

BotNot, Inc.

Privacy Policy

Effective: [05/25/2022]

This Privacy Policy (the “**Privacy Policy**”) serves to inform you of our policies and procedures regarding the collection, use and disclosure of the information we receive when you access and use the website (the “**Site**”), services, software, mobile applications, content, and all other products and services (all of the foregoing collectively, the “**Services**”) owned, controlled or offered, directly or indirectly, by BotNot, Inc. (together with its subsidiaries and affiliates, “**BotNot**”, “**we**,” “**our**” or “**us**”). BotNot believes that the privacy of its users is paramount and strives to use Personal Information (as defined below) only in ways outlined in this Privacy Policy. The Privacy Policy is incorporated by reference into our Terms of Service, currently available at [<https://www.botnot.io/terms-of-service>] (the “**Terms of Service**”). By using the Services, you hereby warrant and represent that you have read, understand, and agree to this Privacy Policy and the Terms of Service, and that you are over 18 years of age. PLEASE DO NOT USE, INSTALL OR ACCESS THE SERVICES IF YOU DO NOT AGREE TO THIS PRIVACY POLICY.

1. What We Mean by Personal Information

For purposes of this Privacy Policy, “**Personal Information**” means any information from or about a person that either identifies that person directly or that makes that person identifiable when it is combined with other information from or about that person from any source.

2. Information We Collect

Information You Provide To Us

When you use the Services or otherwise communicate with us, we collect information that you provide to us directly. For example, we collect information in the following circumstances: when you (i) visit the Site, (ii) register for the Services or create an account or profile or accept the creation of an account or profile on your behalf (an “**Account**”), (iii) access the Services through third party services, (iv) subscribe to newsletters; (v) invite your friends to join the Services, “share” the Services on social networking sites or perform other similar actions; (vi) request technical support; (vii) otherwise use our online Services where Personal Information is required for such use and/or participation, (viii) when you sign up for a newsletter, and (ix) when you contact us via the Site or when you otherwise communicate with us. You can choose not to provide information that is requested of you by us; however, this may limit your ability to use or access the Services.

The information you provide to us directly may include, without limitation, the following information that may, alone or in combination with other data, constitute Personal Information:

- Information you provide in connection with using the Services, including your name, e-mail, address, phone number, financial and billing information and any other information you decide to provide;
- Information you provide via email, through the “Contact” section on the Site or by using the contact details listed on various parts of the Site, including your name, company name, e-mail, phone number, inquiry, and any other information you decide to provide;

- Information you provide in order to subscribe to our newsletters and updates, including your email address, the topic for which you wish to receive updates, or any other information you decide to provide us with. You may always unsubscribe from these emails by following the instructions included;
- If you are one of our customers, suppliers or prospects, we may process limited Personal Information in the course of our business relation with you, for example when you place an order, request and/or use a demo (including gamified demonstrations on the Site), or vice versa. Such Personal Information may include your name, company, title, e-mail address, telephone number, address, order details, and where applicable and relevant, credit registrations and credit limits;
- Transaction and limited (non-PCI) payment data; and
- Any other information you may want to share with us, such as Personal Information related to recruitment / job applications.

Moreover, if you contact us, a record of such correspondence may be kept.

Additionally, if another user refers you to us by providing us with your e-mail address, we may send you a message. However, we will use your e-mail address only to send such other user's message unless you otherwise affirmatively provide your information to us.

Automatically Collected Information

Most of the data we collect in and through the Site and the Services is technical in nature and is collected and processed automatically through so-called application programming interfaces, software development kits, cookies and similar software-based technologies. Alone or in combination with other data, such automatically collected data may constitute Personal Information. The data we may collect by automated means may include, without limitation:

- Device data: including, but not limited to, data on device advertising ID's and similar hardware qualifiers, and precise location data.
- Usage data: including, but not limited to, search terms entered and pages viewed.
- Network and internet information: including, but not limited to, URLs, Internet Protocol addresses, bounce rates, use of spoofing, active (TCP/IP) ports, number of sessions initiated, click streams, location information and network/Wi-Fi access points.
- Information we collect on the use of the Site via cookies: please see the "How We Use Cookies and Other Technologies" section below for more information.

Google Analytics is an element of the Site. By using cookies, Google Analytics collects and stores data such as time of visit, pages visited, time spent on each page of the Site, the Internet Protocol address, and the type of operating system used in the devices used to access the Site. By using a browser plugin available at <http://www.google.com/ads/preferences/plugin/> provided by Google, you can opt out of Google Analytics.

Information You Share on Third Party Websites

The Services may include links to third party websites. Your use of these third party websites may result in the collection or sharing of information about you by these third party websites. We encourage you to review the privacy policies and settings on the third party websites with which you interact to make sure you understand the information that may be collected, used, and shared by those third party websites.

How We Use Cookies and Other Technologies

Some of the features on the Site and the Services require the use of “cookies” - small text files that are stored on your device’s hard drive. We use cookies to measure which pages are being accessed, and which features are most frequently used. This enables us to continuously improve the Site to meet the needs of our visitors.

The following sets out how we may use different categories of cookies and your options for managing cookie settings:

Type of Cookies	Description	Managing Settings
Required cookies	Required cookies enable you to navigate the Site and use their features, such as accessing secure areas of the Site and using the Services. If you have chosen to identify yourself to us, we use cookies containing encrypted information to allow us to uniquely identify you. These cookies allow us to uniquely identify you when you are logged into the Site and to process your online transactions and requests.	Because required cookies are essential to operate the Site, there is no option to opt out of these cookies.
Performance cookies	These cookies collect information about how you use our Sites, including which pages you go to most often and if they receive error messages from certain pages. These cookies do not collect information that individually identifies you. Information is only used to improve how the Site function and perform. From time-to-time, we may engage third parties to track and analyze usage and volume statistical information relating to individuals who visit the Site. We may also utilize Flash cookies for these purposes.	To learn how to opt out of performance cookies using your browser settings, click here . To learn how to manage privacy and storage settings for Flash cookies, click here .
Functionality cookies	Functionality cookies allow our Sites to remember information you have entered or choices you make (such as your username, language, or your region) and provide enhanced, more personal features. These cookies also enable you to optimize your use of the Site after logging in. These cookies can also be used to remember changes you have made	To learn how to opt out of functionality cookies using your browser settings, click here . To learn how to manage privacy and storage settings for Flash cookies, click here .

	to text size, fonts and other parts of web pages that you can customize. We may use local shared objects, also known as Flash cookies, to store your preferences or display content based upon what you view on the Site to personalize your visit.	
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We and our service providers may also use “pixel tags,” “web beacons,” “clear GIFs,” or similar means in connection with the Services and HTML-formatted email messages to, among other things, track the actions of users, to determine the success of marketing campaigns and to compile aggregate statistics about Site usage and response rates.

3. Use of Collected Information

We use the information you provide to us for the following purposes: (i) to further our legitimate interests in providing the Services, including without limitation to collect and remit payment for paid features, (ii) to administer your use of the Services and any Accounts you may have with us, (iii) to personalize your experience, (iv) to provide to you Service announcements or inform you of new releases and features, (v) to provide you with further information and offers from us that we believe you may find useful or interesting, such as newsletters, marketing or promotional materials, (vi) to perform tasks on behalf of and according to instructions of a third party, such as payment processors or third party-service providers, (vii) to enforce our Terms of Service, (viii) to resolve any disputes between users of the Site or between such users and us, (ix) comply with a legal requirement or process, including, but not limited to, civil and criminal subpoenas, court orders or other compulsory disclosures; (x) to further our legitimate interest in protecting our rights, property, or safety and the rights, property and safety of the Services, our users or the public, and (xi) to contact you to obtain feedback from you regarding the Site and the Services.

In addition to the purposes described above, we use the information collected automatically to (i) to further our legitimate interests in monitoring and analyzing the use of the Services and for the technical administration of the Site, (ii) improve the Site and the Services, (iii) generate and derive useful data and information concerning the interests, characteristics and website use behavior of our users, and (iv) verify that users of the Services meet the criteria required to process their requests. We may use demographic and geo-location, as well as information logged from your hardware or device, including data such as IP address, device model and ID, MAC address, operating system, application usage data, device time zone, region and language, and click ID, to ensure relevant advertising is presented within the Services.

4. Third Parties We Share Personal Information With

We may disclose Personal Information you provide to us or that we collect automatically on the Site and in and through the Services with the following categories of third parties:

- Service providers, such as payment processors, web hosting and data storage service providers, and helping us deliver and develop the Services. data storage service providers, marketing service providers, and communications service providers (e.g., Shopify, AWS);
- Public authorities, such as law enforcement, if we are legally required to do so or if we need to protect our rights or the rights of third parties; and

- Our subsidiaries and affiliates; or a subsequent owner, co-owner or operator of the Site and/or the Services and their advisors in connection with a corporate merger, consolidation, restructuring, the sale of substantially all of our stock and/or assets, or in connection with bankruptcy proceedings, or other corporate reorganization, in accordance with this Privacy Policy.

5. Links to Other Websites

We frequently make content or services from other websites available to you from links located on the Site. We may present links in a format that enables us to keep track of whether these links have been followed. In addition, you may opt to link your Account to your other accounts, such as Shopify, in accordance with your Account settings (which you may change at any time) and respective policies of these third parties. This Privacy Policy applies only to the Site and the Services. We do not exercise control over third party services or other websites that provide information or links from within the Site or the Services. Your interactions with these third party services are governed by the privacy policy of the company providing it. These other sites and services may place their own cookies or other files on your computer's browser, collect data or solicit Personal Information from you. Other websites and services follow different rules regarding the use or disclosure of the Personal Information that you submit, and the collection and use of such information and access of any third party websites are subject to such third party's privacy policy. We encourage you to read the privacy policies and other terms of such third parties before using their services.

6. Security

We understand the importance of privacy and security of Personal Information to our users and have made them a priority. BotNot uses a variety of industry-standard security technologies and procedures to help protect Personal Information about you from unauthorized access, use, or disclosure and trains BotNot employees on privacy and security issues. However, we cannot guarantee that unauthorized third parties will never be able to overcome those measures or use your Personal Information for improper purposes, and we do not promise that Personal Information about you or private communications will be protected from unauthorized disclosure or use.

7. Do Not Track Signals and Similar Mechanisms

Some web browsers transmit "do-not-track" signals to websites. Because of differences in how web browsers incorporate and activate this feature, it is not always clear whether users intend for these signals to be transmitted, or whether they even are aware of them. We currently do not take action in response to these signals.

8. Managing Your Privacy

We keep your data on your behalf and for your benefit. You can correct or terminate and delete your Account information by following the instructions on the Services or by e-mail at admin@botnot.io, which you may also access for further assistance and questions regarding the Privacy Policy or for a copy of your Account data. If you cancel your Account or request us to delete your information, BotNot will limit its access to Personal Information to perform what is requested by you and will delete information accessible to BotNot within seven business days.

9. Your Rights

We take steps to help ensure that you are able to exercise your rights regarding Personal Information about you in accordance with applicable law. If you would like to access, review, erase, withdraw your consent, or object to, or restrict the processing of Personal Data we collect about you, you may submit a request to admin@botnot.io. We will promptly review all such requests in accordance with applicable laws. Depending on where you live, you may also have a right to lodge a complaint with a supervisory authority or other regulatory agency if you believe that we have violated any of the rights concerning Personal Information about you. We encourage you to first reach out to us at admin@botnot.io, so we have an opportunity to address your concerns directly before you do so.

10. California Residents

California Civil Code Section 1798.83 requires certain businesses that share customer Personal Information with third parties for the third parties' direct marketing purposes to respond to requests from California customers asking about the businesses' practices related to such information-sharing. We currently do not share or disclose your Personal Information to third parties for the third parties' direct marketing purposes. If we change our practices in the future, we will implement an opt-out policy as required under California laws.

Furthermore, subject to certain exemptions, California residents have the following rights with respect to Personal Information we may have collected about them:

Requests to Know

You have the right to request that we disclose:

- The categories of Personal Information we have collected about you;
- The categories of Personal Information about you we have sold or disclosed for a business purpose;
- The categories of sources from which we have collected Personal Information about you;
- The business or commercial purposes for selling or collecting Personal Information about you;
- The categories of Personal Information sold or shared, if any, about you, as well as the categories of third parties to whom the Personal Information was sold, by category of Personal Information for each party to whom Personal Information was sold; and
- The specific pieces of Personal Information collected.

You may submit a request to know via <https://www.botnot.io/information-request>. The delivery of our response may take place electronically or by mail. We are not required to respond to requests to know more than twice in a 12-month period.

We do not sell, and have not in the prior 12 months sold, Personal Information about California residents. Therefore, we have not included a "Do Not Sell My Personal Info" link on our Site. If our practices change, we will update this Privacy Policy and take any other necessary action to comply with applicable law. We do, however, disclose Personal Information for business purposes as described in the "Third Parties We Share Personal Information With" section above.

Requests to Delete

You have the right to request that we delete any Personal Information about you that we have collected. Upon receiving a verified request to delete Personal Information, we will do so unless otherwise required or authorized by law. You may submit a request to delete Personal Information via <https://www.botnot.io/information-request>.

Authorized Agents

You may designate an authorized agent to make requests on your behalf. You must provide an authorized agent written permission to submit a request on your behalf, and we may require that you verify your identity directly with us. Alternatively, an authorized agent that has been provided power of attorney pursuant to Probate Code sections 4000-4465 may submit a request on your behalf.

Methods for Submitting Consumer Requests and Our Response to Requests

You may submit a request for access and requests to delete Personal Information about you via:

- <https://www.botnot.io/information-request>, or
- via email at admin@botnot.io.

Upon receipt of a request, we may ask you for additional information to verify your identity. Any additional information you provide will be used only to verify your identity and not for any other purpose.

We will acknowledge the receipt of your request within 10 days of receipt. Subject to our ability to verify your identity, we will respond to your request within 45 days of receipt. If we require more time (up to 90 days), we will inform you of the reason and extension period in writing. In order to protect your privacy and the security of Personal Information about you, we verify your request by authenticating your Account or asking for submission of identifying information, such as a driver's license or other photo identification. In addition, if you do not have an Account and you ask us to provide you with specific pieces of Personal Information, we reserve the option to require you to sign a declaration under penalty of perjury that you are the user whose Personal Information is the subject of the request.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

The Right to Non-Discrimination

You have the right not to be discriminated against for the exercise of your California privacy rights described above. Unless permitted by the CCPA, we will not:

- Deny you goods or services;

- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties;
- Provide you a different level or quality of goods or services; or
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

11. International Transfers of Personal Information

In General

BotNot is based in the United States. As a result, Personal Information that we collect in and through the Services and on the Site may be transferred to our U.S. offices. In addition, we may work with third-party service providers in the U.S. and in other countries to support our business activities. Thus, Personal Information may be transferred to, stored on servers in, and accessed from the United States and countries other than the country in which the Personal Information was initially collected. In all such instances, we use, transfer, and disclose Personal Information solely for the purposes described in this Privacy Notice and in compliance with applicable laws.

Additional Disclosures for Data Subjects in the United Kingdom, European Economic Area (EEA), and Switzerland

I. International Transfers

Where we transfer your Personal Data to another country outside the UK, EEA and / or Switzerland, we will ensure that it is protected and transferred in a manner consistent with legal requirements. In relation to data being transferred outside the UK and/or EEA, for example, this may be done in one of the following ways:

1. the country that we send the data to might be approved by relevant data protection authorities as offering an adequate level of protection for Personal Data;
2. the recipient might have signed up to a contract based on “model contractual clauses” approved by relevant data protection authorities, obliging them to protect your Personal Data;
3. the recipient may have adhered to binding corporate rules (only for intragroup transfers); or
4. in other circumstances the law may permit us to otherwise transfer your Personal Data outside Europe.

You can obtain more details of the protection given to your Personal Data when it is transferred outside the UK, EEA and/or Switzerland (including a copy of the standard data protection clauses which we have entered into with recipients of your Personal Data) by contacting us as described in Section 14 below. Please note, following recent decisions invalidating the adequacy of the EU-U.S. and Swiss-U.S. Privacy Shields, we no longer rely on the Privacy Shields for cross-border personal data transfers.

II. Legal Basis for Processing

We have listed the use of your Personal Data by us in Section 3 above. The legal grounds on which we process the Personal Data for those uses includes; if you consent to the processing, to satisfy our legal obligations, if it is necessary to carry out our obligations arising from any contracts we entered with you

or to take steps at your request prior to entering into a contract with you, or for our legitimate interests to providing our services to our customers and the effective management of BotNot and to protect our property, rights or safety of BotNot, our customers or others. If data processing is based on consent, note that you have the right to withdraw your consent at any time, but that the withdrawal of your consent does not affect the lawfulness of processing based on consent before its withdrawal.

III. Your Privacy Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data, such as:

- Access: The right to request access to the Personal Data that BotNot has about you;
- Rectification: The right to rectify or correct any Personal Data that is inaccurate or incomplete;
- Portability: The right to request a copy of your Personal Data in electronic format so that you can transmit the data to third parties, or to request that BotNot directly transfer your Personal Data to one more third parties;
- Objection: The right to object to the processing of your Personal Data for certain purposes;
- Erasure: The right to erasure of your Personal Data when it is no longer needed for the purposes for which you provided it, as well as the right to restriction of processing of your Personal Data to certain limited purposes where erasure is not possible.
- Restriction: You have the right to request that we restrict our processing of your Personal Data where you believe such data to be inaccurate; our processing is unlawful; or we no longer need to process such data for a particular purpose, but where we are not able to delete the data due to a legal or other obligation or because you do not want us to delete it.
- Consent: the right to withdraw your consent to the processing of your Personal Data at any time. Please note, however, that we may still be entitled to process your Personal Data if we have another legitimate reason for doing so. For example, we may need to retain Personal Data to comply with a legal obligation.

The rights described above may not be absolute and are limited by applicable laws.

You can exercise your privacy rights by contacting us via email at admin@botnot.io. We will handle your request under applicable law. When you make a request, we may verify your identity to protect your privacy and security.

IV. International and Onward Transfers of Data

Information that our European users submit through the Service or the Site is sent to and stored on secure servers located in the United States of America and may be transferred by us to our other offices and/or to the third parties (as described elsewhere in this Privacy Policy), who may be situated in the United States of America or elsewhere outside the European Economic Area (EEA) and may be processed by staff operating outside the EEA. The US and other non-EEA countries do not have similar data protection laws to the European Union, and you should be aware in particular that the law and practice in the United

States and some other non-EEA countries in respect of law enforcement and national security authority access to data is significantly different from Europe. However, we will ensure as reasonably as possible that where your personal information is to be transferred or shared outside the EEA, that it is only transferred or shared where we have appropriate safeguards in place, for example by agreeing standard contractual clauses adopted by the European Commission.

For individuals located in the European Economic Area (“EEA”), United Kingdom, or Switzerland: Where personal data are transferred to a third country or to an international organisation, BotNot implements appropriate safeguards, such as contractual obligations, and standard contractual clauses adopted by the European Commission relating to the transfer.

You also have a right to lodge a complaint with a competent supervisory authority situated in a member state of your habitual residence, place of work, or place of alleged infringement. You can find the relevant supervisory authority name and contact details [here for individuals located in the EEA](#) and [here for individuals located in the United Kingdom](#).

12. Data Retention

We keep Personal Information related to your Account for as long as it is needed to fulfill the purposes for which it was collected, to provide our services, to deal with possible legal claims, to comply with our business interests and/or to abide by all applicable laws. Thereafter, we either delete Personal Information about you or de-identify it. Please note that even if you request the deletion of Personal Information about you, we may be required (by law or otherwise) to retain the Personal Information and not delete it. However, once those requirements are removed, we will delete Personal Information about you in accordance with your request.

13. Changes to the Privacy Policy

Our security and Privacy Policy are periodically reviewed and enhanced as necessary. This Privacy Policy might change as we update and expand the Services. You can tell when this Privacy Policy was last updated by reviewing the Last Updated legend on top of this page. We will endeavor to notify you of these changes by email, but will not be liable for any failure to do so. We also encourage you to review this Privacy Policy periodically. If you do not understand any of the terms or conditions of any of our policies, you may inquire regarding the same via email at admin@botnot.io. Your continued use of the Services after any change in this Privacy Policy will constitute your acceptance of such change.

14. Contacting Us

If you have any concerns or questions about this Privacy Policy, please contact us at admin@botnot.io.