

PRIVACY POLICY

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1. Scope of this Policy

This Policy describes the policies and procedures when a User’s personal data is collected, used, consulted, or otherwise processed in the context of the Service.

This Policy does not apply to information we obtain (i) offline, (ii) by means other than through the Service, or (iii) from any other source. In such cases, please refer to the adequate applicable privacy policy.

This Policy is to be read as consistent with the Terms of Use, End User License Agreement, and any other contract or policy in effect relating to the Service.

2. What are the key notions of this Policy?

In this Policy the following terms are used consistently and shall have the following meaning.

2.1. Key actors

- **“You”** (including **“Your”**) or **“User”** means any person, whether an agent, representative, contractor, employee, manager, or otherwise, to which access has been given to the Service.
- **“Your Employer”** means the entity that entered into a contractual arrangement with Butterfly, including a Data Processing Agreement, and which proposes the use to the User of the Service for its own purposes.
- **“Butterfly”** (including **“we”** or **“us”**) means Appynest Inc., a company incorporated under the laws of Delaware, having its registered seat in New York and its office at 67 West Street, unit 324, Brooklyn, NY 11222, United States of America.
- **“Controller”** shall have the meaning under the GDPR, i.e. “the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law”.
- **“Processor”** shall have the meaning under the GDPR, i.e. “a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller”.
- **“Subprocessors”** means a processor engaged by the Processor to carry out certain processing activities on behalf of the Controller.
- **“Third Party”** shall have the meaning under the GDPR, i.e. “a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data”.
- **“Supervisory Authority”** shall have the meaning under the GDPR, i.e. “an independent public authority which is established by a Member State pursuant to Article 51” of the GDPR.

2.2. Personal Data categories

- **“Personal Data”** shall have the meaning under the GDPR, i.e. “any information relating to an identified or identifiable natural person (“data subject”). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

- **“Basic Data”** means the data provided by the User upon subscription to the Service, and in particular the User’s first name, last name, email address, employee ID, slack handle, profile pictures, passwords, Workplace email address.
- **“Clear Gifs Information”** means web beacons used to track online usage patterns relating to the use of the Service or to track which emails are opened by recipients through clear gifs in HTML-based emails sent to Users.
- **“Content”** means the free text and open content posted by the User on the Service.
- **“Device Identifiers”** means small data files or related structures stored on or associated with a Mobile Device, which identify a User’s specific mobile device and includes data stored in connection with hardware, operating systems, other software, or information sent directly to Butterfly by the device, and which are collected when a User access the Service by or through a Mobile Device.
- **“Location Data”** includes GPS coordinates, latitude, longitude, or similar information regarding the location, collected through the use of the Service by or through a Mobile Device.
- **“Log Files”** means data recorded automatically by Butterfly’s servers sent by the User’s web browser when using the Service, which include web request, IP address, browser type, referring/exit pages, URLs, number of clicks, how You interact with links on the Service, domain names, landing pages, pages viewed, mobile carrier, and similar information.
- **“Non-Personal Data”** means data other than personal data, including non-private and/or aggregated information that does not identify a User, or more generally a data subject (including without limitation anonymous usage data and platform types).

2.3. General notions

- **“Service”** means the service offered by Butterfly through a website or related means featuring analytics that allow business owners and managers to gauge worker satisfaction, including the provision of information about updates, upgrades and enhancements of the service.
- **“Policy”** or **“Privacy Policy”** means this privacy policy.
- **“GDPR”** means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.
- **“Processing”** shall have the meaning under the GDPR (i.e. “any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”).
- **“Data Processing Agreement”** means a controller-processor agreement in accordance with Article 30 of the GDPR.
- **“Standard Contractual Clauses”** means sets of standard contractual clauses for transfers as adopted by the European Commission for the international transfer of personal data.
- **“Mobile Device”** includes without limitation mobile telephones, iPhones, tablets, iPad, Android, and any similar technology or item.
- **“EEA”** means the European Economic Area.
- **“SSL”** means to secure socket layer technology.

2.4. Cookie-related notions

- **“Cookie”** or **“Cookies”** are text files, containing small amounts of information, which are downloaded to Your browsing device (such as a Mobile Device or computer) when You visit a website, and that may convey information about the use of the Service
- **“Persistent Cookies”** refers to cookies that remain on a hard drive after a web browser is closed to be used by the web browser on subsequent visits to the Service.
- **“Session Cookies”** refers to cookies that are temporary and disappear after a web browser is closed.

- **“Third Party Cookies”** refers to cookies that another party places on Your web browser when You use the Service.



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3. Who processes what Personal Data about You?

In the context of the Service, Your Personal Data is processed by several organisations, including Your Employer, Butterfly and Third Parties. The following sub-sections provide further details.

3.1. Your Employer processing Your Personal Data as a Controller

Through the Service, Your Employer is processing Your Personal Data as a Controller for its own purposes.

Processed data categories (these categories are defined as part of the key notions)	Processing purpose(s)	Source of data	Legal basis
<ul style="list-style-type: none">• Basic Data• Content• Log files• Device identifier• Location data	<ul style="list-style-type: none">• To gather employee feedback in order to gauge worker satisfaction within Your Employer's organisation, through the provision of an online – personalised – service (the Service), which is delivered to You by Butterfly• The ability to provide educational content to users, based on the results and analysis of the content (rating and comments).	Directly from the User through the subscription form and the use of the Service	Legal basis determined by Your Employer

3.2. Butterfly processing Your Personal Data as a Processor on behalf of Your Employer

Through the Service, Butterfly processes Your Personal Data on behalf of Your Employer. This is in order for the latter to provide the Service within its organisation and to provide You access to the Service, and to ultimately achieve Your Employer's processing purposes described above.

Processed data categories (these categories are defined in the key notions above)	Instructions	Source of data
<ul style="list-style-type: none"> • Basic Data • Content • Log files • Device identifier • Location data 	<ul style="list-style-type: none"> • To gather employee feedback through the provision of the Service • To personalise the content of the Service • To store and remember information to help You more efficiently access Your account • To operate, maintain, and offer the features and functionality of the Service • To send notices related to the Service (including notices required by law) 	Directly from the User through the subscription form and the use of the Service

3.3. Butterfly processing Your Personal Data as a Controller for its own purposes

Through the Service, Butterfly processes Your Personal Data for its own purposes, where it determines itself the purposes and means of such processing.

Processed data categories (these categories are defined in the key notions above)	Processing purpose(s)	Source of data	Legal basis
<ul style="list-style-type: none"> • Basic Data 	<ul style="list-style-type: none"> • To send notices related to the Service (including notices required by law) 	Directly from the User through the subscription form	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Content 	<ul style="list-style-type: none"> • To maintain, provide, or improve the Service 	Directly from the User through the use of the Service	Consent obtained during the subscription process

<ul style="list-style-type: none"> • Basic Data and Log Files 			
<ul style="list-style-type: none"> • Content • Basic data • Log Files • Device Identifiers • Location Data 	<ul style="list-style-type: none"> • To provide assistance to the User and to resolve support requests 	Directly from the User through the use of the Service	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Basic Data • Content • Log Files • Device Identifiers 	<ul style="list-style-type: none"> • To analyse how the Service is used 	Directly from the User through the subscription form and use of the Service	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Basic Data • Log Files • Device Identifiers • Location Data 	<ul style="list-style-type: none"> • To diagnose the Service or technical issues to the Service 	Directly from the User through the use of the Service	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Log Files • Location Data 	<ul style="list-style-type: none"> • To maintain security of the Service 	Directly from the User through the use of the Service	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Log Files • Location Data • Device Identifiers • Basic Data 	<ul style="list-style-type: none"> • To monitor metrics including without limitation the total number of visitors, traffic, and demographic patterns relating to the Service 	Directly from the User through the use of the Service	Consent obtained during the subscription process

<ul style="list-style-type: none"> • Log files • Content 	<ul style="list-style-type: none"> • To track Users and/or track and remove content so as to comply with all applicable law, rules, and regulations, including but not limited to the US Digital Millennium Copyright Act, or otherwise cooperate with law enforcement 	Directly from the User through the use of the Service	Consent obtained during the subscription process
<ul style="list-style-type: none"> • Session cookie • Device Identifiers 	<ul style="list-style-type: none"> • To identify authenticated users when accessing the web application 	Directly from the User through the use of the Service	Consent obtained before browsing the website and the Service
<ul style="list-style-type: none"> • Cookies • Basic data • Location data • Log files • Device Identifiers 	<ul style="list-style-type: none"> • To enhance Your navigation of the Service 	Directly from the User through the use of the Service	Consent obtained before browsing the website and the Service
<ul style="list-style-type: none"> • Cookies • Basic data • Log files • Device identifiers • Location data 	<ul style="list-style-type: none"> • To improve Your experience of the Service 	Directly from the User through the use of the Service	Consent obtained before browsing the website and the Service
<ul style="list-style-type: none"> • Clear Gifs Information • Basic data • Content 	<ul style="list-style-type: none"> • To enable more accurate reporting 	Directly from the User through the use of the Service	Consent obtained before submitting survey

<ul style="list-style-type: none"> • Log files • Location data 			
<ul style="list-style-type: none"> • Clear Gifts Information • Device Identifiers • Basic data • Log files • Location Data 	<ul style="list-style-type: none"> • To improve the Service in general 	Directly from the User through the use of the Service	<p>Employees: Consent obtained before submitting survey</p> <p>Dashboard owners: Consent obtained before first log in to the website and the Service</p>
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 		
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • 		

3.4. Google Cloud Platform processing Your Personal Data as a (Sub-)processor of Your Employer or Butterfly for the provision of the Service

In order for Butterfly to achieve one or more of its purposes, it relies on Google Cloud Platform], acting as a Subprocessor and processing Your Personal Data on behalf, under the instructions and authority of Butterfly for storage and back-up purposes.

Processed data categories (these categories are defined in the key notions above)	Processing purpose(s)	Source of data
<ul style="list-style-type: none"> • Google Cloud Platform 	Storage and back-up of data in data centres.	Butterfly



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4. Are Cookies placed on Your device when using the Service?

When You use the Service, Butterfly places one or more Cookies on Your device (including Mobile Device) for the purposes described in this Policy.

4.1. Which Cookies are placed on Your device?

The following table and information set out the Cookies which are used for the Service. It also provides details of third parties that set cookies:

4.1.1. Strictly necessary Cookies

Cookie Provider	Cookie name	First party or third party Cookie?	Persistent or session Cookie?	Purpose of Cookie
Butterfly	_Secure-sessionId	First party cookie	Session cookie	Authentication of user's session
Butterfly	io	First party cookie	Session cookie	Authentication of user's communication channel

4.1.2. Performance Cookies

Cookie Provider	Cookie name	First party or third party Cookie?	Persistent or session Cookie?	Purpose of Cookie
Google	_ga	Third party cookie	Persistent cookie	Integration of Google Analytics Service
Google	_gid	Third party cookie	Persistent cookie	Integration of Google Analytics Service
Google	_gat	Third party cookie	Session cookie (expires after 1 minute)	Integration of Google Analytics Service

4.1.3. Functionality Cookies

Cookie Provider	Cookie name	First party or third party Cookie?	Persistent or session Cookie?	Purpose of Cookie
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Intercom	intercom-id-qr816ap9	Third party cookie	Persistent cookie	Integration of Intercom support service
Google	GCLB	Third party cookie	Session cookie	Usage of Google Cloud service

4.2. How long are Cookies stored on Your device?

The length of time during which a Cookie will be stored on Your browsing device depends on whether it is a “Persistent” or “Session” Cookie. Session Cookies will only be stored on a device until the web browser is closed. Persistent Cookies remain on the device after You have finished browsing until they expire or are deleted.

4.3. How can You disable Cookies placed on Your device?

You can usually use the web browser to enable, disable or delete Cookies. To do this, follow the instructions provided by the web browser (usually located within the “Help”, “Tools” or “Edit” settings). You can also set Your web browser to refuse all Cookies or to indicate when a Cookie is being sent.

Please note that if You set Your web browser to disable Cookies, You may not be able to access secure areas of the website, other parts of the website may also not work properly and some Service features may not function properly.

You can find out more information about how to change Your browser Cookie settings at www.allaboutCookies.org.

5. On what basis is Your Personal Data processed?

Your Personal Data is processed by Butterfly in the context of the Service on the basis of Your consent given in the framework of Your subscription to or use of the Service, as detailed in this Policy.

Please note that You are not in any way obligated to provide any information to Butterfly. Also, You have the right to withdraw Your consent at any time You choose and on Your own initiative as described in section 10 of this Policy. You however understand that in such cases, certain features of the Service may be limited or otherwise impacted.

Please note that Your Employer is Processing Your Personal Data for its own purposes, as described under section 3.1. Such Processing takes places on a legal basis determined by Your Employer. Please contact Your Employer should You have any questions in relation thereto.

6. Is Your Personal Data used for direct marketing communications?

If You have explicitly consented, Butterfly may, from time to time, contact You by email with information about our Service.

If You no longer want to receive email marketing from Butterfly, please let us know by sending an email to us at privacy@butterfly.ai. You can also unsubscribe from our marketing emails by clicking on the unsubscribe link in the emails Butterfly sends to You.

7. How long is Your Personal Data stored?

Your Personal Data will be stored for the duration of Your relationship with Butterfly and then put beyond use:

- 5 years after Your last use of the Service, if You did not close Your account;
- 2 years after the closing of Your account.

8. How is Your Personal Data shared with Third Parties?

Butterfly will display Your personal data on the Service only in accordance with Your authorisations and security preferences. The information that You provide for inclusion on the Service should reflect how much You want others users to know about You. Please consider this carefully before disclosing any information and recognise that the more content You provide the less anonymous You may be towards other users. You can review and revise Your user information at any time.

Butterfly may share or disclose information with Your consent and solely as described herein, including with Third Party application providers. In certain situations, Butterfly may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

In the event Butterfly shares Your Personal Data in accordance with this Policy, Butterfly is not responsible for any Third Party's use or disclosure of Your Personal Data. You should only use applications that You trust and that have privacy policies that You consider acceptable.

As described in this Policy, the Service may rely on Third Party tools (such as Google Analytics) in order to study the Service usage and performance. Many of these tools collect the information sent by Your web browser as part of a web page request (including Cookies and Your IP address). These tools receive the information provided to Butterfly and use it as governed by their own privacy policies.

Butterfly offers its Users the possibility to integrate its Service into existing Third Party applications (e.g. Microsoft Teams, Skype for Business etc.). If You choose to make use of this integration, please keep in mind that, in doing so, these Third Party applications will most likely receive some of Your Personal Data either directly by You or provided by Butterfly with Your consent. Therefore, please consider this carefully before disclosing information and only use Third Party applications that have privacy policies that You consider acceptable.

9. Is Your Personal Data transferred outside the EEA?

In the context of the provision of the Service and for the purposes described in this policy, Your Personal Data will be transferred outside the EEA and to countries not providing an "adequate" level of data protection, such as the United States.

When such a transfer happens, we ensure that it takes place in accordance with this Policy and that the necessary safeguards are put in place such as, in particular, ensuring that the transfer is regulated by Standard Contractual Clauses approved by the European Commission as ensuring an adequate protection for Users.

If you have a question or complaint related to the transfer of Your Personal Data outside of the EEA, we encourage you to contact us via privacy@butterfly.ai.

10. What are Your rights?

Once You have provided Your Personal Data, several rights are recognized under the GDPR, which in principle You can exercise free of charge, subject to statutory exceptions. In particular, You have the following rights:

- **Right to withdraw consent.** You have the right to withdraw Your consent at any time You choose and on Your own initiative. If You have entered into a contractual arrangement with Butterfly, You can do so directly by contacting Butterfly. If You have not done so, for example because You are an employee of an entity that entered into a contractual arrangement with Butterfly, You can contact your Employer. Your Employer will inform Butterfly of Your request to withdraw Your consent. The withdrawal of Your consent will not affect the lawfulness of the collection and processing of Your data based on Your consent up until the moment where You withdraw Your consent.
- **Right to access, review, and rectify Your data.** If You wish to review or rectify any information like Your name, email address, passwords and/or any other preferences, You can do so easily by changing Your settings under the 'My Account' section on our website. You may also request a copy of the Personal Data Butterfly holds about You by sending an email to privacy@butterfly.ai. You can access and review this information and, if necessary, ask to rectify Your information.
- **Right to erasure.** You have the right to erasure of all the Personal Data processed by Butterfly in case Butterfly no longer needs it for the purposes for which the Personal Data was initially collected or processed, in accordance with the GDPR.
- **Right to restriction of processing.** Under certain circumstances described in the GDPR, You may ask for a restriction of processing of Your Personal Data, such as when You have contested the accuracy of the Personal Data, for the period we need to verify the accuracy of this data.
- **Right to data portability.** You have the right to receive the Personal Data processed in a format which is structured, commonly used and machine-readable and to transmit this data to another service provider.
- **Right to object to processing.** Where Your Personal Data is processed for direct marketing purposes, You may object to such processing.
- **Right to lodge a complaint with a Supervisory Authority.** We are always available for any questions or complaints You may have. However, if You were to have any trouble with the way Your Personal Data is being handled in the context of the Service, You may contact the Supervisory Authority to lodge a complaint.

11. To what extent is Non-Personal Data used by Butterfly?

Butterfly may use Non-Personal Data for purposes that include testing IT systems, research, big data analytics, industry-wide analyses, statistics and reports, improving the Service, developing new products and features. Butterfly may create and publish such analyses and reports, including for commercial gain.

12. What security measures are put in place by Butterfly?

Butterfly implements, and undertakes that its Subprocessors implement, appropriate technical and organisational measures to ensure an appropriate level of security of Your Personal Data, including but without limitation:

- **Socket Layer Technology ("SSL").** SSL is used for the encrypted transmission of data where necessary.
- **Back Up.** Continuous and regular data backups help prevent loss and assist in data recovery.
- **Common Web Attacks.** Protection against common web attack vectors, firewalls and access restriction are implemented.

- **Secured data centres.** Data is hosted in secure SAS 70 audited data centres,

In the event personal information is compromised as a result of a security breach and where the breach is likely to result in a high risk to the rights and freedoms, we will promptly notify those Users as required under the GDPR.

13. Does a disclaimer of warranties apply?

No method of electronic transmission or storage is completely secure.

To the largest extent permitted under applicable law, the Service is provided “AS IS” and we make no warranty, express or implied, concerning the security or integrity of any User data. All implied warranties, including without limitation the implied warranties of merchantability or fitness for a particular purpose, are hereby disclaimed.

14. What rules apply to children?

The Service is not intended for use by anyone under the age of 13 years.

Butterfly does not knowingly collect or solicit Personal Data from anyone under the age of 13 years or knowingly allow such persons to register for the Service.

In the event Butterfly learns that it has collected Personal Data from a child under the age of 13 years without verification of parental consent, steps will be undertaken promptly to remove that information. If You believe that we have or may have information from or about a child under 13 years of age, please contact Butterfly at privacy@butterfly.ai.

15. Does this Privacy Policy Apply to Third Party websites?

Butterfly shall not be responsible or liable for the practices employed by the owners or users of websites linked to or from the Service. Furthermore, we are not responsible or liable for the information or content on such Third Party websites.

This Privacy Policy is only in effect for the Service and not for any Third Party website and You are subject to the terms of use and privacy and other policies of such Third Party website.

16. Are posts in discussion rooms, blogs, etc. confidential?

Any information posted in a discussion room, group room, blog, or the like is considered publicly accessible and the User should not post any information it wishes to keep confidential.

17. What happens if Butterfly makes modifications to this Privacy Policy?

Butterfly reserves the right to change and update this Privacy Policy from time to time, in its sole discretion. In case this Policy is changed, You should review such changes. The modifications will take effect immediately upon posting on the Service website.

18. How can You contact Butterfly?

Questions, comments, remarks, requests or complaints regarding this Privacy Policy are welcome and should be addressed to:

privacy@butterfly.ai

or

240 Kent Avenue
Brooklyn, NY 11249
United States of America