

Privacy Policy

Last modified: July 2023

I. Introduction

Upmarket Technology LLC and its affiliated companies (collectively, “**we**”, “**our**” or “**us**”) respect your privacy and are committed to protecting it through our compliance with this policy.

This policy describes our privacy practices for our website located at www.upmarket.co, the “**Website**”), as well as different online services, such as monitoring personal investments, and various related services, features, and content accessible or downloadable from the Website (collectively, the “**Services**”). This policy also explains how we collect, use, maintain, protect, and disclose the information you provide in connection with your access to or use of the Website and/or the Services.

By using this Website, you represent, acknowledge and agree that you are at least 18 years of age. If you are not at least 18 years old, you may not use the Website at any time or in any manner or submit any information to us or to the Website.

This policy applies to information we collect:

- On this Website.
- From third parties.
- Through use of the Website and the Services.

It does not apply to information collected by:

- any third party, including through any application or content (including advertising) that may link to or be accessible from or on the Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Website and/or Services. By accessing or using this Website and/or Services, you agree to this privacy policy. This policy may change from time to time (see “**Changes to Our Privacy Policy**”). Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates. During the continuation of your relationship with Us, We will advise you of our privacy policy and practices at least once annually, as required by law.

II. Information We Collect About You and How We Collect It

We collect several types of information from and about users of our Website and/or Services, including information:

- by which you may be personally identified, such as name, date of birth, postal address, e-mail address, telephone number, Social Security number, driver's license number, passport number, financial information, and employment history ("**personal information**");
- that is about you but individually does not identify you, such as trading record, holding positions, and approximate physical location; and/or
- about your internet connection, the equipment you use to access our Website and usage details.

We collect this information:

- Directly from you when you provide it to us.
- From third parties.
- Automatically as you navigate through the Website. Information collected automatically may include usage details, IP addresses, and information collected through cookies.

Information You Provide to Us

The information we collect on or through our Website and/or Services may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of registering to use our Website, conducting transactions with us, or requesting further services. We may also ask you for information when you report a problem with our Website.
- Details of transactions you carry out through our Website and of the fulfillment of your orders, such as the products you purchase from us, your account balances, and your payment history.
- Records and copies of your correspondence (including email addresses), if you contact us.

- Your responses to surveys that we might ask you to complete for research purposes.
- Your search queries on the Website.

Information We Collect from Third Parties

The information we may collect from third parties include:

- Your credit history and credit scores from consumer reporting agencies
- Employment records

Information We Collect Through Automatic Data Collection Technologies

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our Website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Website.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

We also may use these technologies to collect information about your online activities over time and across third-party websites or other online services (behavioral tracking). Some browsers have incorporated “Do Not Track” features. Most of these features, when turned on, send a signal or preference to the website or online services that a user visits, indicating that the user does not wish to be tracked. As there is not yet a common understanding of how to interpret and implement such “Do Not Track” signals, we do not currently honor or respond to “Do Not Track” signal when we collect information about your activities on the Website.

The information we collect automatically is statistical data and does not include personal information but we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Website according to your individual interests.

- Speed up your searches.
- Recognize you when you return to our Website.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.
- **Flash Cookies.** Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see “**Choices About How We Use and Disclose Your Information.**”
- **Web Beacons.** Pages of our Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

Third-Party Use of Cookies and Other Tracking Technologies

Some content or applications on the Website are served by third-parties, including servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content.

We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of

receiving targeted advertising from many providers, see “**Choices About How We Use and Disclose Your Information.**”

III. How We Use Your Information

We use information that we collect about you or that you provide to us, including any personal information:

- To allow you to register with our Website and Services, or to otherwise register and open an account with us.
- To identify you as our customer or our former customer
- To present our Website and its contents to you.
- To process your transactions and requests
- To provide you investment services
- To tell you about products or services we believe you may want and use
- To communicate with you regarding your use of the Website and/or Services.
- To carry out marketing data surveys, statistics and/or analysis.
- To conduct data and system analytics, including research to improve the Website and/or the Services.
- To develop new tools, products or services based on your feedback.
- To operate, maintain and improve the systems and infrastructure that provide the Services.
- To provide other services performed by us or third parties.
- To fulfill any other purpose for which you provide it.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Website or any products or services we offer or provide through it.
- For any other purpose with your consent.

We may also use your information to contact you about our own goods and services that may be of interest to you. If you do not want us to use your information in this way, please opt-out by ☐. For more information, see “**Choices About How We Use and Disclose Your Information.**”

IV. Disclosure of Your Information

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries and affiliates.
- To third-party service providers that are in the U.S. or in other countries to process or service transactions you have requested, to provide efficient customer services, or to inform you of our products or services you may find useful.
- To third parties we use to support our business and who are bound by contractual obligations to safeguard your personal information and to use or disclose it only for the purposes for which we disclose it to them or as permitted by law.
- To companies that perform marketing services on our behalf or financial institutions with whom we have joint marketing agreements.
- To financial institutions, credit card companies, payment collection companies that are authorized to collect payments owed to us from you.
- To fulfill the purpose for which you provide it.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To regulatory authorities and law enforcement officials in accordance with applicable law or to others when we believe in good faith that the law requires it.

- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about our Website users is among the assets transferred.
- To enforce or apply our terms of service at www.upmarket.co and other agreements.
- If we believe disclosure is necessary or appropriate to protect our rights, property, or safety, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We do not sell or share your information with marketers outside our company who may want to offer you their own products and services. Neither do we share information we receive about you from a consumer reporting agency.

V. Choices About How We Use and Disclose Your Information

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's website. If you disable or refuse cookies, please note that some parts of this site may then be inaccessible or not function properly.
- **Promotional Offers from Us.** If you do not wish to have your email address used by us to promote our own or third parties' products or services, you can opt-out by emailing to operations[@upmarket.co](mailto:operations@upmarket.co) the word "Unsubscribe".
- **Targeted Advertising.** We do not control third parties' collection or use of your information to serve interest-based advertising. However, these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("**NAI**") on the NAI's website.

VI. Accessing and Correcting Your Information

We want to make sure that we have accurate information about you. Generally, upon written request, we will make your personal information available for your review. Information we have collected in connection with or in anticipation of a claim or legal proceeding will not be made available. Neither will we accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

If you believe that any of our records are inaccurate, you may notify us in writing of any corrections, amendments or deletions that you believe should be made. Questions about accessing or correcting your personal information should be directed to the individual identified below:

Upmarket Technology LLC

1250 Broadway #3610

New York, NY 10001

info@upmarket.co

+1888-248-7658

VII. Your California Privacy Rights

Currently we do not meet the thresholds of California Consumer Privacy Act, and thus, this act does not apply to us.

VIII. Data Security

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. All information you provide to us is stored on our secure servers behind firewalls. Any payment transactions will be encrypted using SSL technology. Employees are authorized to access your information only when they need it to provide you with products and services or to maintain your accounts.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the

security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

IX. Data Transmission and Processing

The information that we collect from you may be transmitted to, processed and/or stored at a destination outside the U.S. or your country or region of residence. By signing up, accessing and/or using the Website and/or the Services, you expressly consent to our transmission, processing and storage of your information in locations outside the U.S. or your country or region of residence.

X. The EU General Data Protection Regulation

As of May 25, 2018, a new data privacy law known as the EU General Data Protection Regulation (the “**GDPR**”) becomes effective through the European Economic Area (“**EEA**”), Switzerland, and the United Kingdom. The GDPR requires us and those using our Services to provide users with certain information about the processing of their “Personal Data.” “**Personal Data**” is a term used under the GDPR that means, generally, data that identifies or can identify a particular unique user or device – for instance, names, addresses, cookie identifiers, mobile IDs, precise location data, and biometric data.

To comply with the GDPR, we provide the below representations and information, which are specific to persons located in the EEA, Switzerland, or the United Kingdom.

a. Legal Grounds for Processing Personal Data

The GDPR requires us to tell you about the legal ground we are relying on to process any Personal Data about you. The legal grounds for us to process your Personal Data for the purposes set out in Sections II, III and IV above will typically be because:

- **You Provided Your Consent:** To store and/or gain access to information, we rely on your consent, including the “cookie consent.”
- **The Processing is in Our Legitimate Interest:** In some cases, we rely on legitimate interest as a legal basis for processing Personal Data to provide our and/or other data controllers’ services. For instance, legitimate interests may include the tailoring of promotional communications, providing analysis of and reporting about ad campaigns, maintaining the security of our Services, etc.

- Contractual Relationships: Sometimes we process certain data as necessary under a contractual relationship we have.
- Legal Obligations: Some processing of data may be necessary for us to comply with our legal or regulatory obligations.

b. Transfer of Personal Data

As we work with global companies and technologies, we may need to transfer your Personal Data outside of the country from which it was originally provided. For instance, we may transfer your data to third parties that we work with who may be located in jurisdictions outside of the EEA, Switzerland, or the United Kingdom, and which have no data protection laws or laws that are less strict in comparison to those in Europe.

When we transfer Personal Data outside of the EEA, Switzerland, or the United Kingdom, we take steps to ensure appropriate safeguards are in place to protect your Personal Data. Please contact us at the contact information below for more information about the safeguards we have put in place to protect your Personal Data and privacy rights in these circumstances.

c. Personal Data Retention

As a general matter, we retain your Personal Data for as long as necessary to provide our Services, or for other important purposes such as complying with legal obligations, resolving disputes, and enforcing our agreements. If you are a client of ours and thus have an account with us, we will typically retain your Personal Data for a period of six years after you have requested that your account be closed, or such account has been inactive.

d. Your Rights as a Data Subject

The GDPR provides you with certain rights in respect to Personal Data that data controllers (as explained further below) hold about you, including certain rights to access Personal Data, to request correction of the Personal Data, to request to restrict or delete Personal Data, and to object to our processing of your Personal Data (including profiling for online ad targeting).

- Right to Access: If you wish to exercise your right to access Personal Data we process as a data controller, you may do so by requesting access through the email address operations@upmarket.co. Upon receiving your request, we will assess requests on a case-by-case basis, verify your identity and whether the data truly and solely belongs to you, and may limit the Personal Data we make available. Please note that we will only grant requests submitted for Personal Data for which we are a data controller. Where we act as a data processor for one of our clients, we will refer your request to that client. Please identify the client your request refers to (if possible) to simplify this process.
- Right to Correct: If you wish to exercise your right to correct or update your Personal Data, you may do so by contacting us at the contact information below.
- Right to Object to Processing or to Withdraw Consent: By using the “opt-out” feature described in Section V above, you may withdraw consent for processing your Personal Data.
- Right to Erasure: You also have the right to request that we erase the Personal Data concerning you that we hold as a data controller. Please note, however, that we may retain copies of certain Personal Data on inactive or back-up files, for our own internal and necessary purposes, including but not limited to auditing, accounting and billing, legal, or bug detection. We will retain your Personal Data for the period necessary to fulfill any important purposes that we have in retaining it, principally regarding legal, auditing, accounting, and billing obligations.
- Right to Lodge Complaints: You have the right to lodge a complaint with a supervisory authority. However, we hope that you will first consult with us, so that we may work with you to resolve any complaint or concern you might have.

e. **We as a Data Controller and a Data Processor**

EU data protection law makes a distinction between organizations that process Personal Data for their own purposes (known as “**data controllers**”) and organizations that process Personal Data on behalf of other organizations (known as “**data processors**”). If you have a question or complaint about how your Personal Data is handled, we encourage you to direct your inquiry to the relevant data controller, since data controllers hold primary responsibility for your Personal Data.

We may act as either a data controller or a data processor in handling your Personal Data, depending on the precise circumstances. For instance, for Personal Data that we use internally and independently or we collect about our clients, we are a data controller. When we handle Personal Data strictly on behalf of our clients or partners in order to provide our Services to them, we are a data processor. Thus, for instance, if you have questions about data that is used primarily by companies that serve advertisements that use our technology, you should contact those companies regarding questions about the Personal Data they handle and control.

f. Questions or Concerns

If you are a resident of the EEA, Switzerland, or the UK and have concerns regarding this Section X, you may contact us by email at info@upmarket.co.

XI. Third-Party Links

Our Website or Services may contain links to other sites that are not operated by us. If you click on a third-party link, you will be directed to that third party's site. We have no control over and assume no responsibility for the content, privacy policies or practices of any such third-party sites or services. We strongly advise you to review the privacy policy of every site you visit.

XII. Changes to Our Privacy Policy

It is our policy to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users' personal information, we will add a statement on the Website home page. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and we encourage you to periodically visit our Website and this privacy policy to stay informed about our practice in protecting your privacy.

XIII. Contact Information

To ask questions or comment about this privacy policy and our privacy practices, contact us at:

Upmarket Technology LLC

info@upmarket.co

+1888-248-7658