

# PRIVACY POLICY

## 1. OVERVIEW

Optico, Inc., a Delaware company, its subsidiaries and affiliates, as applicable (“we”, “our”, or “us”) are committed to maintaining the accuracy and security of the personal information of our customers, individual persons and entities (“you” or “your”), that we collect, use, process, share, and store when you access our website (“Website”) and use our products and services (the “Services”), as further described in this privacy policy (“Privacy Policy”).

This Privacy Policy explains:

- Categories of personal information that we collect and when we collect personal information;
- Our use, processing and storage of your personal information;
- Providing your personal information to third parties and transfer of personal information;
- Your privacy rights;
- Cookies and other similar technologies that we use;
- Protecting your personal information;
- Contact information about your rights under this Privacy Policy; and
- Changes to this Privacy Policy.

## 2. CATEGORIES OF PERSONAL INFORMATION THAT WE COLLECT AND WHEN WE COLLECT PERSONAL INFORMATION

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with or could reasonably be linked, directly or indirectly, with you (“personal information”). Personal information does not include publicly available information from government records or de-identified or aggregated information.

We may collect, store and use different categories of personal information about you, including:

Categories of information	Type of information
Account information	first and last name; username and password; email address; name of organization
Payment information	information you provide in connection with your payment to us (note: we use a third party to process payment made to us; as such we do not retain any personally identifiable information such as credit card numbers; the payment information is provided directly to our third party processor, and any use of financial information will be governed by the third party processor’s privacy policy)

Internet/device information	internet protocol address; amount of time during which you have had an account with us; browsing time; cookie information; Website and Services page history; browser and device characteristics, operating system, device name, social media identifiers; geolocation
User Content	content that you create or provide to the Services; including unique identifiers, audio and visual recordings, search parameters

We collect your personal information when you:

- Interact with us using our website before and after becoming a customer;
- Create or edit an account with us;
- Ask us to use our Services, and you give us your personal information with your request;
- Communicate with us by email or our website; and
- Visit our Website which includes cookies and similar technologies.

We also may collect your personal information from third parties.

Note: If you fail to provide your personal information to us when requested, we may not be able to perform all our legal and contractual obligations or carry out all activities requested by you.

### 3. OUR USE, PROCESSING, AND STORAGE OF YOUR PERSONAL INFORMATION

We use, collect, and process your personal information for the following purposes:

Legal Basis	Purpose
Contract	To create and manage your account, provide you with information and data that you request, process your purchase transactions, and provide you with access and use of our Services
Consent	To request your opinion and/or feedback, and send you promotional marketing materials
Legitimate Interest	To enable participation in interactive features of our Services, notify you of changes to this Privacy Policy, inform you of our new products and services, determine how our Website and Services are being used to improve its features and functionality
Legal Obligation	To keep and process records for tax and accounting purposes, and comply with legal obligations

In some instances, we may use your personal information in combination with information belonging to others. In this process, we use various methods to remove the identifying portions of any personal information before combining it with the information of others. The output of this process is aggregate data, which is incapable of identifying you or any others. We use this aggregate data for several reasons, including improving our Website, our Services, and how we deliver them to you.

We will store our personal information in the United States, and will store it for as long as necessary to fulfill the purposes for which it was collected, and to allow us to satisfy any legal, accounting, and reporting requirements.

*Automated Processing:* We do not conduct automated decision-making processing; such as profiling.

*We do not sell personal information.* We do not sell your personal information to third parties for a monetary payment or something else of values received in return. However, we may provide your personal information to third parties where we do not receive a monetary payment (as described in the next section).

*Children's Personal Information:* For purposes of this section: (a) "Child" or "Children" means an individual or individuals under the legal age of majority in the country, state, region, or province where the individual resides, and who needs their legal guardian or parent to consent to any use; (b) "COPPA" means Children's Online Privacy Protection Act; and (c) "GDPR" means General Data Protection Regulation. If one of our customers uses our Services in their products that is likely to be accessed by Children, we may receive content from Children and about Children as part of the collection of content from our customers. We require our customers to obtain permission and consent from the legal guardian or parent of the Child or Children prior to them collecting such content, and complying with all privacy laws, including but not limited to COPPA and GDPR, in order to collect that content. Except as described in this section, we do not offer products or services targeted at Children, and we do not directly collect the personal information of Children. Except as described in this section, if we become aware that a Child has submitted personal information directly to us, we will promptly delete the personal information.

#### **4. PROVIDING YOUR PERSONAL INFORMATION TO THIRD PARTIES AND TRANSFER OF PERSONAL INFORMATION**

We may provide your personal information to third parties, where we do not receive a monetary payment, including:

Third Party	Purpose for providing personal information
Service providers	A "Service Provider" is a company or person which processes your personal information for a business purpose under a contract between us and the Service Provider. We may transfer your personal information to a third party Service Provider for business purposes. Examples of a business purpose are processing orders, fulfilling orders, and providing services such as email notifications, to monitor and analyze trends and usage

Marketing agencies	To assist in marketing and email campaigns
Public authorities & legal proceedings	To respond to a subpoena, warrant or other legal processes issued by a court or public authority; discovery requests and demands as part of a civil lawsuit or similar legal process; disclosure is required to comply with applicable laws, and similar legal processes
Business transfer	If we sell a business, your personal information may be sent to the buyer of that business. If we buy a business, we may acquire your personal information
Professional advisors	To our attorneys and accountants who assist us in providing our Website and Services to you

If you reside outside of the United States, we will transfer your personal information to the United States, and we will put in place the required safeguards so that the transfer of your personal information complies with data protection laws.

## 5. YOUR PRIVACY RIGHTS

Subject to applicable laws, you may have some or all of the following additional rights.

Right	The action you may take
Access	By logging into your account with us, you can access much of your personal information. However, if you don't see the information that you are looking for, you can contact us as specified in section 8.
Correction (also known as Rectification)	By logging into your account with us, you can access much of your personal information. We ask that you keep your personal information accurate and up-to-date. However, if you need assistance with correcting any of your personal information, you can contact us as specified in section 8.
Deletion (also known as Right to be Forgotten)	You may delete your account with us at any time or you may request that we delete the personal information which we maintain about you. We may retain your personal information for as long as we believe it is necessary to fulfill the purposes for which the personal information was collected, or as otherwise required by law. There are instances where applicable law allows or requires us to refuse to delete your personal information. In the event that we cannot delete your personal information, we will inform you of the reasons why.
Restrict Processing	You may have a right to request that we restrict processing of your personal information under certain circumstances, including if you believe the personal information is not accurate.

Portability	You may have the right, if it is possible, given our then-current automated systems and data architecture, you have the right to receive your personal information in machine readable format.
Objection	You may have the right, in limited circumstances, to object to our processing of your personal information.
Opt-Out	You may have the right to object to our processing of your personal information to deliver advertisements according to our target-audience preferences.
Withdraw Consent	Where we collect and process your personal information based on your consent, you have the right to withdraw your consent by deleting your account.
Lodge a Complaint	You have a right to file a complaint with the appropriate government agency if you believe we have not complied with this Privacy Policy or have violated the applicable privacy law.

We will not discriminate against you by (a) denying you use of our Website or Services; (b) charging different prices or rates to similarly situated customers; (c) providing a different level or quality for use of our Website or Services; or (d) for exercising your rights.

If you are a resident of the State of California, under California Civil Code known as the “Shine The Light”, you may request and obtain from us, once a year, and free of charge, information about categories of personal information (if any) we disclosed to third parties for direct marketing purposes, and the names and addresses of all third parties with which we shared your personal information during the immediately preceding calendar year. If you are a resident of the State of California and would like to make such a request, please submit your request in writing (email sufficient) to us using the contact information provided in Section 8 below.

When you contact us, we may request information from you to enable us to confirm your identity. We will use reasonable means to confirm that the individual that is making the request is you. If we cannot verify that the individual making the request is you, we may deny the request.

There will be no charge to request and receive access to your personal information which we have collected about you. If we cannot provide you with access to your personal information, we will inform you of the permissible reasons why we may not be able to provide access.

In addition, we may not always be able to fulfill your request to your satisfaction. In some cases, we may be prohibited by law, agreement or legitimate interest to fully comply with your request. When those situations arise, we will inform you of why we are unable to fulfill your request.

## **6. COOKIES AND OTHER SIMILAR TECHNOLOGIES THAT WE USE**

We use cookies, web beacons and similar technologies on our Website to enhance user experience and tailor advertisements, and our products to improve user experience.

A “*cookie*” is a small text file that is stored in your computer’s internet browser when you access and use a website. There are many different types of cookies. Some cookies are used to make websites function properly, called “strictly necessary cookies”. Other cookies, called targeting, functional, or performance cookies, are used to analyze site performance and traffic, or to tailor advertisements to users. Some cookies contain unique identifiers about you or your device.

“*Web beacons*” are site instrumentation that helps to determine the kind of response the online activities generate. Web Beacons may also be used by a third party to monitor a user’s activity on a website. For example, web beacons can document how many times a page has been viewed or how many of the e-mails, requested by visitors, are actually opened. Generally, any electronic image that is part of a web page or html-based email, including ad banners, can act as a web beacon.

When you access and use our Website, we will send that identifier to your device and it will be stored on your device. Your device will send the identifier back to us each time you access and use our Website. A cookie will be either a “session” cookie or a “persistent” cookie: (a) a session cookie will expire when you stop using our Website and (b) a persistent cookie will be stored in your device’s web browser, and will remain in use until the expiration date that we set (you can delete a persistent cookie before its expiration date by using the web browser on your device).

We use the following types of cookies on our Website:

Type of cookie	Who’s cookies	Purpose of cookie
Strictly necessary cookies (also known as essential cookies)	our cookies	These cookies are session cookies and enable you to move around our Website and access certain features
Functional cookies (also known as preference cookies)	our cookies and third party cookies	These cookies are generally session cookies but can be persistent cookies, and allow our Website to remember choices you made when you previously accessed and used our Website. These choices may include, for example, your user name/password if you choose an automatic log in
Performance cookies (also known as statistics cookies)	our cookies and third party cookies	These cookies are generally persistent cookies but can be session cookies, and collect information about how you use our Website. For example, we can see the pages you visited and the links on which you clicked

We use the services of Google Analytics, a web analysis service provided by Google, in our Website to understand how you use our Website so that we can improve the features and functionality, as well as, your user experience.

Managing and Opting Out of Cookies. Many cookies can be disabled through the browser on your device by following the instructions on your web browser. The instructions are usually located in the ‘Help’ or ‘Tools’ menus of your web browser. Please note: you cannot disable a strictly necessary or essential cookie. Blocking all cookies can have a negative effect on your ability to access and use our Website.

## **7. PROTECTING YOUR PERSONAL INFORMATION**

We are committed to protecting the security of the personal information that we collect from you. We use reasonable physical, technical, and administrative measures to help protect your personal information from the risk of accidental loss, and unauthorized or inappropriate access, destruction, use, modification, or disclosure.

The safety and security of your information also depends upon you. If you access our Services using a username and password, you are responsible for keeping this information confidential and not sharing it with anyone else.

## **8. CONTACT INFORMATION ABOUT YOUR RIGHTS UNDER THIS PRIVACY POLICY**

If you have any questions regarding the collection, processing or storage of your personal information, or to exercise your rights under this Privacy Policy, please contact us at [info@optico.ai](mailto:info@optico.ai).

## **9. CHANGES TO THIS PRIVACY POLICY**

We may change this Privacy Policy at any time. A revised version of this Privacy Policy will be available on our Website. By accessing and using our Website and our Services, you agree to any revisions of this Privacy Policy, whether or not we advise you of such changes.

This Privacy Policy was last updated: December 21, 2023