



CYFERD

PRIVACY POLICY

1. **Scope**

- 1.1 This 'Cyferd – Privacy Policy' (this "**Policy**") applies to Customers and you (each as defined below) and describes how Cyferd Inc. ("**Cyferd**") processes personal data in connection with the Cyferd Product (each as defined below). This Policy is made in connection with the provision by Cyferd of Access to the Cyferd Product to its customers (including those whose Access to the Cyferd Product is/ was procured through a Cyferd Partner) (in this Policy each a "**Customer**") and all access and use of the Cyferd Website (as defined below). **Please note that where you (as an Authorized User) of a Customer access the Cyferd Product this Policy does not apply to how that Customer processes personal data in connection with your use of the Cyferd Product via that Customer's Tenancy(ies) (as defined below).**
- 1.2 In this Policy the "**Agreement**" means, in respect of the Customer in question, the master services agreement known as 'Cyferd – MSA (A) – 1 August 2024' entered into/ accepted by that Customer. The online version of the Agreement where accepted being found at <https://cyferd.com/cyferdcomm/us>.
- 1.3 This Policy is a Cyferd Policy and applies to, forms part of and is supplemental to the Agreement. The terms of Agreement shall apply to this Policy and are incorporated herein, *mutatis mutandis*, to this Policy.
- 1.4 For each Customer, this Policy together with the applicable Order Form, the Agreement, the other Cyferd Policies and any other applicable document that forms part of and/or is supplemental to the Agreement from time to time, applies to the subject matter of that Order Form and that Customer's Access to the Cyferd Product.
- 1.5 Unless otherwise noted or where the context otherwise requires, all capitalized terms used herein shall have the meanings set forth in the Agreement and the definitions document known as 'Cyferd – Definitions re MSA (A) – 1 August 2024' (<https://cyferd.com/cyferdcomm/us>).
- 1.6 In addition, in this Policy the following words and expressions shall have the following meaning unless the context otherwise requires:

"Cyferd Perimeter"

the boundaries of the Cyferd Product (namely the 'Cyferd platform') within which Cyferd takes responsibility (on the terms and subject to the conditions of the Agreement with each Customer) to provide service to Customers (namely Access to the Cyferd Product via Tenancy(ies))

"Cyferd Website"

together: (i) the website (including all content, web pages, sub-web pages and tools) owned and operated by Cyferd and accessible via the URL www.cyferd.com; (ii) and any other website(s) (including all content, web pages, sub-web pages and tools) apps and/or other online platforms owned and operated by Cyferd from time to time

"Data Protection Laws"

means all data protection and privacy laws applicable to the respective party in its role in the processing of Personal Data under the Agreement, including, where applicable, in the

EU, the GDPR and its implementing regulations, the UK GDPR and in the U.S., the California Consumer Privacy Act of 2018 (“CCPA”), the California Privacy Rights Act of 2020 (“CPRA”), the Virginia Consumer Data Protection Act of 2021, the Colorado Privacy Act of 2021, the Utah Consumer Privacy Act of 2022, and the Connecticut Data Privacy Act of 2022; and any laws which implement or supplement any such laws; and (iv) any laws that replace, extend, re-enact, consolidate or amend any of the foregoing

“GDPR”

means the General Data Protection Regulation, Regulation (EU) 2016/679, as it forms part of domestic law in the United Kingdom by virtue of section 3 of the European Union (Withdrawal) Act 2018 (including as further amended or modified by the laws of the United Kingdom or of a part of the United Kingdom from time to time)

“List of Sub-Processors”

means the latest version of the list of Sub-Processors used by Cyferd, as amended from time to time by Cyferd, which as at Order Acceptance is available at <https://cyferd.com/cyferdcomm/us>.

“personal data”

as defined in **paragraph 5.1**

“processing”

has the meaning given to that term in Data Protection Laws (and related terms such as “**process**”, “**processes**” and “**processed**” have corresponding meanings)

“you”, “your”

(in respect of the applicable Customer) means you as an Authorized User but also includes deemed references to “**you and that Customer**”, “**you and/or that Customer**” and/or “**that Customer on your behalf**”

1.7 The following terms defined in Cyferd’s **Data Protection Policy** (<https://cyferd.com/cyferdcomm/us>) (being a Cyferd Policy and as amended by Cyferd from time to time) shall have the same meaning in this Policy: “**Controller**”, “**Processor**”, “**Protected Data**”, “**Site Reliability Engineering**”, “**SRE Personnel**”, “**Sub-Processor**”.

2. Last Updated

This Policy was last updated on 1 August 2024. For previous versions of this Policy see <https://cyferd.com/cyferdcomm/us>.

3. Changes to this Policy

3.1 ***For any person who is not a Customer at the time of such posting*** - Cyferd shall, at its absolute discretion, be entitled to amend this Policy or any part of it by posting an updated version of this Policy at <https://cyferd.com/cyferdcomm/us> and such updates will be effective upon such posting or, if later, the ‘Last Updated’ date specified in such updated version of this Policy.

3.2 ***For any person who is a Customer at the time such Update Notification is made*** – Cyferd may at its absolute discretion make, and notify the Customer of, updated versions of this Policy by notifying the Customer of any such Update(s) by way of Update Notification in accordance with the Agreement. Such Update(s) will be effective in respect of the Customer in question in accordance with the applicable provisions of the Agreement.

3.3 If Cyferd makes any amendments to this Policy, it will change the ‘Last Updated’ date in **paragraph 2** above in such updated version of this Policy.

4. What is the purpose of this Policy?

- 4.1 This Policy provides information on how Cyferd collects and uses your personal data through your Access and/or the Customer in question's Access to the Cyferd Product, Cyferd Website and other related interactions (e.g. customer service enquiries, user conferences, etc.) you/ and/or such Customer may have with Cyferd from time to time.
- 4.2 If you do not agree with the terms of this Policy, you are not entitled to benefit from such Customer's Access to the Cyferd Product nor are you entitled to Access the Cyferd Product or Cyferd Website.
- 4.3 For the avoidance of doubt, this Policy is to be read in conjunction with the following other Cyferd Policies from time to time:
- 4.3.1 Cyferd's **Hosting Policy** (<https://cyferd.com/cyferdcomm/us>) – this applies to the hosting/ delivery of the Cyferd Product (including a Customer's Tenancy(ies)) and the provision of the Hosting Services by or on behalf of Cyferd.
 - 4.3.2 The **Data Protection Policy** – applies to the basis on how Cyferd (as Processor) will process Protected Data for a Customer (as Controller) in connection with Cyferd providing Access to the Cyferd Product to that Customer pursuant to the Agreement relating to that Customer.
 - 4.3.3 Cyferd's **Storage of and Access to Customer Data Policy** (<https://cyferd.com/cyferdcomm/us>) – applies to the storage of and access to Customer Data within the Cyferd Perimeter and the provision of the Database Services by or on behalf of Cyferd.

Such Cyferd Policies are referred to in this Policy.

- 4.4 For the avoidance of doubt, if there are any inconsistencies between this Policy and the Cyferd Policies referenced in **paragraphs 4.3.1 to 4.3.3** (inclusive), then the Cyferd Policies referred to in **paragraphs 4.3.1 to 4.3.3** (inclusive) shall prevail.
- 4.5 For the avoidance of doubt, this Policy is to be read in conjunction with Cyferd's **List of Sub-Processors**. Cyferd's **List of Sub-Processors** is referred to in this Policy.
- 4.6 For the avoidance of doubt, if there are any inconsistencies between this Policy and the **List of Sub-Processors**, then the **List of Sub-Processors** shall prevail.
- 4.7 The Cyferd Product and Cyferd Website are business tools. Each Customer (and you) as Accessing the Cyferd Product or Cyferd Website for the purposes of that Customer's business. Access to Cyferd Product or Cyferd Website is not intended for any unauthorized purpose.
- 4.8 Access to the Cyferd Product is not intended for any persons who are unauthorized persons. In respect of a Customer, all persons who Access the Cyferd Product for and on behalf of that Customer must be Authorized Users of that Customer. Cyferd does not knowingly collect and retain data relating to any such unauthorized persons.
- 4.9 Access to the Cyferd Product or Cyferd Website is not intended for any person(s) under the age of 18 (eighteen)/ children. Cyferd does not knowingly collect and retain data relating to any such person(s) under the age of 18 (eighteen)/ children.
- 4.10 Cyferd has an appointed Data Protection Officer ("**DPO**") who is responsible for overseeing questions in relation to this Policy. Should you have any questions or queries regarding this Policy, including any requests to exercise your legal rights set below, please contact the DPO using the contact details set out at the end of this Policy.
- 4.11 If you access our service using your NHS Care Identity credentials, the identity access and management services are managed solely by NHS Digital. NHS Digital is the controller for any information (personal or otherwise) that you have provided to NHS Digital in order to receive a national digital identity and to authenticate your claim to that identity. NHS Digital uses that personal information solely for that single purpose. For any personal information, Cyferd's role is simply that of a processor only and Cyferd must act under the instructions as provided by NHS Digital (as the controller) when verifying your identity. To see NHS Digital's Privacy notice and Terms and Conditions, please click <https://digital.nhs.uk/services/nhs-care-identity-service>.

5. The types of personal data Cyferd may collect about you

- 5.1 In this Policy, "**personal data**" means any information that identifies or can be used to identify an individual natural person. Further, the term "personal information" as defined in the CCPA shall have the same meaning as personal data used herein.
- 5.2 Cyferd may collect, use, store and/or transfer different types of personal data/ data about you which Cyferd has grouped as follows:

- 5.2.1 **“Identity Data”** includes, but is not limited to, first name(s), last name(s), entity name(s), any previous name(s), username(s) or similar identifier, marital status (where applicable), title, date of birth and gender;
 - 5.2.2 **“Contact Data”** includes, but is not limited to, billing address, delivery address, address, email address, and telephone numbers;
 - 5.2.3 **“Financial Data”** includes, but is not limited to, bank account and payment card details;
 - 5.2.4 **“Transaction Data”** includes, but is not limited to, details about payments to and from you and other details of products and services you have purchased from Cyferd;
 - 5.2.5 **“Technical Data”** includes, but is not limited to, internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, device ID and other technology on the devices you use to access the Cyferd Product or Cyferd Website;
 - 5.2.6 **“Profile Data”** includes, but is not limited to, your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses;
 - 5.2.7 **“Usage Data”** includes, but is not limited to, information about how you interact with and use the Cyferd Product or Cyferd Website; and
 - 5.2.8 **“Marketing and Communications Data”** includes, but is not limited to, your preferences in receiving marketing from Cyferd and its third-parties and your communication preferences.
- 5.3 Personal data could be Customer Data. Likewise, Customer Data could be personal data. Not all Customer Data will be personal data. For the avoidance of doubt, some of the data classes referred to in **paragraph 5.2** may be Customer Data which is not personal data where it relates solely to the Customer and where that Customer is an entity.
- 5.4 Cyferd also collects, uses and shares aggregated data such as statistical or demographic data which is not personal data as it cannot be used to identify you nor does it directly (or indirectly) reveal your identity. For example, Cyferd may aggregate individuals’ Usage Data to calculate the percentage of Authorized Users accessing a specific feature of the Cyferd Product or Cyferd Website in order to analyze general trends in how Authorized Users are interacting with the Cyferd Product or Cyferd Website to help improve the Cyferd Product and/or Cyferd Website.
- 5.5 Subject to **paragraph 5.6**, Cyferd will not knowingly collect any **“Special Categories of Personal Data”** about you (meaning and including details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data and, criminal convictions and offences).
- 5.6 The Customer (for whom you are an Authorized User) may collect personal data and/or Special Categories of Personal Data about you as Customer Data (for example in its ‘HR’ App). Cyferd as the provider of the Cyferd Product would be a Processor in this regard. All details in the **Data Protection Policy** in respect of Cyferd acting as a Processor and its Sub-Processors apply in this Policy as if it was set out in this Policy and applied to you and your personal data.

6. How is your personal data collected?

Cyferd uses different methods to collect data from and about you including through:

- 6.1 Your interactions with Cyferd. You may give Cyferd your personal data by filling in online forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you give us feedback or contact us.
- 6.2 Your use of the Cyferd Website.
- 6.3 Your Access to the Cyferd Product (including any Tenancy(ies), App(s) and/or Feature(s)). Where such personal data amounts to Customer Data then it should be noted that Cyferd is not (and its staff are not) permitted to access such Customer Data unless expressly authorized by the Customer in question as an Authorized User. Please refer to the **Storage of and Access to Customer Data Policy** for more details in this regard. In this regard Cyferd is a Processor.
- 6.4 The Customer (for whom you are an Authorized User) or on its behalf (from another Authorized User/Administrator) interacting with Cyferd. That Customer may give Cyferd your personal data by in connection with it becoming a Customer and/or being a Customer.
- 6.5 Automated technologies or interactions. As you interact with the Cyferd Product or Cyferd Website, Cyferd will automatically collect Technical Data about or relating to you. This could include that about your equipment, browsing actions and patterns. Cyferd collects this personal data by using cookies, server logs and other similar technologies. Cyferd may also receive Technical Data about you if you visit other websites employing our cookies.

6.6 Third-parties or publicly available sources. Cyferd could receive personal data about you from various third-parties and public sources. This could include Cyferd Partners.

7. How will Cyferd use the information it collects about you?

7.1 The law requires Cyferd to have a legal basis for collecting and using your personal data. Cyferd relies on one or more of the following legal bases:

7.1.1 **Performance of a contract with you/ the Customer (for whom you are an Authorized User) “Contract Performance”**: meaning where Cyferd needs to perform the contract it is about to enter into or has entered into with you/ the Customer (for whom you are an Authorized User).

7.1.2 **“Legitimate Interests”**: meaning Cyferd may use your personal data where it is necessary to conduct its business and pursue its legitimate business interests, for example to prevent fraud and enable Cyferd to give you the best and most secure customer/ user experience. Cyferd makes sure it considers and balances any potential impact on you and your rights (both positive and negative) before it processes your personal data for its legitimate interests. Cyferd does not use your personal data for activities where its interests are overridden by the impact on you (unless Cyferd has your consent or is otherwise required or permitted to by law).

7.1.3 **“Legal Obligation”**: meaning Cyferd may use your personal data where it is necessary for compliance with a legal obligation that Cyferd is subject to. Cyferd will identify the relevant legal obligation when it relies on this legal basis.

7.1.4 **“Consent”**: meaning Cyferd relies on consent only where it has obtained your active agreement to use your personal data for a specified purpose, for example if you subscribe to an email newsletter.

7.2 Cyferd will use your personal data for a number of purposes including, but not limited to, the following:

7.2.1 To provide the Customer in question (and its Authorized Users (including you)) with Access to the Cyferd Product and to maintain that Access (re Contract Performance). This includes the provision by Cyferd of the Hosting Services, the Database Services and the Standard Support Services. This also includes the activities of the Site Reliability Engineering.

7.2.2 To manage our relationship with you which will include:

7.2.2.1 notifying you about changes to the Agreement and/or any Cyferd Policy (including this Policy); and/or

7.2.2.2 to respond to your requests and enquiries (including any complaints).

7.2.3 To administer and protect Cyferd’s business and the Cyferd Product and the Cyferd Website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data).

7.2.4 To use data analytics to improve the Cyferd Product, Cyferd Website and any other of Cyferd’s products/services, customer relationships and experiences and to measure the effectiveness of our communications and marketing.

7.2.5 To carry out market research through your voluntary participation in surveys.

7.2.6 To provide Professional Services to you.

7.2.7 To introduce you to a Cyferd Partner for the provision of Professional Services.

7.2.8 To use IP addresses to identify the location of users, to block disruptive use, to establish the number of visits from different countries and to determine whether you are accessing the services from a specific country/region or not, if not, you may be re-directed.

7.3 Where Cyferd proposes using your personal data for any other uses it will ensure that it notifies you first. You will also be given the opportunity to withhold or withdraw your consent for the use of your personal information for purposes other than those listed above.

7.4 In the preceding 12 (twelve) months, Cyferd collected and disclosed for a business purpose the following categories of personal information about California consumers:

Category	Examples	Collected?	Categories of Recipients
Identifiers	Name, address, e-mail address, IP address	Yes	i.e., Organizations providing services to Cyferd
Personal information categories listed in the	Name, professional-related information; and	Yes	i.e., Organizations providing services to Cyferd

California Customer Records statute	employment-related information		
Protected classification characteristics under California or federal law	Name, age, citizenship, nationality, ancestry, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, proof of eligibility to work	Yes	i.e., Organizations providing services to Cyferd
Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	No	i.e., Organizations providing services to Cyferd
Internet or other similar network activity	Browsing history, search history, information on a consumer's interaction with the Cyferd Website	No	i.e., Organizations providing services to Cyferd
Geolocation data	Location and movement data	No	i.e., Organizations providing services to Cyferd
Professional or employment-related information	Proof of eligibility to work, resumé, other professional-related information and employment-related information	No	i.e., Organizations providing services to Cyferd
Biometric information	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	No	i.e., Organizations providing services to Cyferd
Non-Public Education Information	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records	No	i.e., Organizations providing services to Cyferd
Inferences from the foregoing	Profile reflecting a person's preferences,	No	i.e., Organizations providing services to Cyferd

	characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.		
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8. Disclosures of your personal data

- 8.1 Cyferd may share your personal data where necessary with the parties set out below for the purposes set out in **paragraph 7**: Those parties may include:
 - 8.1.1 the Customer (for whom you are an Authorized User)/ other Authorized Users of that Customer;
 - 8.1.2 Cyferd’s management, employees, workers, contractors and other personnel involved in providing Access to the Cyferd Product or Cyferd Website;
 - 8.1.3 Cyferd Partners;
 - 8.1.4 Cyferd’s Sub-Processors;
 - 8.1.5 the SRE Personnel;
 - 8.1.6 those persons operating Cyferd’s Standard Support Services from time to time;
 - 8.1.7 other members of Cyferd’s group of companies;
 - 8.1.8 Cyferd’s professional advisors (including accounting, legal, tax, regulatory);
 - 8.1.9 Cyferd’s funders/ investors / shareholders for reporting purposes;
 - 8.1.10 providers of third-party products used by Cyferd and/or by the Customer in question in connection with the Cyferd Product (including in connection with any Feature) or Cyferd Website;
 - 8.1.11 persons to whom Cyferd is required by law to disclose the same;
 - 8.1.12 other persons where you have provided consent to Cyferd for such disclosure; and/or
 - 8.1.13 third-parties to whom Cyferd may choose to sell, transfer or merge parts of its business or its assets. Alternatively, Cyferd may seek to acquire other businesses or merge with them. If a change happens to Cyferd’s business, then the new owners may use your personal data in the same way as set out in this Policy.
- 8.2 Cyferd require all third-parties to respect the security of your personal data and to treat it in accordance with this Policy and Data Protection Laws. Cyferd does not allow our third-party service providers to use your personal data for their own purposes and only permits them to process your personal data for specified purposes and in accordance with Cyferd’s instructions. Please refer to the **Data Protection Policy** for further details in this regard.
- 8.3 If Cyferd needs your consent, it will:
 - 8.3.1 explain why it needs to share your personal information;
 - 8.3.2 explain the purpose for which it will be sharing it;
 - 8.3.3 provide you with details of the third-party; and
 - 8.3.4 obtain your explicit consent for such disclosure.

9. Tracking Technologies (Cyferd Website)

- 9.1 This **paragraph 9** does not apply to your Access to the Cyferd Product or a Customer’s Access to the Cyferd Product.
- 9.2 Cyferd may use tools outlined below in order to provide the Cyferd Website, advertise to, and better understand users.
 - 9.2.1 **Cookies:** “**Cookies**” are small computer files transferred to your device that contain information such as user ID, user preferences, lists of pages visited and activities conducted while using the Cyferd Website. Cyferd uses Cookies to: (i) improve and tailor the Cyferd Website, (ii) customize advertisements, (iii) measure performance, (iv) store authentication so re-entering credentials is not required, (v) customize user experiences, and for (vi) analytics and fraud prevention. For more information on Cookies, including how to control your Cookie settings and preferences, visit <http://www.allaboutCookies.org>. You can also

manage Cookies in your web browser (for example, Edge, Explorer, Chrome, Safari). If you choose to change your settings, you may find that certain functions or features of the Cyferd Website will not work as intended. The following details the types of Cookies Cyferd uses and why Cyferd uses them:

- 9.2.1.1 *Absolutely necessary Cookies.* These Cookies are essential to enable you to move around a website and use its features. Without these Cookies, services you have asked for, like adding items to an online order, cannot be provided.
- 9.2.1.2 *Performance Cookies.* These Cookies collect information about how you use the Cyferd Website. Information collected includes, the Internet browsers and operating systems used, the domain name of the website previously visited, the number of visits, average duration of visit, and pages viewed. These Cookies do not collect information that personally identifies you and only collect aggregated and anonymous information. Performance Cookies are used to improve the user-friendliness of a website and enhance your experience.
- 9.2.1.3 *Functionality Cookies.* These Cookies allow the Cyferd Website to remember choices you make (such as your username, language preference, or the area or region you are in) and provide enhanced, more personal features. These Cookies can also be used to remember changes you have made to text size, fonts, and other customizable parts of the Cyferd Website. The information these Cookies collect may be anonymized, and they cannot track your browsing activity on other websites.
- 9.2.2 **Web Beacons: “Web Beacons”** (a.k.a. clear GIFs or pixel tags) are tiny graphic image files embedded in a web page or email that may be used to collect information about the use of the Cyferd Website. The information collected by Web Beacons allows Cyferd to analyze how many people are using the Cyferd Website, using selected publishers’ websites, or opening emails, and for what purpose.
- 9.2.3 **Web Service Analytics:** Cyferd may use third-party analytics services in connection with the Cyferd Website, including, for example, to register mouse clicks, mouse movements, scrolling activity and text typed into the Cyferd Website. Cyferd uses the information collected from these services to help make the Cyferd Website easier to use and as otherwise set forth in **paragraph 7**. These analytics services generally do not collect personal information unless you voluntarily provide it.
- 9.2.4 **Mobile Device Identifiers:** As with other Tracking Tools, mobile device identifiers help Cyferd learn more about Cyferd’s users’ demographics and Internet behaviors in order to personalize and improve the Cyferd Website. Mobile device identifiers are data stored on mobile devices that may track activities occurring on and through it, as well as the applications installed on it. Mobile device identifiers enable collection of personal information (such as media access control, address, and location) and Traffic Data.
- 9.3 **Behavioral Advertising:** Cyferd may use a type of advertising commonly known as interest-based or online behavioral advertising. This means that some of our partners use Tracking Tools to collect information about a user’s online activities to display Cyferd ads to the user based on the user’s interests (“**Behavioral Advertising**”). Cyferd’s partners may include third-party advertisers and other third-party service providers, and such partners may collect information when you use the Cyferd Website, such as IP address, mobile device ID, operating system, and demographic information. These Tracking Tools help Cyferd learn more about Cyferd’s users’ demographics and Internet behaviors.
- 9.4 **Options for Opting out of Cookies and Mobile Device Identifiers:**
 - 9.4.1 If Cyferd processes Cookies based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any point in time through use of the cookie consent form on the Cyferd Website, or alternatively, by contacting Cyferd at privacy@cyferd.com. Please note, if you exercise this right, you may have to provide your consent on a case-by-case basis to enable you to utilize some or all of the Cyferd Website. You may be able to reject Cookies and/or mobile device identifiers by activating the appropriate setting on your browser or device. Although you are not required to accept Cyferd’s Cookies or mobile device identifiers, if you block or reject them, you may not have access to all features available through the Cyferd Website.
 - 9.4.2 You may opt out of receiving certain Cookies by visiting the Network Advertising Initiative (NAI) opt out page or the Digital Advertising Alliance (DAA) opt out page, or by installing the DAA’s AppChoices app (for iOS; for Android) on your mobile device. When you use these opt-out features, an “opt-out” Cookie will be placed on your device indicating that you do not

want to receive interest-based advertising from NAI or DAA member companies. If you delete Cookies on your device, you may need to opt out again. For information about how to opt out of interest-based advertising on mobile devices, please visit <http://www.applicationprivacy.org/expressing-your-behavioral-advertising-choices-on-a-mobile-device>. You will need to opt out of each browser and device for which you desire to apply these opt-out features.

9.4.3 Even after opting out of Behavioral Advertising, you may still see Cyferd advertisements that are not interest-based (i.e., not targeted towards you). Also, opting out does not mean that Cyferd is no longer using Tracking Tools. Cyferd still may collect information about your use of the Cyferd Website even after you have opted out of Behavioral Advertising and may still serve advertisements to you via the Cyferd Website based on information it collects through the Cyferd Website.

9.4.4 This Policy does not cover the use of Cookies and other Tracking Tools by any third parties, and Cyferd is not responsible for the privacy practices of any third party. Please be aware that some third-party Cookies can continue to track your activities online even after you have left the Cyferd Website.

9.5 **Do Not Track and Universal Opt-Out Preference Signals:**

9.5.1 Some web browsers (including Safari, Internet Explorer, Firefox, and Chrome) incorporate a “Do Not Track” (DNT) or similar feature that signals to web services that a visitor does not want to have their online activity and behavior tracked. If a web service operator elects to respond to a particular DNT signal, the web service operator may refrain from collecting certain personal information about the browser’s user. Not all browsers offer a DNT option and there is currently no industry consensus as to what constitutes a DNT signal. For these reasons, many web service operators, including Cyferd, do not proactively respond to DNT signals. For more information about DNT signals, visit <http://allaboutdnt.com>.

9.5.2 New standards are being developed for a Universal Opt-Out Mechanism, such as the Global Privacy Control (GPC), which allow users with GPC-enabled browsers and devices to send a signal that will communicate the user’s request to opt-out of sales of their personal information and to opt-out of certain sharing of their personal information. The CPRA and other laws allow for the acceptance of Opt-Out Preference Signals such as the GPC, as an option for users to transmit an Opt-Out of selling/sharing personal information. If Cyferd detect and recognize such a signal from your device or browser, Cyferd will honor it.

9.6 **Artificial Intelligence:**

9.6.1 Cyferd employs artificial intelligence (“AI”) technologies (“AI Systems”) to enhance the performance and functionality of the Cyferd Website which includes tailoring your experience through automated processing based on your activity using the Cyferd Website. The AI Systems work by analyzing your usage patterns, preferences, and other interactions within Cyferd’s services to predict your interests and preferences. The insights gathered

- allow Cyferd to improve Cyferd's service offerings, provide personalized content and advertising, and enhance user satisfaction.
- 9.6.2 By using the Cyferd Website, you consent to the use of AI as described in this Policy. Cyferd encourages you to review your privacy settings regularly to ensure they continue to reflect your preferences.
- 9.6.3 For more information on your rights and how Cyferd uses AI please contact Cyferd at privacy@cyferd.com.
- 9.7 **Data Collection by AI Systems:** Cyferd's AI Systems collect data that you provide directly or indirectly through your interactions with the Cyferd Website. The data collected may include, but is not limited to:
- 9.7.1 Usage data, such as the pages you visit, the links you click on, and the searches you conduct on the Cyferd Website.
- 9.7.2 Device and connection information, including your IP address, browser type, language, and cookies that uniquely identify your browser or account.
- 9.7.3 Location information, determined through data such as your IP address or device's GPS signal.
- 9.8 **User Rights and Control:** You have the right to:
- 9.8.1 Opt-out of certain uses of your data, including profiling activities for personalized content or advertising.
- 9.8.2 Access the personal data that the AI Systems use or contribute to, and request rectification or erasure of such data.
- 9.8.3 Receive information about the logic involved in any automated decisions, as well as the significance and the envisaged consequences of such processing for you.
- 9.9 **Safeguards and Oversight:** Cyferd is committed to using AI responsibly. To this end, Cyferd implements the following safeguards:
- 9.9.1 Regular auditing of Cyferd's AI Systems for accuracy, fairness, and effectiveness.
- 9.9.2 Human oversight to monitor AI decision-making and intervene as necessary to address anomalies or biases.
- 9.9.3 Compliance with privacy regulations, ensuring that data used by AI is processed lawfully, transparently, and securely.
- 10. Tracking Technologies (Cyferd Product)**
- 10.1 This **paragraph 10** only applies to your Access to the Cyferd Product or a Customer's Access to the Cyferd Product. **Please note that where you (as an Authorized User) of a Customer access the Cyferd Product this Policy does not apply to how that Customer processes personal data in connection with your use of the Cyferd Product via that Customer's Tenancy(ies).**
- 10.2 Cyferd may use tools outlined below in order to provide the Cyferd Product and enable Access by users.
- 10.2.1 **Cookies:** Cyferd uses Cookies to: (i) improve and tailor the Cyferd Product, (ii) measure performance, (iii) store authentication so re-entering credentials is not required, (iv) customize user experiences, and for (v) analytics and fraud prevention. For more information on Cookies, including how to control your Cookie settings and preferences, visit <http://www.allaboutcookies.org>. You can also manage Cookies in your web browser (for example, Edge, Explorer, Chrome, Safari). If you choose to change your settings, you may find that certain functions or features of the Cyferd Product will not work as intended. The following details the types of Cookies Cyferd uses and why Cyferd uses them:
- 10.2.1.1 *Absolutely necessary Cookies.* These Cookies are essential to enable you to move around the Cyferd Product and use its features. Without these Cookies, services you have asked for, like adding items to an online order, cannot be provided.
- 10.2.1.2 *Performance Cookies.* These Cookies collect information about how you use the Cyferd Product. Information collected includes, the Internet browsers and operating systems used, the domain name of the website previously visited, the number of visits, average duration of visit, and pages viewed. These Cookies do not collect information that personally identifies you and only collect aggregated and anonymous information. Performance

Cookies are used to improve the user-friendliness of the Cyferd Product and enhance your experience.

10.2.1.3 **Functionality Cookies.** These Cookies allow the Cyferd Product to remember choices you make (such as your username, language preference, or the area or region you are in) and provide enhanced, more personal features. These Cookies can also be used to remember changes you have made to text size, fonts, and other customizable parts of the Cyferd Product. The information these Cookies collect may be anonymized, and they cannot track your browsing activity on other websites.

10.2.2 **Web Service Analytics:** Cyferd may use third-party analytics services in connection with the Cyferd Product, including, for example, to register mouse clicks, mouse movements, scrolling activity and text typed into the Cyferd Product. Cyferd uses the information collected from these services to help make the Cyferd Product easier to use and as otherwise set forth in **paragraph 7**. These analytics services generally do not collect personal information unless you voluntarily provide it.

10.2.3 **Mobile Device Identifiers:** As with other Tracking Tools, mobile device identifiers help Cyferd manage a Cyferd users' mobile access. Mobile device identifiers are data stored on mobile devices that may track activities occurring on and through it, as well as the applications installed on it. Mobile device identifiers enable collection of personal information (such as media access control and address).

10.3 **Artificial Intelligence:**

10.3.1 Cyferd employs AI Systems to enhance the performance and functionality of the Cyferd Product which includes tailoring your experience through automated processing based on your activity using the Cyferd Product. The AI Systems work by analyzing your usage patterns and other interactions within Cyferd's services to predict optimizations and suggestions for improvements. The insights gathered allow Cyferd to improve Cyferd's

service offerings, provide enhancements to the system and offer suggestions for Customer's tenancies and applications.

10.3.2 By using the Cyferd Product, you consent to the use of AI as described in this Policy.

10.3.3 For more information on your rights and how Cyferd uses AI, or if you have any concerns about automated decision-making processes, please contact Cyferd at privacy@cyferd.com.

10.4 **Data Collection by AI Systems:** Cyferd's AI Systems collect data that you provide directly or indirectly through your interactions with the Cyferd Product. The data collected may include, but is not limited to:

10.4.1 Usage data, such as interactions with views, flows and integrations and the searches you conduct on the Cyferd Product.

10.4.2 Device and connection information, including your IP address, browser type, language, and cookies that uniquely identify your browser or account.

10.4.3 Location information, determined through data such as your IP address.

10.5 **Safeguards and Oversight:** Cyferd is committed to using AI responsibly. To this end, Cyferd implements the following safeguards:

10.5.1 Regular auditing of Cyferd's AI Systems for accuracy, fairness, and effectiveness.

10.5.2 Human oversight to monitor AI decision-making and intervene as necessary to address anomalies or biases.

10.5.3 Compliance with privacy regulations, ensuring that data used by AI is processed lawfully, transparently, and securely.

11. **International Transfers**

11.1 All details in the **Data Protection Policy** in respect of international transfers of personal data apply in this Policy as if it was set out in this Policy and applied to you and your personal data.

11.2 In addition, Cyferd shares your personal data within its group of companies. This may involve transferring your data outside of your country to Cyferd's overseas offices.

11.3 Whenever Cyferd transfers your personal data out of your country to countries which have laws that do not provide the same level of data protection as the UK law, Cyferd always ensures that it has an appropriate transfer mechanism and a similar degree of protection is afforded to it by ensuring that appropriate safeguards are implemented. Details of the appropriate safeguards are set out in the **Data Protection Policy**.

12. **Data security**

12.1 Cyferd has put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, Cyferd limits access to your personal data to those employees, agents, contractors and other third-parties who have a business need to know. They will only process your personal data on Cyferd's instructions and they are subject to a duty of confidentiality.

12.2 Cyferd has put in place procedures to deal with any suspected personal data incident and will notify you and any applicable regulator of such incident where Cyferd is legally required to do so.

12.3 Such technical and security measures of Cyferd are reviewed routinely.

12.4 Cyferd's approach to data security is validated by its internal security audit and external security audits.

12.5 Please also refer to the **Hosting Policy** and the **Security of and Access to Customer Data Policy** for further details about Cyferd's data security.

13. **Data retention**

13.1 Cyferd will only retain your personal data for as long as reasonably necessary to fulfil the purposes Cyferd collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. Cyferd may retain your personal data for a longer period in the event of a complaint or if it reasonably believes there is a prospect of litigation in respect to its relationship with you/ the Customer in question.

13.2 To determine the appropriate retention period for personal data, Cyferd considers 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 Cyferd processes your personal data and whether Cyferd can achieve those purposes through other means, and the applicable legal, regulatory, tax, accounting or other requirements.

13.3 In some circumstances you can ask us to irrevocably delete your data: see **paragraph 14.2.3** for further information.

14. Your legal rights

14.1 You have a number of rights under Data Protection Laws in relation to your personal data. **Please note that where you (as an Authorized User) of a Customer access the Cyferd Product this Policy does not apply to how that Customer processes personal data in connection with your use of the Cyferd Product via that Customer's Tenancy(ies).**

14.2 You have the right to:

14.2.1 Request access to your personal data (commonly known as a "subject access request"). This enables you to receive a copy of the personal data Cyferd holds about you and to check that Cyferd is lawfully processing it.

14.2.2 Request correction of the personal data that Cyferd holds about you. This enables you to have any incomplete or inaccurate data Cyferd holds about you corrected, though Cyferd may need to verify the accuracy of the new data you provide to Cyferd.

14.2.3 Request erasure of your personal data in certain circumstances. This enables you to ask Cyferd to delete or remove personal data where there is no good reason for Cyferd continuing to process it. You also have the right to ask Cyferd to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where Cyferd may have processed your information unlawfully or where Cyferd is required to erase your personal data to comply with local law. Note, however, that Cyferd 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.

14.2.4 Object to processing of your personal data where Cyferd is relying on a Legitimate Interest (or those of a third-party) as the legal basis for that particular use of your data (including carrying out profiling based on Cyferd's Legitimate Interests). In some cases, Cyferd may demonstrate that it has compelling legitimate grounds to process your information which override your right to object.

14.2.5 You also have the absolute right to object at any time to the processing of your personal data for direct marketing purposes.

14.2.6 Request the transfer of your personal data to you or to a third-party. Cyferd 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 Cyferd to use or where Cyferd used the information to perform a contract with you.

14.2.7 Withdraw consent at any time where Cyferd is relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, Cyferd may not be able to provide certain products or services to you. Cyferd will advise you if this is the case at the time you withdraw your consent.

14.2.8 Request restriction of processing of your personal data. This enables you to ask Cyferd to suspend the processing of your personal data in one of the following scenarios:

14.2.8.1 if you want Cyferd to establish the data's accuracy;

14.2.8.2 where Cyferd's use of the data is unlawful but you do not want Cyferd to erase it;

14.2.8.3 where you need Cyferd to hold the data even if it no longer requires it as you need it to establish, exercise or defend legal claims; or

14.2.8.4 you have objected to Cyferd's use of your data but Cyferd needs to verify whether it has overriding legitimate grounds to use it.

14.3 If you wish to exercise any of the rights set out above, please contact Cyferd (see Contact details at **paragraph 18**).

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

14.5 Cyferd may need to request specific information from you to help Cyferd 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. Cyferd may also contact you to ask you for further information in relation to your request to speed up its response.

15. Third-party links

The Cyferd Product or the Cyferd Website may have third-party applications or software that integrate with the Cyferd Product or the Cyferd Website and/or may include links to third-party websites and/or, plug-ins, products, software, services, business and/or applications. Clicking on such links or enabling any such connections may allow third-parties to collect, store, access or share your data. Cyferd does **not** control these third-party websites, applications or software and are not responsible for their privacy statements or practices.

16. Changes to your personal data

It is important that the personal data Cyferd holds about you is accurate and current. You are solely responsible for keeping Cyferd informed if your personal data changes during your relationship with Cyferd, for example a new address or email address.

17. Complaints

You have the right to lodge a complaint at any time to the Information Commissioner's Office ("ICO"), the UK regulator for data protection issues (www.ico.org.uk). Cyferd would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance and Cyferd will try its best to resolve your complaint.

18. Contact Details

If you have any questions about this Policy or Cyferd's privacy practices, please contact Cyferd's DPO in the following ways: Full name of legal entity:

18.1 **Full name of legal entity:** Cyferd Inc.

18.2 **Email address:** privacy@cyferd.com.

18.3 **Postal address:** 16192 Coastal Highway, Lewes, Delaware 19958, County of Sussex, United States of America.

19. Failure to comply with/ breach of this Policy by the Customer

Without limiting anything else herein or in the Agreement, if Customer fails to comply with and/or otherwise breaches any term(s) of this Policy, then such failure to comply/breach will be considered to be a material breach by the Customer of the Agreement, and for which Cyferd shall be entitled to, without limitation, exercise all available rights and remedies under the Agreement.

[End of Policy]