

Privacy Policy

Last updated: October 9, 2023

At Swiftly, Inc. (together with our subsidiaries and affiliates, “**Swiftly**,” “**we**,” “**us**,” or “**our**”), we take your privacy seriously. Please read this privacy policy (“**Privacy Policy**”) to learn how we may collect, use, and share your personal data in connection with the Swiftly platform (the “**Platform**”), available through our website at <https://www.goswift.ly/>, and any other websites operated by Swiftly that link to this Privacy Policy (collectively, the “**Website**”), and our mobile application (the “**App**”). The Swiftly platform provides individual end users (“**Users**”) with the ability to access material, information, and content (collectively, “**Content**”), and our related services, products, social media pages, and email and other electronic communications (collectively, the “**Services**”) (the Content and Services are incorporated into the Platform for purposes of this Privacy Policy).

You may print a copy of this Privacy Policy. You may also access this Privacy Policy in an alternative format by contacting us using the information at the end of this Privacy Policy.

This Privacy Policy does not apply to the extent that we process personal data in the role of a processor (or a comparable role) on behalf of our customers, including where we offer to our customers various software-as-a-service products, through which our customers collect, use, share or process personal data via our Platform. If your personal data has been submitted to us by or on behalf of one of our customers and you wish to exercise any rights you may have under applicable law, please inquire with the applicable customer directly.

Personal data we collect

Personal data collected

We may collect the following categories of personal data about you. We may also collect other personal data that is not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

- **Business contact information**, such as your name and job title, and your company’s name, email address, telephone number, and mailing address.
- **Account information**, such as account name, log-in details, information that you store in your account, records of products and services purchased, and other details about your use of the Platform.
- **Billing information**, such as bank account number, credit or debit card number, or financial account details used for payments. Payment processing services connected with your use of the Platform may be provided to you by us or our third-party payment processors.
- **Marketing information**, such as Content and Services accessed on or through the Platform, any marketing or communications preferences, and details about how you engage with our communications.
- **Survey responses**, such as the information you provide in response to our surveys or questionnaires should you choose to identify yourself.

- **Communications**, such as the information associated with your requests or inquiries, including for support, assistance, or order information, and any feedback you provide when you communicate with us. We and our service provider may also record or monitor any call or chat you have with us for quality control or training purposes, or to enforce our rights.
- **Online activity information**, such as the website you visited before browsing to the Service, pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and duration of access.
- **Device information**, such as your computer or mobile device operating system type and version number, wireless carrier, manufacturer and model, browser type, screen resolution, IP address, unique identifiers, and general location information such as city, state, or geographic area.

Unless we specifically request it, we ask that you not provide us with any sensitive personal data (e.g., information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Platform, or otherwise to us.

Sources of personal data

We collect personal data about you from the following categories of sources:

- **Information from you:** Swiftly collects personal data when you voluntarily submit it to us, such as when you fill out a form on the Website or communicate with us.
- **Information from third parties:** Swiftly collects personal data from third parties, such as our service providers, advertising partners, data analytics partners, operating systems and platforms, publicly available sources, or data licensors/providers. We may merge or combine such personal data with the personal data we collect from you directly or automatically.
- **Information automatically collected:** We, our service providers, and advertising partners may automatically log information about you, your computer, or mobile device, and your activity over time on our Platform and other sites and online services, such as the online activity information and device information listed above. Like many online services, we use cookies and similar technologies to facilitate some of the automatic data collection described above, such as:
 - *Cookies*, which are text files that websites store on a visitor's device to uniquely identify the visitor's browser or to store information or settings in the browser for the purpose of helping you navigate between pages efficiently, remembering your preferences, enabling functionality, helping us understand user activity and patterns, and facilitating online advertising.
 - *Flash cookies*, or locally-stored objects, which are used on websites for purposes similar to cookies but allow storage of a larger amount of data.
 - *Web beacons*, also known as pixel tags or clear GIFs, which are typically used to demonstrate that a webpage or email was accessed or opened, or that certain

content was viewed or clicked, typically to compile statistics about usage of websites and the success of marketing campaigns.

- o *Session-replay technologies*, which are third-party software used to record a video replay of users' interactions with the Platform. The video replay may include users' clicks, mouse movements, scrolls, mobile app touches, typing, and other activity taken during the session. We use these replays for research and development purposes, such as to help us troubleshoot problems with the Platform, understand how users interact with and use the Platform, and identify areas for improvement.
- o *Software development kits*, or SDKs, are third-party computer codes used in connection with the App for a variety of purposes, including to provide us with analytics regarding the use of the App, to add features or functionality to the App, or to facilitate online advertising. SDKs may enable third parties to collect information directly via the App.

For more information, please click the "cookie settings" icon in the lower left-hand corner of the website.

- **Information from referrals:** Users of the Platform may have the opportunity to refer colleagues or other contacts to us and share their contact information. Please do not provide us with someone's contact information unless you have their permission to do so.

How we use your personal data

We primarily process personal data to operate, improve, understand and personalize the Platform. We also use personal data for the following purposes and as otherwise described in this Privacy Policy or at the time of collection:

- **Provide our Platform:** We use personal data to provide our Platform and Services to you and to operate our business. For example, we use personal data to:
 - o Create and manage your account or other user profiles.
 - o Fulfill our obligations under any master services or licensing agreement.
 - o Process your payment for the Services and process orders or other transactions.
 - o communicate with you about the Services, including Service announcements, updates or offers.
 - o Respond to your customer support requests, including to respond to user inquiries, fulfill user requests, and otherwise provide support and assistance for the Services.
 - o Understand your interests and otherwise personalize Website content and communications based on your preferences.
 - o Verify your identity or determine your eligibility for offers and promotions.
 - o Fulfill any other purpose for which you provide personal data.
- **Research and development:** We use personal information for research and development purposes, including to study and improve the Platform and our business, understand and analyze the usage trends and preferences of our Users, and develop new features, functionality, products, and services. As part of these activities, we may create aggregated, de-identified, or other anonymous data from personal data we collect. We

make personal data into anonymous data by removing information that makes the data personally identifiable to you. We may use this anonymous data and share it with third parties for our lawful business purposes.

- **Compliance, fraud prevention, and safety:** We may use personal data and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) maintain the safety, security, and integrity of the Platform and our products and services, business, databases, and other technology assets; (b) protect our, your, or others' rights, privacy, safety or property (including by making and defending legal claims); (c) audit our internal processes for compliance with legal and contractual requirements and internal policies; (d) enforce our Terms of Use and any other terms and conditions that govern the Platform or Services; and (e) prevent, identify, investigate, and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.
- **Legal compliance:** We will use personal data as we believe necessary or appropriate to comply with our legal obligations and respond to valid law enforcement requests and legal processes, such as to respond to subpoenas or requests from government authorities.
- **Direct marketing:** We may send you Swiftly-related or other direct marketing communications as permitted by law, including materials, updates, information, special offers, and promotional material from us and our business partners. You may opt-out of our marketing communications as described in the "Your Choices Regarding Your Personal Data" section below.
- **Interest-based advertising:** We work with third-party advertising companies and social media companies to help us advertise our business and to display ads for our products and services. These companies may use cookies and similar technologies to collect information about you (including the online activity information and device information described above) over time across our Platform and other websites and services or your interaction with our emails, and use that information to serve ads that they think will interest you. In addition, some of these companies may use hashed customer lists that we share with them to deliver ads to you and to similar users on their platforms. You can learn more about your choices for limiting interest-based advertising in the "Your Choices Regarding Your Personal Data" section below.
- **With your consent:** We will disclose your personal data in accordance with your prior direction or, in some cases, we may specifically ask you for your consent to collect, use, or share your personal data, such as when required by law.

How we share your personal data

We may disclose your personal data to the following entities or persons in addition to the specific situations discussed elsewhere in this Privacy Policy or at the point of collection:

- **Affiliated companies:** We may share your personal data with our future affiliates, subsidiaries, and other related companies.
- **Service providers:** We may share your personal data with third parties who help us provide our Platform and Services or who perform services on our behalf that are necessary for the orderly operation of our business. For example, we work with security

and fraud prevention providers, hosting and other technology and communications providers, analytics providers, marketing providers, and staff augmentation and contract personnel.

- **Advertising partners:** We may share personal data with third parties who we partner with for advertising campaigns or that collect information about your activity on the Platform for the purposes described in the “Interest-based advertising” section above.
- **Joint marketing partners:** We may share your personal data with other partners or co-sponsors of events or promotions in order to provide you with content and other features through the Platform, and such partners may send you promotional materials or otherwise contact you regarding products and services that they offer.
- **Professional advisors:** We may share personal data with persons, companies, or professional firms providing Swiftly with advice and consulting in accounting, administrative, legal, tax, financial, debt collection, and other matters.
- **Law enforcement:** Under certain circumstances, we may be required to disclose personal data to law enforcement, government authorities, and other parties if required to do so by law or in response to valid requests by public authorities (e.g., a court or a government agency).
- **Authorities and others for compliance, fraud protection, and safety:** We may disclose personal data in the good faith belief that such action is necessary to comply with a legal obligation or for the purposes described above in the section titled “Compliance, fraud prevention, and safety.”
- **Business transaction participants:** Personal data may be disclosed or transferred in connection with any business transaction (or potential transaction) involving a merger, acquisition, sale of shares or assets, financing, consolidation, reorganization, divestiture, or dissolution of all or a portion of our business (including in connection with a bankruptcy or similar proceedings).
- **Others per your direction:** Selected recipients may receive your personal data based on your consent, including when you give us specific instructions, when you make a request of us that requires such a disclosure, and when other parties authorized by you provide consent.

Your choices regarding your personal data

- **Review and request changes to your personal data:** We rely on you to update and correct the personal data contained in your account. Note that we may keep historical information in our backup files as permitted by law. If the Platform does not permit you to update or correct certain personal data, please submit a request to us using the contact information listed at the end of this Privacy Policy.
- **Cookie and browser settings:** Most browsers let you remove and/or stop accepting cookies from the websites you visit. To do this, follow the instructions in your browser’s settings. Many browsers accept cookies by default until you change your settings. If you do not accept cookies, however, you may have to manually adjust some preferences every time you visit our Website and some of the Services and functionalities may not work. To

find out more information about cookies, including information about how to manage and delete cookies, please visit allaboutcookies.org.

- **Analytics:** The Website uses Google Analytics to help us analyze how the Website is being accessed and used. You can learn more about Google Analytics cookies by clicking [here](#) and about how Google protects your data by clicking [here](#). To opt-out of Google Analytics, you can download and install the Google Analytics Opt-out Browser Add-on, available [here](#).
- **Advertising choices:** You can limit the use of your information for interest-based advertising by blocking third-party cookies in your browser settings, using browser plug-ins or extensions, or using your mobile device settings to limit the use of the advertising ID associated with your mobile device. You can also opt out of interest-based ads from companies participating in the following industry opt-out programs by visiting the linked websites: the Network Advertising Initiative (networkadvertising.org/managing/opt_out.asp), the Digital Advertising Alliance (optout.aboutads.info), or the European Interactive Digital Advertising Alliance (<http://www.youronlinechoices.eu/>). Users of the App may opt out of receiving targeted advertising in mobile apps through participating members of the Digital Advertising Alliance by installing the AppChoices mobile app, available [here](#), and selecting the user's choices. Some of the companies we work with may offer their own opt-out mechanisms, such as Google. You can learn more about how Google uses cookies for advertising purposes by clicking [here](#) and opt-out of ad personalization by Google by clicking [here](#).
- **“Do Not Track” requests:** Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and services that you do not wish such operators to track certain of your online activities over time and across different websites. Our Platform does not support Do Not Track requests at this time. To find out more about “Do Not Track,” you can visit allaboutdnt.com.
- **Marketing emails:** If you do not want to receive marketing-related emails from us, please use the “unsubscribe” link at the bottom of any such email or contact us via the means indicated at the end of this Privacy Policy. You may still receive service-related communications, such as those about your account, or we may deliver notifications directly to you through the Platform.
- **App push notifications:** Our App or other portions of the Services may send push notifications to your device. You can opt out of receiving push notifications through your device settings. Please note that opting out of receiving push notifications may impact your use of the App, some software, or other Services.

Data security

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

data is completely secure. We cannot guarantee the complete security of any data you share with us.

Data retention

We retain personal data about you for as long as you have an open account with us or as otherwise necessary to provide you with our Services or fulfill the purpose of collection. In some cases, we retain personal data for longer if doing so is necessary to comply with our legal, accounting, or reporting obligations, to resolve disputes or collect fees owed, or as otherwise permitted or required by applicable law, rule, or regulation. 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. We may retain information in a de-identified or aggregated form indefinitely where that information would not identify you personally.

International transfers of personal data

We are based in the United States of America and have service providers in the United States and potentially other countries. If you are accessing the Platform from a country outside of the United States, please note that your personal data may be collected, used, and stored in the United States of America and potentially other locations outside your home country. Privacy laws in the locations where we handle your personal data may not be as protective as the privacy laws in your home country. By providing such information, where applicable law permits, you specifically and expressly consent to such transfer and processing and the collection, use, retention, and sharing as set forth herein.

Users located in Europe can view more information about cross-border transfers in the section below titled “Notice to European Residents.”

Personal data of children

As noted in the Terms of Use, we do not knowingly collect or solicit personal data from or about children under 16 years of age. If you believe that a child under 16 years of age may have provided personal data to us, please contact us via a means indicated at the end of this Privacy Policy.

Notice to California residents (Shine the Light)

Under California Civil Code sections 1798.83-1798.84, California residents who have an established business relationship with Swiftly are entitled to ask us for a notice describing what categories of personal data we share with third parties for the third parties’ direct marketing purposes. If you are a California resident and would like a copy of this notice, please submit your request to the email address listed at the end of this Privacy Policy with “Shine the Light” in the subject line.

Notice to Nevada residents

If you are a resident of Nevada, Nevada Revised Statutes Chapter 603A provides you with the right to opt-out of the “sale” of certain types of personal data to third parties. Subject to several exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal data for

monetary consideration to another person, We do not currently sell personal data as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt-out of sales using the contact information listed at the end of this Privacy Policy and we will record your instructions and incorporate them in the future if our policy changes.

Notice to European residents

The information provided in this section applies to individuals in the European Economic Area (EEA) or the United Kingdom (collectively, “**Europe**”). Except as otherwise specified, references to “personal data” in this Privacy Policy are equivalent to “personal data” governed by European data protection legislation.

Controller

The controller of your personal data covered by this Privacy Policy for purposes of European data protection legislation is Swiftly, Inc., 2261 Market Street #4151, San Francisco, CA 94114, USA.

Lawful basis for processing

The legal bases of our processing of your personal data as described in this Privacy Policy will depend on the type of personal data and the specific context in which we process it. However, the legal bases we typically rely on are set out in the table below. We rely on our legitimate interests as our legal basis only where those interests are not overridden by the impact on you (unless we have your consent or our processing is otherwise required or permitted by law). If you have questions about the legal basis of how we process your personal information, contact us as provided at the end of this Privacy Policy.

Processing purpose (as described above in the section titled, “How we use your personal data”)	Legal basis
Provide our Platform	Processing is necessary to perform the contract governing our operation of the Platform or respective Services, or to take steps that you request prior to engaging our services. Where we cannot process your personal data as required to operate the Services on the grounds of contractual necessity, we process your personal data for this purpose based on our legitimate interests as further described in this Privacy Policy.
Research and development	Processing is based on our legitimate interests in performing research and development as described in this Privacy Policy.
Compliance, fraud prevention, and safety	Processing is necessary to comply with our legal obligations or based on our legitimate interests in protecting our or others’ rights, privacy, safety, or property.
Legal compliance	Processing is necessary to comply with our legal obligations.

Direct marketing	Processing is based on your consent where that consent is required by applicable law. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consented or via the relevant Services.
Interest-based advertising	Where such consent is not required by applicable law, we process your personal data for this purpose based on our legitimate interests in promoting our business and providing you with tailored, relevant content.
With your consent	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or via the relevant Services.

We will use your personal data only for the purposes for which we collected it, unless we reasonably determine we need to use it for another reason and that reason is compatible with the original purpose. For example, we consider deidentification, aggregation, and anonymization of personal data to be compatible with the purposes listed above and in your interest, because the deidentification, aggregation, or anonymization of such data reduces the likelihood of improper disclosure of such data.

Your rights

European data protection laws give you certain rights regarding your personal data. You may ask us to take the following actions in relation to your personal data that we hold:

- **Access:** Provide you with information about our processing of your personal data and give you access to your personal data.
- **Transfer:** Transfer a machine-readable copy of your personal data to you or a third party of your choice.
- **Correct:** Update or correct inaccuracies in your personal data.
- **Restrict:** Restrict the processing of your personal data.
- **Object:** Object to our reliance on our lawful basis as the basis of our processing of your personal data that impacts your rights.
- **Delete:** Delete your personal data.

You may submit your request to the email address listed at the end of this Privacy Policy. When we receive your request, we may ask you to verify your identity before we can act on your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal data or response to your requests regarding your personal data, you may contact us or submit a complaint to the data protection authority in your jurisdiction. You can find your data protection regulator in the EEA [here](#). In the United Kingdom, you can find your data protection regulator [here](#).

Cross-border data transfer

If we transfer your personal data to a country outside of Europe such that we are required to apply additional safeguards to your personal data under European data protection laws, we will do so. Please contact us at the email address listed at the end of this Privacy Policy for further information about any such transfers or the specific safeguards applied.

Other websites and services

Our Platform may contain links to other websites and online services operated by third parties, such as social media platforms or advertising partners. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our Content may be included on webpages or online services that are not associated with us. We do not control, and are not responsible for, the content or practices of these other websites or online services. This Privacy Policy does not apply to third-party websites and online services. We encourage you to read the privacy policies of the other websites and online services that you use.

Changes to this Privacy Policy

Swiftly reserves the right, at any time, to modify this Privacy Policy. If we modify how we collect, use, or share personal information, we will post the updated Privacy Policy on this page. In some cases, we may notify you about an update by placing a notice on the Platform, sending you an email, and/or by some other means as may be required by applicable law. In all cases, your continued use of the Platform following posting or other notification of changes constitutes your acknowledgement of such changes. Please review this Privacy Policy periodically to keep up to date on our most current policies and practices.

Contact information

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your personal data or your choices and rights regarding such collection and use, please do not hesitate to contact us at: privacy@goswift.ly.