

## **Privacy Policy**

(As of 2020)

### **Introduction**

Fintech Automation, LLC and its affiliated companies (collectively “FTA”, “we”, “us” and “our”) has issued this policy (hereafter “Privacy Policy”) to describe how we process and use the personal data that we hold about (including but not limited to) existing customers, previous customers, prospective customers, suppliers, vendors, resellers, consultants, professional advisers, business partners, visitors and any other applicable third parties (hereafter also referred to as “you”). We respect the privacy rights of individuals and are committed to processing and using personal data responsibly and in accordance with applicable law. This Privacy Policy explains who we are, how we collect, share and use personal data about you and how you can exercise your privacy rights in connection with it.

If you have any questions or concerns about our use of your personal data, please contact us at the contact details in the “How to contact us” section below.

### **1. CCPA Compliance**

In addition to other applicable privacy laws as detailed herein, this Privacy Policy is intended to comply with our obligations pursuant to the California Consumer Privacy Act of 2018 (“CCPA”), which provides specific privacy rights to residents of California in relation to businesses that do “business” in California.

If you are a resident of California, we may process your “Personal Information” (as defined below) because we receive it from one of our customers, for whom we act as a “Service Provider” (as defined under CCPA).

Under the CCPA, “Personal Information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household and includes, but is not limited to, the following if it identifies, relates to, describes, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly, with a particular consumer or household:

- identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, account name, social security number, driver’s license number, passport number, or other similar identifiers;
- any categories of personal information described in subdivision (e) of Section 1798.80 of the CCPA;
- characteristics of protected classifications under California or federal law;
- commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;
- Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer’s interaction with an internet website, application, or advertisement;
- audio, electronic, visual, or similar information;
- professional or employment-related information;

- education information, defined as information that is not publicly available personally identifiable information as defined in the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99); and
- inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

We act as a Service Provider to a business that provides us with your Personal Information, because we perform a specific service for them, pursuant to a written contract. We do not Sell (as defined under the CCPA) your Personal Information to any third party.

## **2. Entity responsible for processing your personal data**

Each FTA company is responsible for the use of personal data (as described below in section 3) it collects from you. For information relating to the particular data controller of your personal data, please see the list at the end of this Privacy Policy.

## **3. Collection and use of personal data**

Broadly speaking, personal data means any information that can identify an individual.

In the context of your relationship with FTA, we may collect and process different types of personal data about you through your relationship or interactions with our personnel or when you engage with us to provide services. This personal data may include:

- Identity Data such as your title, job title, company name, usernames, passwords;
- Contact Data such as your email, phone numbers, address;
- Finance Data such as your bank account and payment card details;
- Support Data such as information you provide to us as part of specific support cases such as log files, screen shots, sample data and customer management support ("CMS") packages;
- Marketing and Communications Data such as your preferences in receiving marketing from us and our third parties and your communication preferences;
- Sales Data such as information relating to your sales history with us; and
- Other information you choose to provide to us.

Where we need to collect personal data under the terms of a contract with you or in accordance with applicable law and you fail to provide that personal data when requested, we may not be able to perform the contract we have (or are trying to enter into) with you. In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

We may collect and use the above personal data about you for the following purposes:

- General business relationship management within FTA and for contractual purposes, including auditing the use of our services
- To provide support and assistance to customers in respect of our services;
- To ensure and protect the security of our services including preventing unauthorized access and preventing malicious software distribution;

- To manage our daily business activities, such as executing payments;
- To manage any queries, complaints or claims relating to the services you provide to FTA or that FTA provides to you;
- For direct marketing, advertising and public relations purposes, in connection with FTA's business activities, products and services (including to make recommendations about our services, product updates, surveys, referral programs, special offers, incentives, promotions, events and webinars), and to inform you about important developments within FTA. We may will also send you marketing material about our third-party business partners where their services are used in conjunction with our products;
- For product development purposes, to allow us to improve our products and services or develop new products and services;
- Where necessary to comply with laws and regulations, under judicial authorization, or to exercise or defend the legal rights of the FTA affiliated companies;
- To help us conduct our business more effectively and efficiently or check and improve the quality of our products and/or services;
- To carry out research and development with various FTA partners; and
- To investigate violations of law or breaches of other FTA policies.

We will only use your personal data for the purposes for which it was collected unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose for which it is collected. If we need to use your personal data for an unrelated purpose, we will notify you to explain the lawful basis which allows us to do so. We may also collect personal data from you when you use our websites.

#### **4. How your personal data is collected**

We use different methods to collect personal data including:

**A. Direct Interactions.** We collect information about you in our direct interactions with you. This may include when you:

- Use our services and we receive information generated through your use of the services either entered by you or others who use the services with you;
- Create an account with us that may be required for receipt and use of the services;
- Apply for our products and services;
- Request marketing and communications material; and
- Give us feedback or contact us.

**B. Third Parties.** We may receive information about you from other sources including publicly available websites, databases or third parties from whom we have purchased data only where we have checked that these third parties have a lawful basis to disclose your personal data to us. We may combine this data with information we already have about you. We may also receive information from FTA companies. This helps us to update, expand and analyze our records, identify new prospects for marketing and provide products and services that may be of interest to you. We may also use your personal data for other purposes that are not incompatible with the purposes we have disclosed to you if and where this is permitted by applicable data protection laws.

## **5. Sharing of Personal data**

We take care to allow access to personal data only to those who require such access to perform their tasks and duties, and to third parties who have a legitimate purpose for accessing it. Whenever we allow a third party to access personal data, we will implement appropriate measures to ensure the information is used in a manner consistent with this Privacy Policy and that the security and confidentiality of the information is maintained.

We may disclose your personal data to the following categories of recipients:

- FTA companies. We share your personal data between our affiliated companies to deliver high quality services and to share administrative and operational resources for the efficient running of the FTA business.
- Third party services providers and partners who provide data processing services to us (for example, to support the delivery of our services), or who otherwise process personal data for purposes that are described in this Privacy Policy or notified to you when we collect your personal data. These third parties include but are not limited to:
  - Professional advisors including lawyers, auditors, insurers and professional bodies;
  - IT and website service providers including Google Analytics, cloud service providers and data analysis service providers;
  - Marketing and CRM service providers, event organizers and PR agencies.
- Third-party service providers have access to personal data only to the extent required to perform their functions and wherever possible, they must process the personal data in accordance with this Privacy Policy and the additional data protection and privacy terms in our contract with them (which are no less onerous than the terms of this Privacy Policy).
- To any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person.
- To a potential buyer (and its agents and advisers) in connection with any proposed purchase, merger or acquisition of any part of our business, provided that we inform the buyer it must use your personal data only for the purposes disclosed in this Privacy Policy.
- To any other person if we have lawful ground to permit the disclosure (e.g. your consent).

We do not share your personal data with third parties except as described in this Privacy Policy and/or in accordance with the contractual terms agreed with you.

## **6. Lawful basis for using your personal data**

Our lawful basis for collecting and using the personal data described above will depend on the personal data concerned and the specific context in which we collect it.

We will normally collect personal data from you only where we have your consent to do so, where we need the personal data to perform a contract with you (i.e. to deliver our services or manage our business relationship with you), or where the processing is in our legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms.

If we collect and use your personal data in reliance on our legitimate interests (or those of any third party), we will make it clear to you at the relevant time what those legitimate interests are.

In some cases, we may need to process your personal data where required to comply with applicable laws. In such cases, the use of your personal data is necessary for us to comply with a statutory or contractual requirement. Without your personal data, we cannot manage our relationship with you, nor comply with applicable laws. In some very limited cases, we may also need your personal data to protect your vital interests or those of another person.

**Direct Marketing Communications** – We will only send direct marketing communications to you where we have your consent to do so or where the processing is in our legitimate interests and not overridden by your data protection interests or fundamental rights and freedoms. FTA has a legitimate interest to market its products and services to existing customers to promote brand awareness and increase sales. The processing of personal data is an integral part of direct marketing, without processing of such personal data, direct marketing would not be possible. FTA have assessed the purpose and necessity of such direct marketing communications and have concluded that considering the data retention and data minimization principles FTA adheres to, and the value of the direct marketing material to the recipient, your interests do not override the legitimate interest of FTA for the types of direct external communications FTA undertakes. FTA has concluded that it is reasonable for business personnel within the industry sectors in which it operates to expect that their business contact details be processed in this way. In the case of direct marketing, you have the right to request us not to use your personal data for these marketing purposes by opting out of receiving electronic communications by clicking on the unsubscribe link at the bottom of any such electronic communication.

Where we process your Personal Information (as defined under CCPA) for any direct marketing activities we do so in compliance with the CCPA, noting that we adhere to any marketing preferences chosen by you (as described above).

If you have questions about or need further information concerning the legal basis on which we collect and use your personal data, please use the contact details under the “How to contact us” provided below.

## **7. Security**

FTA maintains appropriate administrative, technical and physical safeguards designed to help maintain the confidentiality and integrity of your personal data and to protect it against accidental or unlawful destruction, accidental loss, unauthorized alteration, disclosure or access, misuse, and any other unlawful form of use of your personal data that FTA has in its possession. In adherence with data protection laws and internal policies, FTA addresses security at all appropriate technology infrastructure points.

FTA follows generally accepted standards to protect the personal data submitted to us, both during transmission and once it is received, however no security measure is perfect. To the extent that a password is required in relation to the services, you must safeguard your password, as it is one of the easiest ways you can manage the security of your own account – if you lose control over your password, you may lose control over your personal data.

FTA has put in place a Security Incident and Breach Response Procedure that deals with any suspected personal data breach and we will notify you and any applicable regulator of a breach where we are legally required to do so.

## **8. Retention of Personal data**

We keep your personal data only for a duration that is necessary for the purposes for which it was collected, to provide you with services, in accordance with our contract with you and where required or permitted under law. Generally, this means your personal data will be retained until the end of your contractual relationship with us and as long we have an ongoing legitimate business need to do so.

When we have no ongoing legitimate business need to process your personal data, we will either delete or anonymize it or, if this is not possible (for example, because your personal data has been stored in backup archives), we will securely store your personal data and isolate it from any further processing until deletion is possible.

In relation to direct marketing, we will retain personal data (only to the extent necessary) in order to ensure we respect your direct marketing opt out preferences.

## **9. Your Data Privacy Rights**

Where FTA acts as a data controller, you may have the following rights (subject to certain exceptions):

- Access, correct, delete, update, rectify or restrict your personal data, you can do so at any time by contacting us using the contact details provided under the “How to contact us” heading below.
- You can object to processing of your personal data, ask us to restrict processing of your personal data or request portability of your personal data. Again, you can exercise these rights by contacting us using the contact details provided under the “How to contact us” heading below.
- You have the right to 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 e-mails we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), please contact us using the contact details provided under the “How to contact us” heading below.
- If we have collected and processed your personal data with your consent, you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal data conducted in reliance on lawful processing grounds other than consent.

Due to the nature of our services, we may also process personal data relating to individuals with whom we do not have a direct relationship. The transfer of personal data from our customers (acting as data controller) to FTA (acting as data processor) is in compliance with applicable data protection laws. If you are an end user of one of our customers or in any other way connected to

our customers' use of the FTA services, please contact the relevant customer directly who will then liaise with FTA if legally required.

FTA will respond to your request within a reasonable time. Please note that we may ask you for further information in order to prove your identity before disclosing any personal data to you. This is a security measure to ensure that any personal data is not disclosed to a person who has no right to receive it. We may also contact you to ask for further information in relation to your request.

If you are unhappy with the way that FTA has handled your personal data, you have the right to make a complaint to the authority responsible for data protection in the country that you are based. Contact details should be available online or you may alternatively ask us for assistance.

## **10. Updates to this Privacy Policy**

We may update this Privacy Policy at any time to reflect changes to our information practices. We encourage you to periodically review this page for the latest information on our privacy practices. Any prior versions of this policy can be obtained by contacting us on [support@fintechautomation.com](mailto:support@fintechautomation.com)

## **11. How to contact us**

Please contact FTA using the below contact details if you have any questions about this Privacy Policy or FTA practices relating to privacy.

Attention: Security Officer  
Email: [support@fintechautomation.com](mailto:support@fintechautomation.com)  
Address:  
1601 Elm Street, Ste 4310  
Dallas, TX 75201  
Telephone: (214) 624-1007