

Approved:

Date: 06/08/2020

PRIVACY POLICY

Effective date: 06/08/ 2020

1. HOW TO CONTACT US

Please contact us if you have any questions about our Privacy Policy or information, we hold about you:

By email: privacy@jivochat.com.

EU residents may also write to Data Privacy Officer: info@quick-gdpr.co.uk .

2. WHO WE ARE?

Jivosite, Inc., a Delaware corporation, 1811 Silverside Road, Wilmington, Delaware, 19810 and its affiliates and subsidiaries (collectively, the “Company” or “we” or “us”) is committed to protecting privacy of your Personal Data (as defined below). Our representative in EEA under article 27 GDPR is Security Trend Ltd, a company registered in United Kingdom and Wales, with its contact email info@security-trend.co.uk .

3. PURPOSE AND SCOPE OF THIS POLICY

This Privacy Policy (the “Policy”) describes how the Company collects, uses, shares and secures the Personal Data of visitors and subscribers to the Jivochat Service (the “Subscriber(s)” or “you” or “yours”, Personal Data subject, as applicable). It also describes your choices regarding use, access and correction of your Personal Data. The capitalized terms used in this Policy but not defined herein shall have the same meaning assigned to them in Company’s Terms and Conditions (<https://www.jivochat.com/terms/>) (the “Terms”), and your use of the Jivochat Service is at all times subject to the Terms.

This Policy applies to those who visit the websites owned and operated by the Company, download any downloadable software, install any mobile applications, and/or use the Company’s products and Jivochat Service offered at jivochat.com, jivochat.com.br, jivochat.es, jivochat.de, jivochat.ng, jivochat.co.ke, jivochat.co.za, jivochat.mx, jivochat.co.id, jivochat.com.co, jivochat.com.ar, jivochat.com.pe, jivochat.cl, jivochat.com.bo, jivochat.com.ve, jivochat.co.in, jivochat.pt, and any other websites that may be added to the list after the effective date of this Policy (collectively, the “Jivochat Service”).

For purposes of the Policy, Personal Data means any information that identifies or relates to a particular individual and also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules, or regulations, including the GDPR and the CCPA.

4. NOTICE TO SUBSCRIBER'S DATA SUBJECTS

If a Subscriber uses the Jivochat Service to interact with other individuals, such as the Subscriber's customers or potential customers (the "Subscriber's Data Subjects"), the Subscriber is solely responsible for ensuring compliance with all applicable laws in connection with the collection and/or processing of Personal Data of the Subscriber's Data Subjects. If you are a Subscriber's Data Subject please note that the Company has no relationship with you whatsoever and its only relation is with the Subscriber with whom you may interact. For any questions regarding the collection of your Personal Data or to amend your Personal Data, and for all other reasons, you must contact the Subscriber.

5. NOTICE TO SUBSCRIBERS

The Company does not collect or determine the use of any Personal Data of Subscriber Data Subjects, nor the purpose for which such data is collected by the Subscriber, how such data is collected and how it is used, the Company does not act as a data controller as defined under the General Data Protection Regulation 2016/679 ("GDPR") or a business under the California Consumer Privacy Act, California Civil Code 1780.100 ("CCPA") and bears no responsibility under these statutes associated with a data controller/business. To the extent that the Company processes any Subscriber's data, it should be considered only as a processor/service provider on behalf of the Subscriber as to any Personal Data that is subject to the requirements of GDPR and/or CCPA. Please note that under GDPR and CCPA you are regarded as a data controller/business *vis a vis* the Subscriber Data Subject and as such must comply with the requirements of GDPR and/or CCPA.

6. PRIVACY SHIELD COMPLIANCE

The Company certifies that it complies with the EU-U.S. Privacy Shield Framework set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from persons in the EU and Switzerland. The Company has certified that it adheres to the Privacy Shield Principles (the "Principles") of notice, choice, accountability for onward transfer, security, data integrity, limitation of purpose, access, and recourse, enforcement and liability. The Company further certifies that it adheres to the Principles of 1) Notice; 2) Choice; 3) Accountability for Onward Transfer; 4) Security; 5) Data Integrity and Purpose Limitation; 6) Access, and 7) Recourse, Enforcement, and Liability.

If there is any conflict between the terms in this Privacy Policy and the Principles, the Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov>. The US Federal Trade Commission has jurisdiction over the Company's compliance with the Privacy Shield.

In compliance with the Principles, the Company commits to resolve complaints about our collection or use of your personal information. EU and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact the Company at privacy@jivochat.com or to Data Protection Officer to info@quick-gdpr.co.uk. The Company has further committed to refer unresolved Privacy Shield complaints to the JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint from us, or if we have not addressed your complaint to your

satisfaction, please contact or visit <https://www.jamsadr.com/eu-us-privacy-shield/> for more information or to file a complaint. The services of JAMS are provided at no cost to you.

Under certain conditions, more fully described on the Privacy Shield website at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction> , an individual may invoke binding arbitration when other dispute resolution procedures have been exhausted and the Company may be found liable for wrongful onward transfers to third parties of personal information received pursuant to Privacy Shield.

Any questions, comments or complaints about the data practices of one of the customers or partners, including the Subscribers, for whom we may process data, should be addressed to that customer or partner.

7. PERSONAL DATA COLLECTION

We may collect, use, store and transfer different categories of Personal Data about you. We collect Personal Data about you from:

- (i) you when you provide such information directly to us, and when Personal Data about you is automatically collected in connection with your use of the Jivochat Service.
- (ii) our subsidiaries and affiliates (together “Affiliates”), when they provide us with Personal Data about you.

We only collect “sensitive” personal information when you voluntarily provide us with this information or where such information is required or permitted to be collected by law or professional standards. Sensitive information includes personal information regarding a person's race, ethnicity, political, philosophical religious or similar beliefs, trade union membership, physical or mental health, sexual life, sexual orientation, or criminal record. Please use your discretion when providing sensitive information to the Company, and under any circumstances, do not provide sensitive information to the Company, unless you thereby consent to the Company's use of that information for its legitimate business purposes and consent to the transfer and storage of such information to and in the Company's databases. If you have any questions about whether the provision of sensitive information to the Company is, or may be, necessary or appropriate for particular purposes, please contact us at privacy@jivochat.com .

We use different methods to collect Personal Data from and about you, including through the following means:

- (i) **Direct interactions.** Personal Data may be collected when you establish a user account for use with the Jivochat Service, correspond with us with our website or otherwise, or inquire about our service offerings.
- (ii) **Automated technologies or interactions.** A primary source of non-personally identifiable information includes anonymized browser information when you are using our websites, where this cannot be linked to other Personal Data. Website log files and Third-Party scripts collect information that may include IP addresses, browser type, internet service provider (ISP), referral/exit pages, pages viewed, date & time stamps, and other similar information. We use these log files and Third-Party scripts to help us analyze traffic patterns & site usage, understand audiences, as well as improve our sites and services and are not able to identify you from this information.

8. THIRD PARTY PAYMENT PROCESSING

When you make purchases through the Jivochat Service, we process your payments through a third-party payment processor. In these instances, the third-party processor may collect certain financial information from you to process a payment on our behalf, including your name, email address, address and other billing information. In this case, the use and retention of your Personal Data is governed by the terms of use and privacy policy of such third-party payment processor. Our treatment of any Personal Data that we receive from a third-party payment processor, is subject to this Privacy Policy.

9. PERSONAL DATA PROCESSING

We process your Personal Data as a controller for the following purposes:

- (i) Use of the Jivochat Service and its functionalities (“Contractual Purposes”);
- (ii) Registration on the Jivochat Service by creating an account (“Contractual Purposes”);
- (iii) With your prior consent, sending information, promotional and advertising material, such as newsletters (“Marketing Purposes”);
- (iv) Fulfill the obligations established by applicable laws, rules or regulations and / or respond to requests from public and governmental authorities (“Regulatory Purposes”);
- (v) Registration as Jivochat partner.

We also process Personal Data of Subscriber’s Subjects as a processor for the following purposes:

- (i) to enable a Subscriber to communicate with the Subscriber’s Subjects.

10. LEGAL BASIS OF PERSONAL DATA PROCESSING

The processing of Personal Data for the purposes referred to in Section 8(i), 8(iv), and 8(v) is mandatory to use the Jivochat Service. The processing of Personal Data for the purposes referred to in Section 8(ii) is required to use services that imply the creation of an account on the Jivochat Service. Failure to provide the Personal Data will make it impossible for you to access or use these services. The processing of Personal Data for the purposes referred to in Section 8(iii) is optional. Failure to provide the consent does not affect your use of the Jivochat Service by the User, but will result in the inability of the Company to send you the information that may be of interest to you.

11. CHANGE OF PURPOSE

We will only use your Personal Data for the purposes for which we collected it unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to receive an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us at privacy@jivochat.com . If we need to use your Personal Data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. Please note that we may process your Personal Data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

12. OPTING OUT

You may opt-out of communications at any time by clicking the unsubscribe link provided in an email or by sending a request to privacy@jivochat.com. Where you opt-out of receiving these marketing messages, this does not mean that we will stop processing your Personal Data provided to us as a result of any services we provide to you.

13. DISCLOSURES, SHARING, & ONWARD TRANSFERS OF PERSONAL DATA

Disclosures of Personal Data for a Business Purpose

We disclose your Personal Data to service providers and other parties for the following business purposes: In the achievement of internal business operations and in order to best serve you, we may disclose Personal Data to Third Parties who reasonably need to know such Personal Data in the accomplishment of a contracted task or the Company's business purpose, such as payment processing of Subscribers' payments for the Jivochat Service through Third Party providers.

We may also disclose your Personal Data to third parties in the following circumstances:

- (i) As required by law to comply with a subpoena or similar legal process. To the extent we are legally permitted to do so, we will take commercially reasonable steps to notify you in the event that we are required to provide your Personal Data, customer or business information to Third Parties as part of a legal process. We may also be required to disclose Personal Data in response to lawful requests by public authorities, including requests from national security or law enforcement authorities.
- (ii) When we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud or respond to a written government request.
- (iii) If the Company becomes involved in a merger, acquisition, or any form of sale of some or all of its assets.
- (iv) To any other Third Party with your prior consent.
- (v) When detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
- (vi) Performing services on our behalf, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, providing financing, providing advertising or marketing services, providing analytic services, or providing similar services on behalf of the business or service provider.

We disclose your Personal Data to the following categories of service providers and other parties, including:

- Payment processors;
- Marketing service providers;
- Hosting and other technology and communications providers;
- Analytics providers;
- Our Affiliates;
- Other parties at your direction;
- Other users (where you post information publicly or as otherwise necessary to effect a transaction initiated or authorized by you through the Services);

- Social media services (if you intentionally interact with them through your use of the Services);
- Third-party business partners who you access through the Jivochat Service;
- Other parties authorized by you.

At the time of the latest update to the Policy, the specific Third-Party providers that we disclose your Personal Data to include Zingaya, Inc. Amazon Web Services, and Google Group.

We may provide an option to access or register for the Jivochat Service through the use of your username and passwords for certain services provided by third parties, such as through the use of your Facebook, LinkedIn, or Google account.

14. DATA TRANSFER OUTSIDE THE UNITED STATES

The Company is a global company, based in the United States. The personal data of EEA residents is stored in EEA area.

15. JIVOCHAT WEBSITES

Links

Our websites contain links to other sites. Clicking on those links or enabling those connections may allow Third Parties to collect or share data about you. Please be aware that we do not control these sites and are not responsible for the content or privacy practices of such other sites. We encourage our users to be aware when they leave our websites and to read the privacy policies of any other website they visit. This Policy applies solely to information collected by the Company.

Cookies

Cookies are text files put on your computer to collect standard internet log information and visitor behavior information. This information is then used to track visitor use of the website and to create statistical reports on website activity. The detailed description of cookies used on our site can be found here: <http://jivochat.com/cookies> .

You can set your browser not to accept cookies and the above websites tell you how to remove cookies from your browser. Please note in a few cases some the Jivochat Service features may not function because of this.

BY ACCESSING OR USING THE JIVOCHAT SERVICE OR ENTERING YOUR LOGIN DETAILS TO ACCESS AREAS RESERVED FOR REGISTERED USERS, YOU AGREE THAT WE, OR A THIRD PARTY ACTING ON OUR BEHALF, CAN PLACE THESE COOKIES ON YOUR COMPUTER OR INTERNET ENABLED DEVICE.

Usage Analytics

We use several third-party usage analytics tools including Google Analytics. More information about how Google Analytics is used by the Company can be found here: <http://www.google.com/analytics/learn/privacy.html>. To provide website visitors with more choice on how their data is collected by Google Analytics, Google has developed the Google Analytics Opt-out Browser Add-on. The add-on communicates with the Google Analytics JavaScript (ga.js) to indicate that information about the website visit should not be sent to Google

Analytics. The Google Analytics Optout Browser Add-on does not prevent information from being sent to the Online Services or to other web analytics services.

Web beacons

A web beacon is a small image file on a web page that can be used to collect certain information from your computer, such as an IP address, the time the content was viewed, a browser type, and the existence of cookies previously set by the same server. We only use web beacons in accordance with applicable laws. The Company or its service providers may use web beacons to track the effectiveness of third-party web sites that provide us with.

16. SECURITY

The security of your Personal Data is important to us. We follow generally accepted standards to protect the personal information submitted to us, both during transmission and once it is received. If we learn of a security systems breach, we will inform you and the authorities of the occurrence of the breach in accordance with applicable law.

17. RETENTION OF YOUR PERSONAL DATA

We will only retain your Personal Data for as long as reasonably necessary to provide our services or to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your Personal Data for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you. Afterwards, we retain some information in a depersonalized or aggregated form but not in a way that would identify you personally. To determine the appropriate retention period for Personal Data, we consider the amount, nature and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

18. PERSONAL DATA OF CHILDREN

This website is not intended for children under 16 years of age and we do not knowingly collect data relating to children. If you are a child under 16, please do not attempt to register for or otherwise use the Services or send us any Personal Data. If we learn we have collected Personal Data from a child under 16, we will delete that information as quickly as possible. If you believe that a child under 16 may have provided us Personal Data, please contact us at privacy@jivochat.com.

19. YOUR RIGHTS IN RELATION TO PERSONAL DATA

California Resident Rights

If you are a California resident, you have the rights outlined in this section as defined in the California Consumer Protection Act (the “CCPA”). Please see the “Exercising Your Rights”

section below for instructions regarding how to exercise these rights. If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at privacy@jivochat.com.

(i) **Access.** You have the right to request certain information about our collection and use of your Personal Data over the past 12 months. We will provide you with the following information:

- The categories of Personal Data that we have collected about you.
- The categories of sources from which that Personal Data was collected.
- The business or commercial purpose for collecting or selling your Personal Data.
- The categories of third parties with whom we have shared your Personal Data.
- The specific pieces of Personal Data that we have collected about you.

If we have disclosed your Personal Data for a business purpose over the past 12 months, we will identify the categories of Personal Data shared with each category of third-party recipient.

(ii) **Deletion.** You have the right to request that we delete the Personal Data that we have collected from you. Under the CCPA, this right is subject to certain exceptions: for example, we may need to retain your Personal Data to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

(iii) **Exercising Your Rights.** To exercise the rights described above, you must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected Personal Data, and (2) describes your request in sufficient detail to allow us to understand, evaluate, and respond to it. Each request that meets both of these criteria will be considered a “Valid Request”. We may not respond to requests that do not meet these criteria. We will only use Personal Data provided in a Valid Request to verify you and complete your request. You do not need an account to submit a Valid Request. We will work to respond to your Valid Request within 45 days of receipt. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive, or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request. You may submit a Valid Request by emailing us at privacy@jivochat.com.

(iv) **No Discrimination.** We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may have different tiers of Services as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates, or levels of quality of the goods or services you receive related to the value of Personal Data that we receive from you.

EU Resident Rights

Section 7 – the “Personal Data Collection” section above, details the Personal Data that we collect from you. Section 8 — the “Personal Data Use” section above explains how we use your Personal Data. We will only use your Personal Data when the applicable law allows us to. Most commonly, we will use your Personal Data in the following circumstances:

- (i) where we need to perform the contract we are about to enter into or have entered into with you;
- (ii) where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests; or
- (iii) where we need to comply with legal or regulatory obligations.

If you are an EU data subject (as such term is defined under the GDPR), you have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please email privacy@jivochat.com. You, as a data subject, have the right to:

(i) The right to access information held about you. The data subject shall have the right to obtain from the controller confirmation as to whether or not Personal Data concerning him or her are being processed, and, where that is the case, access to the Personal Data and other information.

(ii) The right to rectify your Personal Data. You shall have the right to rectify your Personal Data without undue delay, if it is inaccurate, incomplete or out-of-date. After Personal Data rectification we will notify you.

(iii) The right to erasure (deletion or removing) your Personal Data. The data subject shall have the right to obtain from the controller the erasure of Personal Data concerning him or her without undue delay and the controller shall have the obligation to erase Personal Data without undue delay. If we cannot erase your Personal Data, we will anonymize your Personal Data so that it cannot be determined. After the erasure or anonymization of your Personal Data, we will notify you about it.

(iv) The right to restrict (block) the processing. When processing is restricted, we will store your Personal Data, but not further process it, until the restrictions will be removed. You can remove the restrictions (block) of processing at any time via request.

(v) The right to data portability. You have the right to receive the Personal Data which you have given to us, in a structured, commonly used and machine-readable format and the right to transmit that data to another controller from the current controller, if it is technically possible. You may exercise this right, if your data is processed on the basis of your consent or a contract signed with you and the data are processed electronically.

(vi) Right to object. You have the right at any time, on the basis of your specific position, to object to the processing of your Personal Data, which is necessary for:

- (i) for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- (ii) for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of Personal Data. We shall no longer process the Personal Data unless we demonstrate compelling legitimate grounds for the processing of your Personal Data. You have the right at any time to object to the processing of your Personal Data for marketing, including profiling for marketing purposes.

(vii) Automated individual decision-making, including profiling. You have the right not to be subject to a decision based solely on automated processing, including profiling, which produces

legal effects concerning you or similarly significantly affects on you. As of the latest version of the Policy, we do not perform the automated decision-making.

(viii) The right to withdraw your consent. If your Personal Data are processed by consent, you have the right to withdraw it.

(ix) The right to make a complaint with a supervisory authority. You have the right to make a complaint with a supervisory authority of their country if you have a concern about how we process your data, protect and fulfill your rights. Please find the contacts of a supervisory authority of their country on the website of the European Data Protection Council.

To protect your privacy and security, we will take reasonable steps to verify your identity, before granting access to your Personal Data. For example, we may need to request specific information from you in order to verify your identity. This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive or if additional copies of your Personal Data are requested. Alternatively, we may limit access to your Personal Data or refuse to comply with your request in these circumstances.

We will endeavor to respond to all legitimate requests of individuals to exercise their rights in relation to their Personal Data within 30 days of the original request or as otherwise required by law. Occasionally it could take us longer than 30 days if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

20. CHANGES TO THIS PRIVACY POLICY AND YOUR DUTY TO INFORM US OF CHANGES

This Privacy Policy may be amended from time to time, consistent with 1) EU-US Privacy Shield Principles and 2) other data protection and privacy laws/principles applicable in the regulatory jurisdictions in which the Company conducts business. Updates to this Privacy Policy will be posted on our site and will be effective upon posting. Your continued use the Jivochat Service constitutes your acceptance of all such changes and amendments. Your sole remedy is to cease using the Jivochat Service. Use of information we collect is subject to the Privacy Policy in effect at the time such information is collected.

It is important that the Personal Data we hold about you is accurate and current. Please keep us informed if your Personal Data changes during your relationship with us. To do so, please contact us at privacy@jivochat.com .