you acknowledge and agree (i) to review, be bound by, and comply with, the terms of use and privacy policy of any such third party service providers; (ii) that our third party service providers, such as Google, will request, collect and/or obtain Personal Information from you, in accordance with their own terms of use and privacy policies; and (iii) that your participation in the Forum is subject to, and dependent on, your compliance with this Privacy Policy and the foregoing third party service providers’ terms of use and privacy policy.

3.7. Cookies and Other Tracking Technologies. Some of our Site pages utilize “cookies” and other tracking technologies. A “cookie” is a small text file that may be used, for example, to collect information about Site activity. Certain cookies and other technologies may serve to recall Personal Information previously indicated by a Site user. Most browsers allow you to control cookies, including whether or not to accept them and how to remove them. You may set most browsers to notify you if you receive a cookie, or you may choose to block cookies with your browser.

4. Publicly Available Information.

(a) General. Any information, video, image, data, text, documents, or other content posted at your direction onto a public area of the Site becomes publicly published content and will be available to all users of that public area of the Site, even if such content contains Personal Information or proprietary information. Please note that if you publish your contact information, you may receive unsolicited messages from users and visitors to the Site or email recipients. We encourage you to publish only information you are sure you want to be accessible to anyone.

(b) Profile. Certain information that you include in your Profile, such as your user name and profile picture, may be publicly available to other Site users and third parties. The notices and tools that we provide on the Site should help inform you which information will be made publicly available, and you at all times retain the right to decide what information to include in

your Public Profile.

(c) Forum. The email address that you provide in connection with your participation in the Forum may become publicly available to other Forum members, and they may use it to contact you. Please only use an email address that you want to be accessible to anyone.

(d) OpenNI Arena. If you upload or otherwise submit an Application in connection with our Hosting Services, then you acknowledge and agree that (i) your Application shall be made publicly available to other Site users and third parties, and may be accessed, downloaded, or used by Site users and other third parties; and (ii) certain information that you choose to include about yourself in connection with the Application for other Site users to see, including Personal Information, may be published in a public area of the Site in connection with your Application. The notices and tools that we provide on the Site should help inform you which information will be made publicly available, and you at all times retain the right to decide what information to make publicly available.

5. The Way We Use Personal Information. If you submit or we collect Personal Information through the Site, then such Personal Information may be used in the following ways:

5.1. We will use your Personal Information to provide and improve our Site and services to you, to contact you in connection with the Site and certain services, programs or offerings, that you may have registered for, and to identify and authenticate your access to the parts of the Site and services that you are authorized to access. We may also use your designated email address to send you updates, a newsletter or news regarding the Site and our products and services.

5.2. We may use your Personal Information to contact you in response to a "Contact Us" request.

5.3. We may transfer your Personal Information to our subsidiaries, affiliated companies, or other businesses or persons for the purpose of processing such information on our behalf. Such information may be transferred to other countries around the world. We require that these parties agree to process such information in compliance with our Privacy Policy.

5.4. We may transfer your Personal Information to our third party service providers, but only to provide our services to you. Such information may be transferred to other countries around the world. We use commercially reasonable efforts to only engage or interact with third party service providers that post a Privacy Policy governing their processing of Personal Information.

5.5. We may disclose your Personal Information or any information you submitted via the Site if we have a good faith belief that disclosure of such information is helpful or reasonably necessary to (i) comply with any applicable law, regulation, legal process or governmental request; (ii) enforce our Terms including investigations of potential violations thereof; (iii) detect, prevent, or otherwise address fraud or security issues; or (iv) protect against harm to the rights, property or safety of PrimeSense, its users, yourself or the public.

6. Use of Anonymous Information. We may use Anonymous Information (as defined below) or disclose it to third party service providers in order to improve our services and enhance your experience with the Site. We may also disclose Anonymous Information (with or without compensation) to third parties, including advertisers and partners, for purposes including, but not limited to, targeting advertisements. "**Anonymous Information**" means

information which does not enable identification of an individual user, such as aggregated information about the use of our Site.

7. Opting-Out. You may remove yourself from our mailing list by following the instructions within each email that you receive from us.

8. Choice. At all times, you may choose whether or not to provide or disclose Personal Information. The notices that we provide on the Site in circumstances where we collect Personal Information should help you to make this choice. If you choose not to provide the Personal Information we request, you may still visit parts of the Site, but you may be unable to access certain options, programs, offers, and services that involve our interaction with you.

9. Access/Accuracy. To the extent that you do provide us with Personal Information, PrimeSense wishes to maintain accurate Personal Information. If you have an Account, you may log-in at any time and add information, delete information or correct any incorrect information we have. If you do not have an Account and you would like to correct a material inaccuracy in your Personal Information that we may be storing, you may submit an access request by sending an email to info@openni.org. Your email should include adequate details of your request.

10. Collection of Information by Third-Party Sites. We may use a reputable third party to present or serve advertisements that you may see on the Site. These third party ad servers may use cookies, web beacons, clear gifs or similar technologies to help present such advertisements, and to help measure and research the advertisements' effectiveness. The use of these technologies by these third party ad servers is subject to their own privacy policies and is not covered by our Privacy Policy.

11. Links to Other Sites. The Site may contain links to third party websites that are not owned or controlled by PrimeSense. We are not responsible for the privacy practices or the content of third party websites, and you visit them at your own risk.

12. Children's Privacy. The Site is not structured to attract individuals under the age of 18. Accordingly, we do not intend to collect Personal Information from anyone we know to be under 18 years of age.

13. Security. The security of Personal Information is important to us. We follow generally accepted industry standards, including the use of appropriate administrative, physical and technical safeguards, to protect the Personal Information submitted to us. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its absolute security. If you have any questions about security on the Site, you can contact us at info@openni.org.

14. In the Event of Merger, Sale, or Bankruptcy. In the event that PrimeSense is acquired by or merged with a third party entity, we reserve the right to transfer or assign Personal Information that we have collected as part of such merger, acquisition, sale, or other change of control. In the unlikely event of our bankruptcy, insolvency, reorganization, receivership, or assignment for the benefit of creditors, or the application of laws or equitable principles affecting creditors' rights generally, we may not be able to control how Personal Information is treated, transferred, or used. In any of the circumstances described in this paragraph, the information will be subject to the privacy policy of the purchaser or assignee.

15. Your California Privacy Rights. California Civil Code Section 1798.83 permits customers of PrimeSense who are California residents to request certain information regarding its disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please send an email to info@openni.org. Please note that we are only required to respond to one request per customer each year.

16. Commitment. We are committed to protecting your privacy. Protecting your privacy online is an evolving area, and we are constantly evolving our Site to meet these demands. If you have any comments or questions regarding our Privacy Policy, please contact us at info@openni.org.

Endnotes:

www.openni.org: <http://www.openni.org/>

<http://openni.org/terms-of-use/>: <http://openni.org/terms-of-use/>