

## Wasabi Technologies Privacy Policy

Last Update: January 10, 2020

This Privacy Policy (the “Policy”) describes how the Wasabi group of companies (for more details, see “Contact Information” below) (“Wasabi,” “we,” “our” or “us”) collect, use, and share information in connection with your use of our websites (the “Sites”), as well as any products, services, and/or applications available on or through the Sites (collectively, the “Services”). However, this Policy does not apply to information customers or users (“users”, “you,” or “your”) may process when using our Services.

The information we collect includes “personal data,” which is any information about an identifiable individual, as further set forth in this Policy. Wasabi is the sole owner of the information collected on the Sites or through your use of the Services. We will not sell, share, or rent this information to others in ways different from what is disclosed in this Policy.

Further, Wasabi respects your privacy and is committed to protecting your personal data in line with the General Data Protection Regulation - Regulation (EU) 2016/679 (“GDPR”). This Policy will inform you as to how we will look after your personal data when you interact with us, including visiting our Sites. It also tells you about your rights in relation to your personal data.

We recommend that you read this Policy in full to ensure you are fully informed regarding our privacy practices. If you have any questions about this Policy or Wasabi’s data collection, use, and disclosure practices, please contact us at [privacy@wasabi.com](mailto:privacy@wasabi.com).

**A. Information We May Collect** – We may collect and receive information about users of our Sites or Services from various sources, including: (i) information you provide through your user account on the Services (your “Account”) if you register for the Services; (ii) your use of the Sites or Services; and (iii) from third-part websites, services, and partners. You can use some of the features of the Sites or Services without registering, thereby limiting the type of information that we collect.

### 1. Information You Provide

(i) Account Registration or Contact Information. When you register for an Account, the information we may collect from you includes your name, mailing address, email address, phone number, and past purchases (collectively, “Contact Information”). Wasabi also allows you to voluntarily provide us with Contact Information through our Sites when requesting further information, or when signing up for newsletters or other contact from us.

(ii) Payment Information. When you add your payment information (including any credit card information) to your Account, that information is directed to our third-party payment processor. We do not store any of your payment or credit card information on our systems; however, we have access to, and may retain, subscriber information through our third-party payment processor.

(iii) Communications. If you contact us directly, we may receive additional information about you such as your name, email address, phone number, the contents of the message and/or attachments you may send us, and any other information you may choose to provide. We may also receive a confirmation when you open an email from us.

Further, if you have requested information or if you have purchased Services from us in the past, or you have downloaded or accessed any demonstrations or training with respect to the Wasabi and/or the Services, we may use this information to provide you with news, offers for upgrades, discounts and other marketing information. If you do not wish to receive such marketing communications from us, you can opt-out or “unsubscribe”) in the manner designated in the marketing communication or by contacting us at [privacy@wasabi.com](mailto:privacy@wasabi.com). However, please note that even if you opt-out our unsubscribe, we may still contact you for informational, transactional, account-related, or similar purposes.

(iv) Forum Use. If you use a blog, bulletin board or similar means of communication on or through our Sites, you should be aware that any data you submit there can be read, collected, or used by other users of these forums. We use industry standard measures, including administrative, technical, and physical safeguards, to help protect personal data from loss, theft, misuse, and unauthorized access, disclosure, alteration, and

destruction. However, no data transmission over the Internet can be guaranteed to be entirely secure. As a result, while we always use all reasonable efforts to protect your personal data, we cannot guarantee the security of your information and the submission of data is at your own risk.

(v) Surveys and Responsive Requests

From time to time, we may use your Contact Information to request information from you via surveys or similar responsive requests. Participation in these surveys or responsive requests is completely voluntary and you have a choice whether or not to disclose any information requested. Information requested may include contact information (such as name, email and address), and demographic information (such as zip code, age level, education, etc.). If you give us personal information about somebody else, such as a spouse or work colleague, we will assume that you have their permission to do so. Survey information may be used to monitor or improve the use and satisfaction of the Sites or the Services.

2. Information Collected Through Use of the Sites or Services

(i) Cookies and Other Tracking Technologies. We use different kind of cookies on our website in order to provide you the best online experience, which are stored by your browser for record-keeping purposes. In order to collect this information, a cookie may be set on your computer or device when you visit our Sites or use the Services. Further, third-party vendors (such as AdRoll and Google) may use the cookie information about your prior visits to the Sites in order to place targeted Wasabi advertisements on other sites you visit.

You may choose to set your web browser to refuse cookies. A user who does not accept cookies from our Sites may not be able to access certain areas of the Sites. Many browsers have an option for disabling cookies, which may prevent your browser from accepting new cookies or enable selective use of cookies. Please note that, if you choose not to accept cookies, some features and the personalization of our Sites or Services may no longer work for you. You will continue to receive advertising material but it will not be tailored to your interests.

Cookies contain a small amount of information that allows our web servers to recognize you. Through the use of cookie technology or otherwise, we may track and collect information about your computer and software when you visit the Sites or use Services. This information may include, but is not limited to, internet protocol (IP) addresses, browser type and language, internet service provider (ISP), referring/exit pages, type of computer, operating system, date/time stamp (as well as pages viewed and how long you spend on a page), clickstream data, landing page, and referring URLs, (ix) other information about your use of and actions on our Sites, including use of features of the Sites or the Services, about the functionality of our the Sites or the Services, and frequency of visits (all of the foregoing collectively referred to as "Traffic Data"). Traffic Data is anonymized and does not personally identify you. We also use Traffic Data assists us to design, arrange and improve our Sites.

We may also use web beacons (small pieces of data that are embedded in images on the pages of websites) and auditing software to track page views and entry and exit points to and from our Sites. In addition, we may use web beacons, cookies, customized links and/or similar technologies to determine whether electronic newsletters sent by us to those who have requested them from us have been opened and which links are clicked. Any data collected will only be used in an aggregate and anonymized form.

(ii) Use of the Services. When you use our Services, we may collect information about your engagement with and utilization of our Services, such as processor and memory usage, storage capacity, navigation of our Services, and system-level metrics. We use this data to operate the Services, maintain and improve the performance and utilization of the Services, develop new features, protect the security and safety of our Services and our customers, and provide customer support. We also use this data to develop aggregate analysis and business intelligence that enable us to operate, protect, make informed decisions, and report on the performance of our business.

3. Information We Receive from Third Parties

(i) Third-Party Accounts. If you choose to link our Services to a third-party account, we will receive information about that account, such as your authentication token from the third-party account, to authorize

linking. If you wish to limit the information available to us, you should visit the privacy settings of your third-party accounts to learn about your options.

(ii) **Other Resources.** We, for marketing or research purposes, may also receive contact details or other information about you from publicly and commercially available sources, which we may combine with other information we receive from or about you. We will use the information we collect from third party sources in accordance with this Policy.

**B. Retention of Data** – We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances you can ask us to delete your data: see the <https://wasabi.com/legal/customer-agreement/#yourrights>

section below for further information. In some circumstances we may anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

**C. Data Integrity and Security** – We use industry standard security measures to protect against the loss, misuse and/or alteration of data located on our systems. We implement appropriate measures and processes, such as using encryption when transmitting certain sensitive information, to help us to keep your information secure and to maintain its quality. We regularly review our security and related policies to adapt the technology as new threats evolve, and in order to monitor our systems to help ensure the highest level of availability of our Sites and Services. If you have any questions about the security of our Sites or Services, you can contact Wasabi at [privacy@wasabi.com](mailto:privacy@wasabi.com).

**D. Access** – If you are a registered user of the Services, or you otherwise have an Account, you may access certain information associated with your Account by logging into our Services or emailing [privacy@wasabi.com](mailto:privacy@wasabi.com). If you terminate your Account, any public activity on your Account prior to deletion may remain stored on our servers and may remain accessible to the public.

To protect your privacy and security, we may take reasonable steps to verify your identity before updating or removing your information. The information you provide us may be archived or stored periodically by us according to backup processes conducted in the ordinary course of business for disaster recovery purposes. Your ability to access and correct your information may be temporarily limited where access and correction could: inhibit Wasabi's ability to comply with a legal obligation; inhibit Wasabi's ability to investigate, make or defend legal claims; result in disclosure of personal information about a third party; or result in breach of a contract or disclosure of trade secrets or other proprietary business information belonging to Wasabi or a third party.

**E. Lawful Grounds For Using and Processing Your Personal Data** – We will normally collect personal data from you only (i) where we need the personal data to perform our obligations; (ii) where the processing is in our legitimate interests and not overridden by your rights; or (iii) where we have your consent to do so. We use the information we collect in various ways, including to:

- Provide, operate, and maintain our Services;
- Improve, personalize, and expand our Services;
- Understand and analyze how you use our Services;
- Develop new products, services, features, and functionality;
- To inform our marketing strategy, including to define customers for our products and services
- Keep our records up to date;

- Communicate with you, either directly or through one of our partners, including for customer service, to provide you with updates and other information relating to the Service, and for marketing and promotional purposes;
- Process your transactions;
- Send you text messages and push notifications;
- Find and prevent fraud; and
- For compliance purposes, including enforcing our Terms of Service, or other legal rights, or as may be required in (a) the event of an emergency, (b) by applicable laws and regulations, (c) for the protection and safety of our employees and agents, our customers, or any other person or (d) requested by any judicial process or governmental agency.

**F. How We Share Information** – We may share the information we collect in various ways, including the following:

- **Third Party Service Providers.** We may share information with third-party service providers that provide services on our behalf, such as helping to provide our Sites and/or Services (such as website analytics, email delivery, marketing/advertising and legal and other professional advice), and to provide you with information relevant to you such as product announcements, software updates, special offers, or other information. We also share information with third-party partners in order to receive additional publicly available information about you. However, we do not permit third party service providers to use your personal data for any other purposes, and only permit them to access and process your personal data for specified purposes and in accordance with our instructions.
- **Analytics.** We also analyze the data through the use of third-party analytics providers, such as Google Analytics. Analytics providers use cookies to collect non-identifying information of users and visitors to our Sites. For more information on Google privacy options regarding its Analytics cookies, see <http://www.google.com/policies/privacy/partners/>. For a current list of the entities that may process data for or on behalf of Wasabi, see <http://www.wasabi.com/legal/sub-processors>.
- **Business Transfers.** Information may be disclosed and otherwise transferred to any potential acquirer, successor, or assignee as part of any proposed merger, acquisition, debt financing, sale of assets, or similar transaction, or in the event of insolvency, bankruptcy, or receivership in which information is transferred to one or more third parties as one of our business assets.
- **Advertising.** We work with third-party advertising partners to show you ads that we think may interest you. These advertising partners may set and access their own cookies, pixel tags, and similar technologies on our Sites and/or Services, and they may otherwise collect or have access to information about you which they may collect over time and across different online services. Some of our advertising partners are members of the Network Advertising Initiative or the Digital Advertising Alliance. To learn more about these programs, or opt-out of personalized ads, visit the Digital Advertising Alliance’s Self-Regulatory program for Online Behavioral Advertising at [www.aboutads.info](http://www.aboutads.info), or the Network Advertising Initiative at [www.networkadvertising.org](http://www.networkadvertising.org).
- **Information Received Through a Referral.** If you sign up for our Services through a referral, we may share information with the referrer to let them know that you used the referral to sign up for our Services.
- **Aggregate information.** Where legally permissible, we may use and share information about users with our partners in aggregated or de-identified form that cannot reasonably be used to identify you.
- **Under Law.** We may also share information to (i) satisfy any applicable law, regulation, legal process, or governmental request; (ii) enforce this Policy and our Terms of Service, including investigation of potential violations hereof; (iii) detect, prevent, or otherwise address fraud, security, or technical issues; (iv) respond to your requests; or (v) protect our rights, property or safety, our users and the public. This includes exchanging information with other companies and organizations for fraud protection and spam/malware prevention.

**G. Third Party Links** – You may access other third-party services through the Sites or Services, for example by clicking on links to those third-party services from within the Sites Services. We are not responsible for the

privacy policies and/or practices of these third-party services, and we encourage you to carefully review their privacy policies.

**H. International Transfers** – Wasabi has offices and provides Services both within and without the United States. This means that your personal data could be transferred out of the European Economic Area (the “EEA”). Whenever we transfer your personal data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between the Europe and the US.

Please contact us <https://wasabi.com/legal/privacy-policy/#contact> if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

**I. Your Rights under the General Data Protection Regulation (“GDPR”)** – Under certain circumstances, you have rights under data protection laws in relation to your personal data. We have explained your rights below; if you wish to exercise any of your rights, please contact us at [privacy@wasabi.com](mailto:privacy@wasabi.com). We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. You have the right to:

- access, correct, update, or request deletion of your personal information (note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request).
- object to the processing of your personal information. You may ask us to restrict the processing of your personal information, or request portability of your personal information (however, in some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms).
- request restriction of processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- request the transfer of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- opt-out of marketing communications we send you at any time. You can exercise this right by clicking on the “unsubscribe” or “opt-out” link in the marketing emails we send you.
- withdraw your consent at any time for any personal data we have collected and processed with your consent. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect the processing of your personal information conducted in reliance on lawful processing grounds other than consent.
- complain to a data protection authority about our collection and use of your personal information. For more information, please contact your local data protection authority. If your complaint involves a GDPR issue, please do not refer it to BBB EU Privacy Shield (see below).

**No Fee Usually Required**

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

#### **What We May Need From You**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

**J. Children's Privacy** – The Children's Online Privacy Protection Act restricts the collection and use of personal data pertaining to children under the age of 13. We do not allow such children to register as users and will not knowingly collect or solicit personal data from anyone under the age of 13. No one under the age of 13 should provide any personal data on or through the Sites or otherwise. In the event we learn that we have collected personal data from a child under age 13, we will terminate the any Account and all communications, and delete such information. If you believe that we might have any information from or about a child under 13, please contact us at [privacy@wasabi.com](mailto:privacy@wasabi.com). Minors aged 13 and over should not use this site or post any information or other content without adult supervision.

**K. Acceptance of and Changes to This Privacy Policy** – By using the Sites and Services, you consent to the collection, use and storage of your information by us in the manner described in this Policy. This Policy may be modified from time to time, so please review it frequently. Changes to this Policy will be posted on our websites. If we materially change the ways in which we use or share personal information previously collected from you through the Sites or Services, we will notify you through the Sites, Services, by email, or other communication.

If you do not agree with this Policy, please do not use the Sites or Services. Your continued use of the Sites and/or Services following posting of changes to these terms will mean you accept those changes.

**L. California Notices** – Users who reside in California and have provided personal data to us have the right to receive: (a) information identifying any third party to whom we may have disclosed, within the past year, personal data pertaining to you and your family for that party's direct marketing purposes; and (b) a description of the categories of personal data disclosed. To obtain such information, please email your request to [privacy@wasabi.com](mailto:privacy@wasabi.com). This request may be made no more than once per calendar year. We reserve our right not to respond to requests submitted other than to the address specified in this paragraph.

**M. Contact Information** – If you have any questions or concerns about this Privacy Policy, please feel free to email us at [privacy@wasabi.com](mailto:privacy@wasabi.com), or at the following addresses:

Wasabi Technologies, Inc.  
111 Huntington Avenue  
Suite 2900  
Boston, MA 02199

Wasabi Technologies B.V. (Registration number 73934011)  
Kingsfordweg 151  
1043 GR Amsterdam  
The Netherlands

#### **N. Privacy Shield For EEA & Swiss Individuals Whose Data Is Transferred Into The United States**

Wasabi Technologies, Inc. complies with the EU-US Privacy Shield Framework and the Swiss-US Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland transferred to the United States pursuant to Privacy Shield. Wasabi Technologies, Inc. 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/>

The Federal Trade Commission has jurisdiction with enforcement authority over Wasabi Technologies Inc.'s compliance with the Privacy Shield.



In compliance with the Privacy Shield Frameworks, Wasabi Technologies, Inc. attests to the following Principles while personal data is in the United States:

- EEA and Swiss individuals have the right to access their personal data and to correct, amend or erase information that is inaccurate or has been processed in violation of the Principles. Individuals wishing to exercise this right may do so by logging into our services or emailing [privacy@wasabi.com](mailto:privacy@wasabi.com)
- You may opt-out of marketing communications and you can exercise this right by clicking on the “unsubscribe” or “opt-out” link on the emails we send you. We will provide an individual opt-out choice, 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 that which it was originally collected or subsequently authorized. To request to limit the use and disclosure of your personal information, please submit a written request to [privacy@wasabi.com](mailto:privacy@wasabi.com).
- We remain liable for the onward transfer of personal data to third parties acting as our agents unless we can prove we were not a party to the events giving rise to the damages.
- We may be required to release personal data in response to lawful requests from public authorities including to meet national security and law enforcement requirements.

In compliance with the Privacy Shield Principles, Wasabi Technologies, Inc. commits to resolve complaints about your privacy and our collection or use of your personal information transferred to the United States pursuant to Privacy Shield. European Union and Swiss individuals with Privacy Shield inquiries or complaints should first contact Wasabi at:

[privacy@wasabi.com](mailto:privacy@wasabi.com)

Wasabi Technologies, Inc.  
111 Huntington Avenue  
Suite 2900  
Boston, MA 02199

Wasabi Technologies, Inc. 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 [www.bbb.org/EU-privacy-shield/for-eu-consumers](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>.