

CONTINUE

PRIVACY NOTICE

Last Updated: February 21, 2024

Welcome to Continue, the company making building software feel like making music. This Privacy Notice explains how Continue Dev, Inc. (“**Continue**”, “**we**”, “**us**” or “**our**”) collects, uses, discloses, and otherwise processes personal data in connection with the Continue products and our related services.

This Privacy Notice is designed to provide information about our privacy practices, but it is not a contract and does not create any legal rights or obligations not otherwise provided by law.

OUR ROLE IN PROCESSING PERSONAL DATA

Data protection laws sometimes differentiate between “controllers” and “processors” of personal data. A “controller” determines the purposes and means (the why and how) of processing personal data. A “processor,” which is sometimes referred to as a “service provider,” processes personal data on behalf of a controller subject to the controller’s instructions.

This Privacy Notice describes our privacy practices where we are acting as the controller of personal data. However, this Privacy Notice does not cover or address how our customers may process personal data when they use our services, or how we may process personal data on their behalf in accordance with their instructions where we are acting as their processor. As a result, we recommend referring to the privacy notice of the customer with which you have a relationship for information on how they engage processors, like us, to process personal data on their behalf. In addition, we are generally not permitted to respond to individual requests relating to personal data we process on behalf of our customers, so we recommend directing any requests to the relevant customer.

OUR COLLECTION AND USE OF PERSONAL DATA

We collect personal data directly from individuals when they provide us their contact information, use our products and services, register for an account, complete an online transaction, participate in an event, contest, sweepstakes or survey, or otherwise contact us or interact with us through our products and services.

We also collect personal data automatically when an individual interacts with our products and services. At times, we may also collect personal data about an individual from other sources and third parties, even before our first direct interaction with that individual.

Personal Data Provided By Individuals

You are not required to provide us with any personal data in order to use our open-source software.

However, to the extent you choose to interact with us directly or utilize one of our non-open-source offerings, we may collect the following categories of personal data you provide in connection with those offerings (once available):

- **Contact Information**, including first and last name, phone number, email address, and communication preferences. We use this information primarily to fulfill your request or transaction, to communicate with you directly, and to send you marketing communications in accordance with your preferences.
- **Professional Information**, including your title, company name, professional background and nature of your relationship with us.
- **Account Information**, including first and last name, email address, phone number, account credentials or one-time passcodes, transaction history, and the history of the use of our products and other services. We use this information primarily to administer your account, provide you with our products and services, communicate with you regarding your account and your use of our products and services, and for customer support purposes.
- **Payment Information**, including credit card information, billing address, or other financial information (such as, routing and account number). Please note that we use third-party payment processors to process payments made to us. As such, we do not retain any personally identifiable financial information, such as credit card number, you provide such third-party payment processors in connection with such payments. Rather, all such information is provided directly by you to our third-party processor. The payment processor's use of your personal data is governed by their privacy notice.
- **Event, Contest, Sweepstakes, and Survey Information**, including information provided when you sign up for an event, enter a contest or sweepstakes, complete a survey or submit a testimonial. We use this information primarily to administer and facilitate our products and services, respond to your submission, communicate with you, conduct market research, inform our marketing and advertising activities, improve and grow our business, and facilitate the related event, content, sweepstakes, or survey.
- **Support Information**, including the contents of custom messages sent through the forms, email addresses, or other contact information we make available to users, as well as recordings of calls with us (where permitted by law). We use this information primarily to investigate and respond to your inquiries, to communicate with you, and to improve our products and services.

If you choose to contact us, we may need additional information to fulfill the request or respond to your inquiry. We may provide additional privacy disclosures where the scope of the request we receive or personal data we require fall outside the scope of this Privacy Notice. In that case, the additional privacy disclosures will govern how we may process the information you provide at that time.

Personal Data Automatically Collected

As is true of many electronic products and services, we collect certain data automatically when individuals use our products / services or otherwise interact with us. This data may be collected from both our open-source (unless you choose to opt-out of such data sharing) and our non-open-source offerings (including our website):

- **Log Data**, including internet protocol (IP) address, operating system, device type and version, browser type and version, browser id, the URL entered and the referring page/campaign, date/time of visit, other user agent string data, the time spent using our products and other services, and any errors that may occur during the use of our products and other services. Log data may overlap with the other categories of data below.
- **Analytics Data**, including the electronic path taken to our products / services, through our products / services and when exiting our products / services, as well as usage and activity on our products / services, such as the links and content individuals view or engage with, product / service features used, and people or accounts interacted with.
- **Location Data**, such as general geographic location that we or our third-party providers may derive from your IP address, or more precise geolocation with your permission when accessing our online services through a mobile device.

For information about our and our third-party partners' use of cookies and related technologies to collect information automatically, and any choices you may have in relation to its collection, please refer to the [Cookies and Related Technologies](#) section below.

Personal Data from Other Sources and Third Parties

We also obtain personal data from other sources, which we often combine with personal data we collect either automatically or directly from an individual.

We may receive the same categories of personal data for the same purposes as described above from the following sources and third parties:

- **Employers:** If you interact with our us or our products and services in connection with your employment, we may obtain personal data about you from your employer or another company for which you work. For example, we may obtain your contact information from your employer to allow us to communicate with you about your employer's customer relationship with us.
- **Other Users:** We may receive your personal data from our other users. For example, a user may provide us with your contact information as a part of a referral.
- **Social Media:** When an individual interacts with us through social media networks, such as when someone follows us or shares our content on other social networks, we may receive some information about that individual that they permit the social network to share with third parties. The data we receive is dependent upon an individual's privacy settings with the social network, and may include profile information, username, and any other information the individual permits the social network to share with third parties. Individuals should always review and, if necessary, adjust their privacy settings on third-party websites and social media networks and services before sharing information and/or linking or connecting them to other services. We use this information primarily to communicate directly with you, such as to send you messages about features that may be of interest to you.
- **Advertisers, Influencers and Publishers:** We may engage in advertising through third-party services. Advertisers, influencers and publishers may share personal data with us in connection with our advertising efforts. For example, we may obtain information about whether an advertisement for our non-open-source offerings led to a successful engagement with the individual who viewed it.
- **Business Partners:** We may receive your information from our business partners, such as companies that offer their products and/or services as a part of or in connection with our services. For example, certain of our products and services may allow our customers to integrate third-party services. If you choose to leverage these third-party service integrations, we may receive confirmation from our business partner regarding whether you are an existing customer of their services.
- **Service Providers:** Our service providers that perform services solely on our behalf, such as analytics and certain marketing providers, collect personal data and often share some or all of this information with us. For example, we receive personal data individuals submit in response to requests for feedback to our survey providers.
- **Other Sources:** We may also collect personal data about individuals that we do not otherwise have from other sources, including publicly available sources, third-party data providers, brand partnerships, or through transactions such as mergers and acquisitions.

Additional Uses of Personal Data

We may use personal data we collect to:

- Fulfill or meet the reason the information was provided, such as to fulfill our contractual obligations or to deliver the products and services requested;
- Manage our organization and its day-to-day operations;
- Communicate with you, including via email, text message, social media and/or telephone calls;
- Facilitate the relationship we have with you and, where applicable, the company you represent;
- Request you provide us feedback about our products and service offerings;
- Address inquiries or complaints made by or about an individual in connection with our products or services;
- Register you for and provide you access to events, contests, sweepstakes and surveys;
- Market our product and other services to you, including through email, phone, text message, push notification, and social media;
- Develop, operate, improve, maintain, protect, and provide the features and functionality of our products and other services;
- Identify and analyze how you use our products and services;
- Conduct research and analytics on our user base and our product/services, including to better understand the demographics of our users;
- Improve and customize our product and service offerings to address the needs and interests of our user base and other individuals we interact with;
- Test, enhance, update and monitor the product and services, or diagnose or fix technology problems;
- Help maintain and enhance the safety, security and integrity of our property, product, services, technology assets and business;
- Defend, protect or enforce our rights or applicable contracts and agreements, as well as to resolve disputes, to carry out our obligations and enforce our rights, and to protect our business interests and the interests and rights of third parties;
- Detect, prevent, investigate, or provide notice of security incidents or other malicious, deceptive, fraudulent, or illegal activity and protect the rights and property of Continue and others;
- Prevent, investigate or provide notice of fraud or unlawful or criminal activity;
- Comply with contractual and legal obligations and requirements; and
- Fulfill any other purpose for which you provide your personal data, or for which you have otherwise consented

OUR DISCLOSURE OF PERSONAL DATA

We disclose personal data in the following ways:

- **To Your Employer:** If you interact with our services in connection with your employment, we may disclose personal data to your employer or another company for which you work. For example, we may provide information to your employer about your usage of our services in connection with your work for them.
- **To Marketing Providers:** We coordinate and share personal data with our marketing providers in order to advertise and communicate with individuals about our products and the services we make available.

- **To Service Providers:** We engage other third parties to perform certain functions on our behalf in connection with the uses of personal data described in the sections above. Depending on the function the third party serves, the service provider may process personal data on our behalf or have access to personal data while performing functions on our behalf.
- **To Other Businesses as Needed to Provide Services:** We may share personal data with third parties you engage with through our services or as need to fulfill a request or transaction including, for example, payment processing services.
- **In Connection with a Business Transaction or Reorganization:** We may take part in or be involved with a corporate business transaction, such as a merger, acquisition, joint venture, or financing or sale of company assets. We may disclose personal data to a third party during negotiation of, in connection with or as an asset in such a corporate business transaction. Personal data may also be disclosed in the event of insolvency, bankruptcy or receivership.
- **To Comply with Legal Obligations and Rights:** We may disclose personal data to third parties, such as legal advisors and law enforcement:
 - o in connection with the establishment, exercise, or defense of legal claims;
 - o to comply with laws or to respond to lawful requests and legal process;
 - o to protect the rights and property of us, our agents, customers, and others, including to enforce our agreements, policies and terms of use;
 - o to detect, suppress, or prevent fraud;
 - o to reduce credit risk and collect debts owed to us;
 - o to protect the health and safety of us, our customers, or any person; or
 - o as otherwise required by applicable law.
- **With Your Consent or Direction:** We may disclose personal data about an individual to certain other third parties or publicly with their consent or direction.

INVESTOR PERSONAL DATA

In addition to the personal data practices outlined above, we also collect personal data from shareholders and investors of our company, including share purchasing history, number of shares held, value of the shares, and the holder of record's name and address. We use this information primarily to manage investor relations and investments in our company, including by providing you information about our company and related investments, processing investment transactions, preparing tax returns and other investor-related documents, and managing our cap table. We may also use this information for the purposes set forth in the Additional Uses of Personal Data section above and disclose this information to third parties in furtherance of these purposes as set forth in the Our Disclosure of Personal Data section above, as permitted by law.

COOKIES AND RELATED TECHNOLOGIES

We and our third-party partners and providers may use (i) cookies or small data files that are stored on an individual's computer and (ii) other, similar technologies, such as web beacons, pixels, embedded scripts,

location-identifying technologies and logging technologies (collectively, “cookies”) to automatically collect certain personal data when an individual visits or interacts with our products and other services. For example, our products and other services use these technologies to automatically collect analytics and usage information so we can conduct analytics and deliver personalized advertising.

If you would prefer not to accept cookies, most browsers will allow you to: (i) change browser settings to notify you when you receive a cookie, which lets you choose whether or not to accept it; (ii) disable existing cookies; or (iii) set the browser to automatically reject cookies. Please note that doing so may negatively impact your experience using our online services, as some features and offerings may not work properly or at all. Depending on your device and operating system, you may not be able to delete or block all cookies. In addition, if you want to reject cookies across all your browsers and devices, you will need to do so on each browser on each device you actively use. You may also set your email options to prevent the automatic downloading of images that may contain technologies that would allow us to know whether you have accessed our email and performed certain functions with it.

Please note certain of our third-party providers may directly collect personal data about your online activities over time and across different websites and applications when you use our products and other services for purposes of providing behavioral or interest-based advertising services to third parties. We support the self-regulatory principles for online behavioral advertising published by the Digital Advertising Alliance. These principles allow individuals to exercise choice regarding the collection of information about online activities over time and across third-party websites and applications for online interest-based advertising purposes. More information about these principles can be found at www.aboutads.info. If you want to opt out of receiving online interest-based advertisements on your internet browser from advertisers and third parties that participate in the Digital Advertising Alliance program and perform advertising-related services for us and our partners, please follow the instructions at www.aboutads.info/choices, or <http://www.networkadvertising.org/choices/> to place an opt-out cookie on your device indicating that you do not want to receive interest-based advertisements. Opt-out cookies only work on the internet browser and device they are downloaded onto. If you want to opt out of interest-based advertisements across all your browsers and devices, you will need to opt out on each browser on each device actively used. If you delete cookies on a device generally, you will need to opt out again.

To opt out of receiving online interest-based advertisements on mobile apps from advertisers and third parties that participate in the Digital Advertising Alliance program, please follow the instructions at <http://www.aboutads.info/appchoices>.

Please note that when you opt out of receiving interest-based advertisements, this does not mean you will no longer see advertisements from us or on our product or other services. Instead, it means that the online ads you do see from Digital Advertising Alliance program participants should not be based on your interests. We are not responsible for the effectiveness of, or compliance with, any third parties’ opt-out options or programs or the accuracy of their statements regarding their programs. In addition, third parties may still use cookies to collect information about your use of our product and other services, including for analytics and fraud prevention as well as any other purpose permitted under the Digital Advertising Alliance’s principles.

CHILDREN’S PERSONAL DATA

Our products and other services are not directed to, and we do not intend to, or knowingly, collect or solicit personal data from children under the age of 13. If an individual is under the age of 13, they should not use our products and other services or otherwise provide us with any personal data either directly or by other means. If a

child under the age of 13 has provided personal data to us, we encourage the child's parent or guardian to contact us to request that we remove the personal data from our systems. If we learn that any personal data we collect has been provided by a child under the age of 13, we will promptly delete that personal data.

THIRD-PARTY WEBSITES AND SERVICES

Our products and other services may include links to third-party websites, plug-ins, applications and other services. Except where we post, link to or expressly adopt or refer to this Privacy Notice, this Privacy Notice does not apply to, and we are not responsible for, any personal data practices of third-party websites and online services or the practices of other third parties. To learn about the personal data practices of third parties, please visit their respective privacy notices.

UPDATES TO THIS PRIVACY NOTICE

We may update this Privacy Notice from time to time. When we make changes to this Privacy Notice, we will change the date at the beginning of this Privacy Notice. If we make material changes to this Privacy Notice, we will notify individuals by email to their registered email address, by prominent posting on this website or our products, or through other appropriate communication channels. All changes shall be effective from the date of publication unless otherwise provided.

CONTACT US

If you have any questions or requests in connection with this Privacy Notice or other privacy-related matters, please send an email to privacy@continue.dev.