



## **PRIVACY POLICY**

### **ABOUT**

Brainsight B.V. and our software tool Brainsight's ("Brainsight" "we," "us," and "our") goal is to unlock customer insights to all. As such, we provide a tool, Brainsight, that you can use, among other things, to validate, pretest, analyze, benchmark and in other ways gather insights of visuals, such as designs, images and video content. This Privacy Policy will help you understand how we collect, use and share your information and assist you in exercising the privacy rights available to you.

### **SCOPE**

This Privacy Policy applies to personal (and/or company) information processed by us in our business, our website (i.e. brainsight.app and any other websites that we own or operate), our tools, applications, and our related online and offline offerings (collectively, the "Services"). This Privacy Policy does not apply to any third-party websites, services or applications, even if they are accessible through our Services.

By using our Services, you agree to be bound by this Privacy Policy. If you don't agree to this Privacy Policy, please do not use the Services. If you access and use the Services on behalf of a company (such as your employer) or other legal entity, you represent and warrant that you have the authority to bind that company or other legal entity to this Privacy Policy. In that case, "you" and "your" will refer to that company or other legal entity.

### **PERSONAL INFORMATION WE COLLECT**

What personal information we collect depends on how you interact with our Services.

#### **Information You Provide to Us**

**Account Information.** When you create an Account, we will collect the personal information you provide to us, such as your (company) name and email address.

**Payment Information.** We may sell services through our Services. When you make purchases through the Services, we may use a third-party application, such as the Apple App Store, Google Play App Store, Amazon App Store, and/or services such as Stripe to process your payments. These third-party applications may collect certain financial information from you to process a payment on behalf of Brainsight, including your name, email address, mailing address, payment card information, and other billing information. Brainsight does not store or receive your payment information, but it may store and receive information associated with your payment information (e.g., your billing details).

**Your Communications with Us.** We collect personal information from you such as email address, phone number, or mailing address when you request information about our Services, register for our newsletter, or otherwise communicate with us.



**Use of the Services.** We collect information you provide to the Services for the purpose of providing the Services to you, including uploaded content such as videos or images.

**Customer Service, Training and Quality Assurance.** If you call or otherwise interact with Brainsight's sales, customer service or support personnel, we may collect the information you provide to our representatives. In addition, we may record telephone calls or video conferences between you and our representatives for training or quality assurance purposes.

**Candidate Data.** We may post job openings and opportunities on the Services. If you reply to one of these postings, we will collect and process the information you provide to us to assess your suitability, aptitude, skills, and qualifications for employment.

**Sweepstakes, Contests, Surveys and Events.** In connection with sweepstakes, contests, surveys, conferences, and other events, you may provide information to us, or we may receive information about you.

### **Information Collected Automatically**

**Automatic Data Collection.** We may collect certain information automatically when you use the Services. This information may include your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile advertising and other unique identifiers, details about your browser, operating system or device, location information (inferred based off of your IP address), Internet service provider, pages that you visit before, during and after using the Services, information about the links you click, and information about how you interact with and use the Services.

We may use a visitor's IP address to fight spam, malware and identity theft. With your permission, we may also collect information about your operating system's installed fonts in connection with providing the Services to you. Combined with other system information, this information could be used to give your computer a unique fingerprint/signature and enable us to track your usage of our Services after you log out.

**Cookies, Pixel Tags/Web Beacons, and Analytics Information.** We, as well as third parties that may provide content, advertising, or other functionality on the Services, may use cookies, pixel tags, local storage, and other technologies ("Technologies") to automatically collect information through the Services. Technologies are essentially small data files placed on your device that allow us and our partners to record certain pieces of information whenever you visit or interact with our Services.

**Cookies.** Cookies are small text files placed in device browsers to store their preferences. Most browsers allow you to block and delete cookies. However, if you do that, the Services may not work properly. **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in the Services that collects information about engagement on the Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web



page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Analytics. We may also use Google Analytics and other service providers to collect and process analytics information on our Services. For more information about how Google uses data, please visit [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/). You can opt out of Google Analytics' collection and processing of data generated by your use of our website by going to <http://tools.google.com/dlpage/gaoptout>.

### **Information from Other Sources**

Brainsight Customers. If you use our Services on behalf of an organization (e.g., your employer), that organization may provide us with information about you so that we can provision your account.

Third Party Services and Organizations. We may obtain information about you from other sources, including from third party services and organizations. For example, if you access our Services through a third-party service, we may collect information about you from that third-party service that you have made available via your privacy settings.

### **HOW WE USE YOUR INFORMATION**

First of all, **you own your data**. We do not share any of your data and/or personal / company information with others. This includes uploaded content in Brainsight. We will use your information to operate Brainsight for:

Providing the Services or for Information Requests, such as:

1. Using uploaded / your content for the purpose of our Services, for example creating heatmaps, calculating scores, and other activities related to analyzing and processing your uploaded content.
2. Using it for benchmarking purposes
3. Managing your information and account;
4. Responding to questions, comments, and other requests;
5. Processing payment card and/or other financial information to facilitate your use of the Services;
6. Providing access to certain areas, functionalities, and features of our Services; and
7. Answering requests for customer or technical support.

Administrative Purposes, such as:

1. Pursuing legitimate interests, such as product updates, direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
2. Measuring interest and engagement in our Services;
3. Developing new products and services or improving the Services;
4. Ensuring internal quality control and safety;



5. Protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
6. Recruiting and hiring, including considering your candidacy for employment;
7. Communicating with you about your account, activities on our Services and Privacy Policy changes;
8. Short-term, transient use, such as contextual customization of ads;
9. Enforcing our agreements; and
10. Complying with our legal obligations.
11. Share Content. Our Services may offer various tools and functionalities that allow you to share content. For example, sharing image/video heatmaps and collaborating with others in Brainsight. Also, we may allow you to provide information through our referral services. Our referral services may allow you to forward or share certain content with a friend or colleague, such as an email inviting your friend to use our Services.

**Marketing Our Products and Services.** We may use personal information to tailor and provide you with content and advertisements, for instance, by emails informing you about new features, product updates or offers. We may provide you with these materials as permitted by applicable law. If you have any questions about our marketing practices or if you would like to opt out of the use of your personal information for marketing purposes, you may contact us as set forth below.

**Consent.** We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.

**De-identified and Aggregated Information Use.** We may use personal information and other data about you to create de-identified and/or aggregated information, such as de-identified demographic information, de-identified location information, information about the device from which you access our Services. De-identified and/or aggregated information is not personal information, and we may use and disclose such information in a number of ways, including research, industry analysis, analytics, and any other legally permissible purposes.

**How We Use Automatic Collection Technologies.** We, as well as third parties that may provide content, advertising, or other functionality on the Services, may use cookies, pixel tags, local storage, and other technologies to automatically collect information through the Services. Our uses of these Technologies fall into the following general categories:

**Operationally Necessary.** This includes Technologies that allow you access to our Services, applications, and tools that are required to identify irregular site behavior, prevent fraudulent activity and improve security or that allow you to make use of our functionality;

**Performance Related.** We may use Technologies to assess the performance of our Services, including as part of our analytic practices to help us understand how our visitors use the Services;



**Functionality Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using our Services. This may include identifying you when you sign into our Services (for instance with a Google account) or keeping track of your specified preferences, interests, or past items viewed.

**Advertising or Targeting Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on our Services or on third party sites.

Please note that this Privacy Policy covers only our use of Technologies and does not govern the use of Technologies by any third parties.

## **DISCLOSING YOUR INFORMATION TO THIRD PARTIES**

We may share any personal information we collect with the following categories of third parties:

**Other Users of Brainsight's Services.** When you use the Services, we will share certain information with other users:

**For Collaboration.** You can create content, which may contain information about you, and grant permission to others to see, share, edit, copy and download that content based on settings you or your administrator (if applicable) select. Some of the collaboration features of the Services display some or all of your profile information to other Service users when you share or interact with specific content. For example, when you comment, we display information, like your name, next to your comments so that other users with access to the comment understand who made it. Similarly, when you join a team, your name, profile picture and contact information will be displayed in a list for other team members so they can find and interact with you.

You are able to download and share your information, for example heatmaps, from Brainsight with others (also people outside your workspace/organization). We are not responsible for any privacy practices of shared information outside the tool / Brainsight.

**Managed Accounts and Administrators.** If you register or access the Services using an email address with a domain that is owned by your employer or organization, or associate that email address with your existing account and such organization wishes to establish a Brainsight services account, certain information about you including your name, contact information, content, and account use may become accessible to that organization's administrator and other Brainsight service users, as permitted by your administrator, to provide you additional products and services or to integrate with Brainsight or other products and services. For example, your organization may request that we provide extra security controls around your account to protect information about your organization or your organization may request that we link your Brainsight account with your organization's account to enhance collaboration and functionality among tools you use. If you are the administrator of a team, organization or other account holder within the Services, we may share your contact information with current or past Service users, for the purpose of facilitating Service-related requests. Please note that your information may also be subject to your organization's privacy policy. We are not responsible for the privacy or security practices of our customers.



**Service Providers.** We may share any personal information we collect about you with our third-party service providers. The categories of service providers to whom we entrust personal information include service providers for: (i) the provision of the Services; (ii) the provision of information, products, and other services you have requested; (iii) marketing and advertising; (iv) payment and transaction processing; (v) customer service activities; and (vi) the provision of IT and related services.

**Your Organization.** If you access the Services on behalf of an organization, we may share your information with that organization at its request.

**Third-Party Platforms and Services.** We will share your personal information with third-party platforms and/or services if you have expressly consented or requested that we do so. Please note we do not endorse, screen or approve, and are not responsible for, the practices or conduct of such third-party services.

**Advertising Partners (Website only).** Through our Services, we may allow third-party advertising partners to set Technologies and other tracking tools to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other websites) for purposes of delivering targeted advertisements to you when you visit third-party services within their networks. This practice is commonly referred to as “interest-based advertising” or “personalized advertising.” If you prefer not to share your personal information with third-party advertising partners, you may follow the instructions below.

**Disclosures to Protect Us or Others.** We may access, preserve, and disclose any information we have associated with you if we believe doing so is required or appropriate to: (i) comply with law enforcement or national security requests and legal process, such as a court order or subpoena; (ii) protect your, our or others’ rights, property, or safety; (iii) to enforce Brainsight’s policies and contracts; (iv) to collect amounts owed to us; (v) when we believe disclosure is necessary or appropriate to prevent financial loss or in connection with an investigation or prosecution of suspected or actual illegal activity; or (vi) if we, in good faith, believe that disclosure is otherwise necessary or advisable.

**Disclosure in the Event of Merger, Sale, or Other Asset Transfer.** If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, then your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.



## **INTERNATIONAL DATA TRANSFERS**

All information processed by us is stored in The European Union and may be transferred, processed, and stored anywhere in the world, including but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live. We endeavor to safeguard your information consistent with the requirements of applicable laws.

## **YOUR CHOICES**

**General.** You may have the right to opt out of certain uses of your personal information.

**Email.** If you receive an unwanted marketing email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future marketing emails. Note that you will continue to receive transaction-related emails regarding products or Services you have requested. We may also send you certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding the Services or updates to our Terms of Service or this Privacy Policy).

**Cookies and Interest-Based Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt out of personalized advertisements on some mobile applications by following the instructions for Android and iOS.

**“Do Not Track”.** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to DNT signals or similar mechanisms transmitted by web browsers.

## **YOUR PRIVACY RIGHTS**

In accordance with applicable law, you may have the right to:

Access Personal Information about you, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information; and (iii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company (the “right of data portability”);

Request Correction of your personal information where it is inaccurate or incomplete. In some cases, we may provide self-service tools that enable you to update your personal information;

Request Deletion of your personal information;

Request Restriction of or Object to our processing of your personal information; and

Withdraw your Consent to our processing of your personal information.

If you would like to exercise any of these rights, please contact us as set forth below.

We will process such requests in accordance with applicable laws. To protect your privacy, we will take steps to verify your identity before fulfilling your request.





Please note that if you use our Services on behalf of an organization (e.g., your employer), that organization may be responsible for fulfilling the individual rights requests referenced above.

### **DATA RETENTION**

We store the personal information we receive as described in this Privacy Policy for as long as you use our Services or as necessary to fulfill the purpose(s) for which it was collected, provide our Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and/or comply with applicable laws.

### **SECURITY OF YOUR INFORMATION**

We take steps to ensure that your information is treated securely and in accordance with this Privacy Policy. Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. To the fullest extent permitted by applicable laws, we do not accept liability for unauthorized disclosure.

By using the Services or providing personal information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of the Services. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on the Services, by mail or by sending an email to you.

### **THIRD-PARTY WEBSITES/APPLICATIONS**

The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Visiting these other websites or applications is at your own risk.

### **UNAUTHORIZED USE**

As a user of our services, you are responsible for adhering to applicable laws regarding the content you upload. We are not responsible for any content uploaded by users, including copyrighted material that has not been specifically authorized for use by the copyright owner. Additionally, we are not responsible for any content that you or any other user uploads, which is illegal either in the European Union or in the jurisdiction where the user resides.

*For any questions please contact us at [info@brainsight.app](mailto:info@brainsight.app)*