

Last Updated: January 20, 2020

## **KOOMI PRIVACY POLICY**

At KOOMI, we believe that protecting your Personal Data is very important. In this Privacy Policy we want to explain to you what we do with the Personal Data that KOOMI Inc. and all its affiliates (hereafter referred to as “**KOOMI**”, or “**we**” or “**us**” or “**our**”) receives or collects. If you are a Subscriber, this Privacy Policy is incorporated by reference into the KOOMI Service Agreement between you and KOOMI.

### **1. Interpretation**

This privacy policy applies only to the following persons (collectively “**you**” or “**your**”):

**Visitors** means any person who visits KOOMI.com, as well as any other websites that KOOMI uses and where a link to this Privacy Policy is included, such as websites created for contests or promotional purposes (the “**Websites**”);

**Subscribers** means any individual person, including a business owner, who is subscribed to the KOOMI software services or otherwise purchases services from KOOMI (the “**Services**”), either through a paid subscription or a trial; and

**End-Users** means any person whose Personal Data is processed using the Services, including a Subscriber’s customers.

### **Definition of Personal Data**

When we use the term **Personal Data**, we mean any information that relates to an identified or identifiable natural person. This includes the obvious data such as a name, home address, email address and phone number, but it includes IP-address and data specific to the physical, physiological, genetic, economic, cultural or social identity of natural persons. To clarify, we do not consider information about a business, such as its name or physical address, to be Personal Data.

### **Third-Party Websites**

This Privacy Policy does not apply to any third-party websites, products or services, even if they are accessible through KOOMI’s Websites or Services. The linking to a third-party website, service or application is subject to the terms and conditions of such website, service or application.

### **Responsibility of our Subscribers**

Subscribers are responsible for complying with all applicable laws and regulations concerning the Personal Data of End-Users they process when using our Services, including customers and employees of Subscribers. Such processing of Personal Data shall not be governed by this Privacy Policy but by the applicable agreement and privacy policy of Subscribers. Our role in relation to the processing of such Personal Data on behalf of our Subscribers is governed by the terms of our Data Processing Agreement.

We process Personal Data of our Subscribers’ End-Users only as instructed by these Subscribers or in accordance with this Privacy Policy. If you are an End-User who interacts with a Subscriber using our Services and would either like to amend your information or no longer wish to be contacted by one of our Subscribers, please contact the Subscriber directly.

### **Children**

Our Websites and Services are not directed to children under 16, and we do not knowingly collect or store any Personal Data about persons under the age of 16. If we learn that we have collected Personal Data of a child under 16, we will take steps to delete such information from our files as soon as practicable. We do not sell Personal Data, including the Personal Data of children under the age of 16.

## **2. Information that we Collect from you**

When you use our Websites to download a whitepaper, request a trial or ask for any other information, you will be asked to provide contact details which we will then use to deliver the requested information/service.

If you are using or accessing our Services, whether in connection with a paid subscription, a free trial or purchased service, we may ask for specific information, such as your name, address, e-mail address and phone number for us to be able to perform our obligations under the terms of these Services. In addition, we may need your payment details to be able to process the payment of your subscription fee or purchase price.

### **INFORMATION WE COLLECT ABOUT YOU**

#### **Technologies Used by us**

As part of our Websites and Services, we use various technologies such as “session” and “persistent” cookies (small data files that we transfer to your computer), web beacons (tiny image files on web pages that communicate information about the page viewer to the beacon owner), log data, and third-party analytics services to collect and analyze information about Visitors, Subscribers and End-Users. Technology is, by its nature, dynamic and ever-changing; the technological tools used today by KOOMI are therefore subject to modification and replacement in the future.

#### **Session Cookies**

We use "session" cookies to keep you logged in while you use our Services, to better understand how you interact with our Services, and to monitor aggregate usage and web traffic information on our Services.

#### **Persistent Cookies**

We use "persistent" cookies to recognize you each time you return to our Websites or Services. For example, we create a persistent cookie that includes some basic information about you, like your most recent search. We use this persistent cookie to remember your preferences and, if you create an account, to make your user experience consistent after you register.

#### **Tracking Technologies**

Web beacons, tags and scripts may be used on our Websites, our Services, in e-mails or other electronic communications we send to you. These technologies help us in understanding how our Websites and Services are used, what other websites our visitors have visited and when an email is being opened and acted upon.

#### **Log Data**

Our servers automatically record information created by your use of the Websites or Services (“**Log Data**”). Log Data may include information such as your IP address, browser type, operating system, the referring web page, web pages visited, location, your mobile carrier, your computer or mobile device type, search terms and cookie information. We receive Log Data when you interact with our Websites or Services, for example, when you visit our Websites, sign into our Services, or interact with our email notifications.

#### **Information that we Receive from Third Parties**

We may sometimes obtain Personal Data about you from third parties (e.g., Facebook, Twitter, Google) and use it to improve or re-market our Services, or to provide a more tailored experience with our Services.

## **HOW WE USE THE INFORMATION WE COLLECT**

### **General**

We collect your Personal Data for the following purposes:

- To send you communications or documents you have indicated you wish to receive (such as offers, demonstrations, whitepapers, newsletters, marketing materials);
- To call you to ask you if you have any questions about the products or information that you have requested from us;
- To communicate with you via email, telephone, text (SMS), postal services, social media and websites regarding KOOMI-related news and inform you about products or services that may be of interest to you, if you allow us to do so;
- To respond to your questions or requests for additional information;
- To set up a trial or regular account for our Services;
- To provide our Services to you;
- To share and exchange reports and information with credit reporting agencies, credit bureaus and/or any other entity connected with the use of our payments processing services; and to use other third party databases (including registries, licensing authorities, identification services, telecom providers) or references provided by you to obtain or verify information about your financial circumstances, background and identify and to detect fraud;
- To manage our customer relationship with you and to provide you with customer support;
- To process payments to us;
- To get a better understanding on how you browse our Websites so that we can optimize your searches;
- To research and analyze your use of or interest in our Services and those products and services offered by others;
- To analyze the effectiveness of our Services;
- To help you find the most relevant information by customizing our Services to optimize your experience;
- To verify your eligibility and deliver prizes in connection with promotions, contests and sweepstakes;
- To perform any additional purposes explicitly described to you at the time of collection and for which we received your consent.

## **SHARING OF INFORMATION**

### **Information that we share with affiliated companies**

KOOMI is a global company consisting of several companies having offices around the world. To do business globally and help improve the Services provided, KOOMI may share Visitor, Subscriber and End-User Personal Data with its subsidiaries and affiliates. Some of these affiliated companies may be located outside the EEA. If this is the case, we will provide for an adequate level of protection regarding your Personal Data. Otherwise, we will only share your Personal Data at your direction and according to this Privacy Policy.

### **Information that we share with third parties**

We may engage third-party service providers to work with us to administer, provide and improve the Services and the Websites, and these third-party service providers have access to Subscribers' and/or End-Users' Personal Data only to perform these services for us. Due to our continuous efforts to improve our Websites and Services, our third-party service providers may change periodically and are too numerous to specify. As an example, we engage with third parties who provide data storage solutions, data security tools, and information management services. In addition, our third-party service providers include our integration partners who contribute to our Services by providing added functionality. Some of these third-party service providers may be located outside the EEA. If this is the case, we will provide for an adequate level of protection regarding your Personal Data. Otherwise, we will only share your Personal Data at your direction and according to this Privacy Policy.

### **Non-Personally Identifiable Information**

In order to provide and improve our Services, we may use and disclose to third parties, (for example, our service providers and analytics partners), non-personally identifiable information which we collect, including cookie data and Log Data. This may include Personal Data which has been aggregated and anonymized in such a way that the data cannot be reidentified. We retain the right to use, at our reasonable discretion, any information, in any form, about more than one individual where the identity of the individuals is not known and cannot be inferred.

### **Social Network Sharing**

When you use any social network sharing function in connection with the Services (for example, sharing on Facebook), your sharing activity will be processed through a third party's site or service. These third-party privacy policies, not ours, govern the collection and use of the information collected on those sites or networks, including Personal Data.

### **User-Generated Content (UGC)**

Some parts of our Websites and Services allow Visitors and Subscribers to submit and view UGC. UGC includes such things as posting a question, an answer or a blog post. When you post UGC, other Visitors or Subscribers will be able to see certain information about you, such as your username or handle. You should be aware that any Personal Data you submit in UGC can be read, collected, distributed or used by other Visitors or Subscribers and could be used by third parties to send you unsolicited messages. We are not responsible for the Personal Data you choose to include in the UGC you provide through the Websites or Services.

### **Protecting Ourselves and our Subscribers**

We may release Personal Data when we believe that doing so is appropriate to comply with applicable laws, regulations or legal requests; to enforce or apply our policies and guidelines; to initiate, render, bill, and collect amounts owed to us; to protect our rights or property; to protect the safety of our Subscribers; to address fraud, security or technical issues; to prevent or stop activity that we consider to be illegal or unethical; or if we reasonably believe that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of communications or justifies disclosure of records without delay. Without limiting the generality of the foregoing, we may also be required to disclose Personal Data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

### **Sale/Merger:**

Information about our Subscribers is a business asset of KOOMI. Consequently, information about our Subscribers, including Personal Data, may be disclosed as part of any merger or acquisition involving KOOMI, the creation of a separate business to provide some or all the Services, the sale or pledge of KOOMI's assets, as well as in the event of an insolvency, bankruptcy or receivership.

## **YOUR RIGHTS RELATING TO YOUR PERSONAL DATA**

### **Unsubscribe from KOOMI Communications**

You can unsubscribe at any time from communications not related to KOOMI Services via your account settings or by following the instructions included in the communication.

### **Right to Access, Rectify, or Transfer your Personal Data**

You have the right to access your Personal Data at any time and to receive a copy of the Personal Data undergoing processing. You can require us to rectify your Personal Data if it is not correct. You can also ask us to provide your data in a commonly used electronic form.

### **Right to Object to Further Processing of your Personal Data**

If we are processing your Personal Data on the basis of a legitimate interest, you may object to the processing activity. Upon receipt of an objection we will cease the processing activity unless we can demonstrate a legitimate ground which overrides your interests, or that the processing is necessary for

the establishment, exercise or defense of legal claims. Please note that your exercise of this right may result in KOOMI being unable to continue providing all or part of the Services to you.

### **Right to Deletion and to Restrict Processing of your Personal Data**

If there is no longer a reason for us to process your Personal Data or if we don't have a legal ground for the processing, you can require us to delete your Personal Data. We will take steps to delete your information as soon as is practicable, but some information may remain in archived/backup copies for our records or as otherwise required by law. In addition, we may choose to de-identify your Personal Data instead of deleting it, provided we have a legitimate business reason for doing so. You can also require us to restrict the processing of your data if such processing is unlawful or if there is a dispute about the accuracy of the data.

### **How can I Invoke my Rights?**

If you wish to invoke any of your rights relating to your personal data, please send us a written notification on this subject to the email address given at the end of this Privacy Policy. We may ask to provide certain information to verify your identity.

## **REGULATIONS SPECIFIC TO EACH COUNTRY**

### **For Canadian Visitors and Subscribers**

When you voluntarily and expressly provide Personal Data, an existing business relationship is created under Canada's Anti-Spam Law (CASL). We may use your Personal Data to provide you with information that is relevant to you or your business, such as newsletters, event invitations, or updates about Services. In some cases, we may collect, use or disclose Personal Data without your consent or knowledge (e.g. we may use your Personal Data where it's been conspicuously published on a website or directory). While we offer you some control over marketing communications, certain transactional, relationship and legally required communications will not be affected by the choices you have made about marketing communications. You have the right to revoke your consent to the collection, use and disclosure of your Personal Data and to unsubscribe to electronic communications at any time.

### **Electronic Messages to Canadians**

Our Services allow Subscribers to collect and use the Personal Data of End-Users, through communications or transactions facilitated by KOOMI. You may not use the Services to send your Canadian-based End-Users commercial electronic messages without first obtaining their express consent or otherwise complying with other legal requirements.

## **GENERAL QUESTIONS**

### **Changes to the Privacy Policy**

We may update this Privacy Policy from time to time to reflect changes to our information practices. If we make material changes to our Privacy Policy, we will notify you by prominently posting the revised Privacy Policy on this Site (including the revision date). Your continued access or use of our Websites and/or Services constitutes your acceptance of the Privacy Policy as revised. It is your responsibility to review the Privacy Policy periodically.

### **Contacting us**

If you have any questions or suggestions regarding our Privacy Policy, please do not hesitate to contact us. You can email us at [support@koomi.com](mailto:support@koomi.com) or send a letter to the attention of the Legal Department at the following addresses:

*KOOMI Inc.  
304 Rue Notre-Dame Est, Suite 400  
Montréal (Québec)  
H2Y 1C7, Canada*

**Privacy Shield: Dispute Resolution**

If we are not able to solve your complaint in relation to our non-compliance with the Privacy Shield Principles, you have the right to refer your complaint to JAMS which we designated as our independent recourse mechanism. Mediation will be conducted pursuant to JAMS International Mediation Rules. If you wish to file case please be referred to JAMS' website for more information (<https://www.jamsadr.com/eu-us-privacy-shield>).

If the independent dispute resolution has not resolved your complaint, you have the possibility, under certain conditions, to invoke binding arbitration. For more information about the process, we refer to Annex 1 to the Privacy Shield Principles (<https://www.privacyshield.gov/article?id=ANNEX-I-introduction>).