

MIST Global Privacy Policy & Terms of Use

MIST Global LLC, a Washington limited liability company (“MIST Global” or “we”) provides this Privacy Policy & Terms of Use (“Privacy Policy”) to inform you of our policies and procedures regarding the collection, use, and disclosure of the information that we collect and receive from users of MIST Global’s online services website located at <https://xmati.ai> (the “Site”), MIST Global software product called xMati, and any services or software provided through the foregoing (collectively, the “Services”). This Privacy Policy & Terms of Use applies only to information that you provide to us through the Services. This Privacy Policy & Terms of Use may be updated from time to time. We will notify you of any material changes by posting the new Privacy Policy & Terms of Use on the Site. You are advised to consult this policy regularly for any changes.

As used in this policy, the terms “using” and “processing” information include using cookies on a computer, subjecting the information to statistical or other analysis and using or handling information in any way, including, but not limited to collecting, storing, evaluating, modifying, deleting, using, combining, disclosing and transferring information within our organization or among our affiliates within the United States or internationally.

Information Collection and Use

Our primary goals in collecting information are to provide and improve our Services and to enable users to enjoy and easily navigate the Services.

Information Collected. When you register with MIST Global and create an account, we may ask that you provide us with some personally identifiable information – information about you that can be used to contact or identify you, and information on your use or potential use of the Services and related services – and establish a username and password (“**Personal Information**”). Personal Information that we might collect includes information like your name, email address, home telephone number, home address, username, password, business name and business telephone number. Personal Information may also include other information you supply to us concerning your preferences and interests expressed in the course of using the Services.

We use Personal Information for the following purposes: (i) to administer the Services, (ii) to enable users to easily navigate the Services, (iii) to provide, improve and optimize the Services, (iv) to better understand users needs and interests, (iv) to personalize your experience, (v) to provide you with software updates and/or product announcements, and (vi) to provide you with further information and offers from us that we believe you may find useful or interesting, including newsletters, marketing or promotional materials. If you decide at any time that you no longer wish to receive such communications, please follow the unsubscribe instructions provide in any of the communications.

We will retain customer Personal Information only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use customer Personal Information to the extent required to comply with our legal obligations (for example, to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies. We will also retain usage data for internal analysis purposes. Usage data is generally retained for a shorter period, except when it is used to strengthen security or improve the functionality of our Services, or when we are legally obligated to keep it for a longer period.

Transfer of Data. Customer information, including Personal Information, may be transferred to – and maintained on – computers located outside of your state, province, country, or other governmental jurisdiction where the data protection laws may differ from those of your jurisdiction. If you are located

outside the United States and choose to provide information to us, please note that we transfer the data, including Personal Data, to the United States for processing.

Your consent to this Privacy Policy, followed by your information, is included here. MIST Global will take all the steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy, and no transfer of your Personal Information will take place to an organization or a country unless there are adequate controls in place, including the security of your data and other personal information.

Log Data and Cookies. When you use the Site, our servers automatically record information that your browser sends whenever you visit a website or online service (“**Log Data**”). This Log Data may include, but is not limited to, your computer’s Internet Protocol address, browser type, the web page you were visiting before you came to the Site and information you search for on the Site. This information is used only for internal review purposes such as tracking the total number of visitors to our Site on an aggregate, non-personally identifiable basis. This information may be used to help analyze Site traffic and improve our Site. We may also aggregate such information to create statistical data and we may share that information with potential advertisers, partners, affiliates and other third parties. This information is not linked to any personal information.

Like many websites, we use “cookies” to collect information. A cookie is a small data file that we transfer to your computer’s hard disk for record-keeping purposes. We may use “persistent cookies” to save your username and login password for future logins to the Site. We also may use “session ID cookies” to enable certain features of the Site, to better understand how you interact with the Site and to monitor web traffic routing on the Site and aggregate usage of the Site. You can instruct your browser, by changing its options, to stop accepting cookies or to prompt you before accepting a cookie from the websites you visit. If you do not accept cookies, however, you may not be able to use all portions of the Site or all functionality of the Site.

Bot Operational & Analytics Data (aggregated). We collect aggregated metrics: number of bot visitors, active ratios, session counts. We also collect aggregated content trends: most-frequently asked questions, intents (kept as non-identifiable aggregates unless explicitly configured otherwise).

Information Sharing and Disclosure

We do not share Personal Information with third parties except as follows:

- Service Providers. We may employ third party companies and individuals to facilitate the Services, to provide the Services on our behalf, to perform Site-related services (e.g., without limitation, maintenance services, database management, web analytics and improvement of the Site’s features) or to assist us in analyzing how our Services are used. These third parties have access to your Personal Information only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.
- Compliance with Laws and Law Enforcement. MIST Global cooperates with government and law enforcement officials and private parties to enforce and comply with the law. We will disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary or appropriate to respond to claims and legal process (including but not limited to subpoenas), to protect the property and rights of MIST Global or a third party, to protect the safety of the public or any person, or to prevent or stop activity we may consider to be, or to pose a risk of being, any illegal, unethical or legally actionable activity.
- Business Transfers. MIST Global may sell, transfer or otherwise share some or all of its assets, including your Personal Information, in connection with a merger, acquisition, reorganization or sale of assets or in the event of bankruptcy.
- Stripe. MIST Global uses Stripe to accept and process payments. Payment card data is collected, processed, and stored by Stripe under their PCI-DSS controls. MIST Global only stores non-

sensitive payment references (Stripe Customer ID, Payment Intent / Charge IDs) and subscription metadata to support billing reconciliation. Stripe is a PCI-DSS certified provider.

Changing or Deleting Your Information

All registered users may review, update, correct or delete the Personal Information provided in their registration or account profile by contacting us at xmatiai.info@mist-global.com. If you would like us to remove your records from our system, please contact us and we will attempt to accommodate your request if we do not have any legal obligation to retain the record.

Security

We employ administrative, physical and electronic measures designed to protect your information from unauthorized access. We will make any legally required disclosures of any breach of the security, confidentiality, or integrity of your unencrypted electronically stored “personal data” (as defined in applicable state statutes on security breach notification) to you via email or conspicuous posting through the Services in the most expedient time possible and without unreasonable delay, insofar as consistent with (i) the legitimate needs of law enforcement or (ii) any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

Links to Other Websites

Our Services may contain links to other websites. The fact that we link to a website is not an endorsement, authorization or representation of our affiliation with that third party. We do not exercise control over third party websites. These other websites may place their own cookies or other files on your computer, collect data or solicit personally identifiable information from you. Other sites follow different rules regarding the use or disclosure of the personally identifiable information you submit to them. We encourage you to read the privacy policies or statements of the other websites you visit.

International Transfers & Hosting

MIST Global production environment is hosted on Digital Ocean’s secure cloud infrastructure in the NYC3 data center region (New York City, United States). Transfers of Personal Information across border are made with appropriate safeguards.

Children under 13

The Services are not directed to children under 13. We do not knowingly collect personally identifiable information from children under 13. If a parent or guardian becomes aware that their child has provided us with Personal Information without their consent, contact us and we will delete such information from our files. If we become aware that a child under 13 has provided us with Personal Information, we will delete such information from our files.

Customer Data Protection Rights Under General Data Protection Regulation (GDPR)

If the customer is a resident of the European Union (EU) or the European Economic Area (EEA), the customer has certain data protection rights under the GDPR. – See more at <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

We aim to take reasonable steps to allow you to correct, amend, delete, or limit the use of your Personal Information.

If you wish to be informed what Information we hold about you and if you want it to be removed from our systems, please email us at support@xmati.ai.

In certain circumstances, you have the following data protection rights:

- the right to access, update or to delete the information we have on you;

- the right of rectification. You have the right to have your information rectified if that information is inaccurate or incomplete;
- the right to object. You have the right to object to our processing of your Personal Information;
- the right of restriction. You have the right to request that we restrict the processing of your Personal Information;
- the right to data portability;
- the right to withdraw consent. You also have the right to withdraw your consent at any time where we rely on your consent to process your Personal Information.

So that you know, we may ask you to verify your identity before responding to such requests. Just so you know, we may not be able to provide the Services without certain necessary data. You have the right to complain to a Data Protection Authority about our collection and use of your Personal Data. For more information, please contact your local data protection authority in the European Economic Area (EEA).

Your Data Protection Rights under the California Privacy Protection Act (CalOPPA)

CalOPPA is the first state law in the nation to require commercial websites and online services to post a privacy policy. The law's reach stretches well beyond California to require a person or company in the United States (and conceivably the world) that operates websites collecting personally identifiable information from California consumers to post a conspicuous privacy policy on its website stating exactly the information being collected and those individuals with whom it is being shared, and to comply with this policy. – See more at: <https://consumercal.org/about-cfc/cfc-education-foundation/california-online-privacy-protection-act-caloppa-3/>

According to CalOPPA we agree to the following:

- users can visit our site anonymously;
- our Privacy Policy link includes the word “Privacy”, and can easily be found on the page specified above on the home page of our website;
- users will be notified of any privacy policy changes on our Privacy Policy Page;
- users are able to change their personal information by emailing us at support@xmati.ai .

Our Policy on “Do Not Track” Signals. According to CalOPPA we agree to the following:

We honor Do Not Track signals and do not track, plant cookies, or use advertising when a Do Not Track browser mechanism is in place. Do Not Track is a preference you can set in your web browser to inform websites that you do not want to be tracked. You can enable or disable Do Not Track by visiting the preferences or Settings page of your web browser.

Commercial Use Prohibited

You are NOT authorized to use MIST Global or affiliates' name, mark or content on this Site in advertising, publicity or in any other commercial manner without the prior written consent of MIST Global. Requests for authorization should be made to Peterson Law, PLLC, P.O. Box 1248, Mercer Island, WA 98040, Attention: Bryn Peterson

Disclaimer

The information on this Site has been included in good faith, but is only for general informational purposes and should not be relied on for any specific purpose. No representation or warranty is given regarding the accuracy or completeness of the information on this Site. In no event will MIST Global or its affiliates be responsible for any damages resulting from the use or reliance upon information from this Site. Furthermore, the material on this Site may contain technical inaccuracies or errors. Your browsing of this Site is at your own risk and MIST Global does not represent or warrant the availability of this Site, lack of viruses, worms, Trojan horses or other code that manifest contaminating or destructive properties.

Contacting Us

If you have any questions about this Privacy Policy & Terms of Use, please contact us at support@xmati.ai .

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