

## Privacy Policy

Effective date: 2023-05-15

At Polar Software, we take your privacy seriously. Please read this Privacy Policy to learn how we treat your personal data. **By using or accessing our Services in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.**

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### What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that we gather when you access or use our Services. “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. This Privacy Policy does not cover the practices of companies we don’t own or control or people we don’t manage.

#### Personal Data

##### Categories of Personal Data We Collect

This chart details the categories of Personal Data that we collect and have collected over the past 12 months:

<u>Category of Personal Data</u>	<u>Examples of Personal Data We Collect</u>	<u>Categories of Third Parties With Whom We Share this Personal Data:</u>
<b>Profile or Contact Data</b>	<ul style="list-style-type: none"><li>• First and last name</li><li>• Email</li><li>• Phone number</li><li>• Unique identifiers such as passwords</li></ul>	<ul style="list-style-type: none"><li>• Service Providers</li><li>• Business Partners</li><li>• Parties You Authorize, Access or Authenticate</li></ul>
<b>Payment Data</b>	<ul style="list-style-type: none"><li>• Payment card type</li><li>• Last 4 digits of payment card</li><li>• Billing address, phone number, and email</li></ul>	<ul style="list-style-type: none"><li>• Payment Processors</li></ul>

<b>Commercial Data</b>	<ul style="list-style-type: none"> <li>• Purchase history</li> </ul>	
<b>Device/IP Data</b>	<ul style="list-style-type: none"> <li>• IP address</li> <li>• Type of device/operating system/browser used to access the Services</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Analytics Partners</li> </ul>
<b>Web Analytics</b>	<ul style="list-style-type: none"> <li>• Referring webpage/source through which you accessed the Services</li> <li>• Non-identifiable request IDs</li> <li>• Statistics associated with the interaction between device or browser and the Services</li> </ul>	<ul style="list-style-type: none"> <li>• Analytics Partners</li> </ul>
<b>Third Party Platform Data</b>	<ul style="list-style-type: none"> <li>• Email</li> <li>• User name</li> <li>• Biographical details from Github, including your Github Bio, Blog URLs, Twitter Handles, and whether or not you are hireable.</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Advertising Partners</li> <li>• Analytics Partners</li> <li>• Business Partners</li> <li>• Parties You Authorize, Access or Authenticate</li> </ul>
<b>Geolocation Data</b>	<ul style="list-style-type: none"> <li>• IP-address-based location information</li> </ul>	<ul style="list-style-type: none"> <li>• Service Providers</li> <li>• Analytics Partners</li> </ul>

### Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

- **You**
  - When you provide such information directly to us.
    - When you create an account or use our interactive tools and Services.
    - When you voluntarily provide information in free-form text boxes through the Services or through responses to surveys or questionnaires.
    - When you send us an email or otherwise contact us.
  - When you use the Services and such information is collected automatically.
    - Through Cookies (defined in the “Tracking Tools and Opt-Out” section below).
    - If you use a location-enabled browser, we may receive information about your location.
    - If you download and install certain applications and software we make available, we may receive and collect information transmitted from your computing device for the purpose of providing you the relevant Services, such as information regarding when you are logged on and available to receive updates or alert notices.
- **Third Parties**
  - Vendors
    - We may use analytics providers to analyze how you interact and engage with the Services, or third parties may help us provide you with customer support.
    - We may use vendors to obtain information to generate leads and create user profiles.
  - Advertising Partners

- We receive information about you from some of our vendors who assist us with marketing or promotional services related to how you interact with our websites, applications, products, Services, advertisements or communications.
- Social Networks
  - If you provide your social network account credentials to us or otherwise sign in to the Services through a third-party site or service, some content and/or information in those accounts may be transmitted into your account with us.

#### *Our Commercial or Business Purposes for Collecting Personal Data*

- **Providing, Customizing and Improving the Services**
  - Creating and managing your account or other user profiles.
  - Processing orders or other transactions; billing.
  - Providing you with the products, services or information you request.
  - Meeting or fulfilling the reason you provided the information to us.
  - Providing support and assistance for the Services.
  - Improving the Services, including testing, research, internal analytics and product development.
  - Personalizing the Services, website content and communications based on your preferences.
  - Doing fraud protection, security and debugging.
- **Marketing the Services**
  - Marketing and selling the Services.
- **Corresponding with You**
  - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Polar Software or the Services.
  - Sending emails and other communications according to your preferences or that display content that we think will interest you.
- **Meeting Legal Requirements and Enforcing Legal Terms**
  - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
  - Protecting the rights, property or safety of you, Polar Software or another party.
  - Enforcing any agreements with you.
  - Responding to claims that any posting or other content violates third-party rights.
  - Resolving disputes.

We will not collect additional categories of Personal Data or use the Personal Data we collected for materially different, unrelated or incompatible purposes without providing you notice.

#### **How We Share Your Personal Data**

We disclose your Personal Data to the categories of service providers and other parties listed in this section. Depending on state laws that may be applicable to you, some of these disclosures may

constitute a “sale” of your Personal Data. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf. They include:
  - Hosting, technology and communication providers.
  - Security and fraud prevention consultants.
  - Support and customer service vendors.
  - Product fulfillment and delivery providers.
  - Payment processors.
    - Our payment processing partner Stripe, Inc. (“Stripe”) collects your voluntarily-provided payment card information necessary to process your payment.
    - Please see Stripe’s terms of service and privacy policy for information on its use and storage of your Personal Data.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Services. They include:
  - Companies that track how users found or were referred to the Services.
  - Companies that track how users interact with the Services.
- **Business Partners.** These parties partner with us in offering various services. They include:
  - Businesses that you have a relationship with.
  - Companies that we partner with to offer joint promotional offers or opportunities.
- **Parties You Authorize, Access or Authenticate**
  - Third parties you access through the services.
  - Social media services.
  - Other users.

### Legal Obligations

We may share any Personal Data that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Commercial or Business Purposes for Collecting Personal Data” section above.

### Business Transfers

All of your Personal Data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

### Data that is Not Personal Data

We may create aggregated, de-identified or anonymized data from the Personal Data we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful

business purposes, including to analyze, build and improve the Services and promote our business, provided that we will not share such data in a manner that could identify you.

### **Tracking Tools and Opt-Out**

The Services use cookies and similar technologies such as pixel tags, web beacons, clear GIFs and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser, tell us how and when you visit and use our Services, analyze trends, learn about our user base and operate and improve our Services. Cookies are small pieces of data— usually text files – placed on your computer, tablet, phone or similar device when you use that device to access our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). Please note that because of our use of Cookies, the Services do not support “Do Not Track” requests sent from a browser at this time.

We use the following types of Cookies:

- **Essential Cookies.** Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of our Services. Disabling these Cookies may make certain features and services unavailable.
- **Functional Cookies.** Functional Cookies are used to record your choices and settings regarding our Services, maintain your preferences over time and recognize you when you return to our Services. These Cookies help us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Performance/Analytical Cookies.** Performance/Analytical Cookies allow us to understand how visitors use our Services. They do this by collecting information about the number of visitors to the Services, what pages visitors view on our Services and how long visitors are viewing pages on the Services. Performance/Analytical Cookies also help us measure the performance of our advertising campaigns in order to help us improve our campaigns and the Services’ content for those who engage with our advertising. For example, Google LLC (“Google”) uses cookies in connection with its Google Analytics services. Google’s ability to use and share information collected by Google Analytics about your visits to the Services is subject to the Google Analytics Terms of Use and the Google Privacy Policy. You have the option to opt-out of Google’s use of Cookies by visiting the Google advertising opt-out page at [www.google.com/privacy\\_ads.html](http://www.google.com/privacy_ads.html) or the Google Analytics Opt-out Browser Add-on at <https://tools.google.com/dlpage/gaoptout/>.

You can decide whether or not to accept Cookies through your internet browser’s settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website and some of the Services and functionalities may not work.

To explore what Cookie settings are available to you, look in the “preferences” or “options” section of your browser’s menu. To find out more information about Cookies, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/> or <https://ico.org.uk/for-the-public/online/cookies/> if you are located in the European Union.

### **Data Security and Retention**

We seek to protect your Personal Data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Data and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

We retain Personal Data about you for as long as you have an open account with us or as otherwise necessary to provide you with our Services. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

### **Personal Data of Children**

As noted in the Terms of Use, we do not knowingly collect or solicit Personal Data about children under 16 years of age; if you are a child under the age of 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 years of age, we will delete that information as quickly as possible. If you believe that a child under 16 years of age may have provided Personal Data to us, please contact us at support@polar.sh.

### **State Law Privacy Rights**

#### **California Resident Rights**

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at support@polar.sh.

#### **Nevada Resident Rights**

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. You can exercise this right by contacting us at support@polar.sh with the subject line "Nevada Do Not Sell Request" and providing us with your name and the email address associated with your account.

### **European Union and United Kingdom Data Subject Rights**

#### **EU and UK Residents**

If you are a resident of the European Union ("EU"), United Kingdom ("UK"), Lichtenstein, Norway or Iceland, you may have additional rights under the EU or UK General Data Protection Regulation (the "GDPR") with respect to your Personal Data, as outlined below.

For this section, we use the terms "Personal Data" and "processing" as they are defined in the GDPR, but "Personal Data" generally means information that can be used to individually identify a person, and "processing" generally covers actions that can be performed in connection with data such as collection,

use, storage and disclosure. Polar Software will be the controller of your Personal Data processed in connection with the Services.

If there are any conflicts between this section and any other provision of this Privacy Policy, the policy or 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 support@polar.sh. Note that we may also process Personal Data of our customers' end users or employees in connection with our provision of certain services to customers, in which case we are the processor of Personal Data. If we are the processor of your Personal Data (i.e., not the controller), please contact the controller party in the first instance to address your rights with respect to such data.

### Personal Data We Collect

The "Categories of Personal Data We Collect" section above details the Personal Data that we collect from you.

### Personal Data Use and Processing Grounds

The "Our Commercial or Business Purposes for Collecting Personal Data" section above explains how we use your Personal Data.

We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our "legitimate interests" or the legitimate interest of others, as further described below.

- Contractual Necessity: We process the some Personal Data as a matter of "contractual necessity", meaning that we need to process the data to perform under our Terms of Use with you, which enables us to provide you with the Services. When we process data due to contractual necessity, failure to provide such Personal Data will result in your inability to use some or all portions of the Services that require such data.
- Legitimate Interest: We process some Personal Data when we believe it furthers the legitimate interest of us or third parties:
  - o We may also de-identify or anonymize Personal Data to further our legitimate interests.

Examples of these legitimate interests include (as described in more detail above):

- o Providing, customizing and improving the Services.
  - o Marketing the Services.
  - o Corresponding with you.
  - o Meeting legal requirements and enforcing legal terms.
  - o Completing corporate transactions.
- Consent: In some cases, we process Personal Data based on the consent you expressly grant to us at the time we collect such data. When we process Personal Data based on your consent, it will be expressly indicated to you at the point and time of collection.
- Other Processing Grounds: From time to time we may also need to process Personal Data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

### Sharing Personal Data

The “How We Share Your Personal Data” section above details how we share your Personal Data with third parties.

### EU Data Subject Rights

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 us at support@polar.sh. Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need you to provide us with additional information, which may include Personal Data, if necessary to verify your identity and the nature of your request.

- **Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data. You can also access certain of your Personal Data by logging on to your account.
- **Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data. You can also correct some of this information directly by logging on to your account.
- **Erase:** You can request that we erase some or all of your Personal Data from our systems.
- **Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of our Services.
- **Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.
- **Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes, such as for direct marketing purposes.
- **Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.
- **Right to File Complaint:** You have the right to lodge a complaint about Polar Software's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State. A list of Supervisory Authorities is available here: [https://edpb.europa.eu/about-edpb/board/members\\_en](https://edpb.europa.eu/about-edpb/board/members_en).

### Transfers of Personal Data

The Services are hosted and operated in the United States (“U.S.”) through Polar Software and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to Polar Software in the U.S. and will be hosted on U.S. servers, and you authorize Polar Software to transfer, store and process your information



to and in the U.S., and possibly other countries. You hereby consent to the transfer of your data to the U.S. pursuant to [EU-U.S. or Swiss-U.S. Privacy Shield Frameworks, respectively, the details of which are further set forth below]: (i) a data processing agreement incorporating standard data protection clauses, (ii) binding corporate rules for data protection that align with the GDPR's requirements, or (iii) adherence to an industry- or technology-specific approved code of conduct blessed by the European Commission].

[[While the Privacy Shield is no longer a valid basis on which Polar Software may rely to transfer Personal Data from the EU to the U.S. pursuant to the GDPR, Polar Software continues to comply with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use and retention of Personal Data from EU member countries transferred to the U.S. pursuant to Privacy Shield. Polar Software has certified that it adheres to the Privacy Shield Principles with respect to such data. If there is any conflict between the policies in this Privacy Policy and data subject rights under the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>.

With respect to Personal Data received or transferred pursuant to the Privacy Shield Frameworks, Polar Software is subject to the regulatory and enforcement powers of the U.S. Federal Trade Commission.

Pursuant to the Privacy Shield Frameworks, EU individuals have the right to obtain our confirmation of whether we maintain Personal Data relating to you in the U.S. Upon request, we will provide you with access to the Personal Data that we hold about you. You may also correct, amend, or delete the Personal Data we hold about you. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data transferred to the U.S. under Privacy Shield, should direct their query to [support@polar.sh](mailto:support@polar.sh). If requested to remove data, we will respond within a reasonable timeframe.

We will provide you with the choice to opt-out, or opt-in for sensitive data, before we share your data with third parties other than our agents, or before we use it for a purpose other than the purpose for which it was originally collected or subsequently authorized. To request to limit the use and disclosure of your Personal Data, please submit a written request to [support@polar.sh](mailto:support@polar.sh).

In certain situations, we may be required to disclose Personal Data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Polar Software's accountability for Personal Data that it receives in the U.S. under the Privacy Shield and subsequently transfers to a third party is described in the Privacy Shield Principles. In particular, Polar Software remains responsible and liable under the Privacy Shield Principles if third-party agents that it engages to process Personal Data on its behalf do so in a manner inconsistent with the Privacy Shield Principles, unless Polar Software proves that it is not responsible for the event giving rise to the damage.

In compliance with the Privacy Shield Principles, Polar Software commits to resolve complaints about your privacy and our collection or use of your Personal Data transferred to the U.S. pursuant to Privacy Shield. Please contact us at [support@polar.sh](mailto:support@polar.sh) with any questions, concerns or complaints relating to our Privacy Shield Certification.

Polar Software has further committed to refer unresolved privacy complaints under the Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU PRIVACY SHIELD. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <http://www.bbb.org/EU-privacy-shield/for-eu-consumers> for more information and to file a complaint. This service is provided free of charge to you.

If your Privacy Shield complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See Privacy Shield Annex 1 at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction.>]

[While the Privacy Shield is no longer a valid basis on which Polar Software may rely to transfer Personal Data from the EU to the U.S. pursuant to the GDPR, Polar Software continues to comply with the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks set forth by the U.S. Department of Commerce regarding the collection and use of Personal Data transferred from the EU and Switzerland to the U.S., respectively. For more information about the Privacy Shield Program, and to view Polar Software's certification, please visit [www.privacyshield.gov](http://www.privacyshield.gov). Polar Software is committed to the Privacy Shield Principles of (1) notice, (2) consent, (3) accountability for onward transfer, (4) security, (5) data integrity and purpose limitation, (6) access and (7) recourse, enforcement and liability with respect to all Personal Data received from within the EU and Switzerland in reliance on the Privacy Shield. The Privacy Shield Principles require that we remain potentially liable if any third party processing Personal Data on our behalf fails to comply with these Privacy Shield Principles (except to the extent we are not responsible for the event giving rise to any alleged damage). Polar Software's compliance with the Privacy Shield is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

Please contact us at [support@polar.sh](mailto:support@polar.sh) with any questions or concerns relating to our Privacy Shield Certification. If you do not receive timely acknowledgment of your Privacy Shield-related complaint from us, or if we have not resolved your complaint, you may also resolve a Privacy Shield-related complaint through JAMS, an alternative dispute resolution provider located in the U.S. You can visit <https://www.jamsadr.com/file-an-eu-us-privacy-shield-or-safe-harbor-claim> for more information or to file a complaint, at no cost to you. Under certain conditions, you may also be entitled to invoke binding arbitration for complaints not resolved by other means.]]

### **Changes to this Privacy Policy**

We're constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time, but we will alert you to any such changes by placing a notice on the Polar Software website, by sending you an email and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all of the changes. Use of information we collect is subject to the Privacy Policy in effect at the time such information is collected.

### **Contact Information:**

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data or your choices and rights regarding such collection and use, please do not hesitate to contact us at: [support@polar.sh](mailto:support@polar.sh)