

## **PRIVACY POLICY**

**Effective date: June 20, 2023**

We care about your privacy and we make protecting your privacy one of our priorities. This Privacy Policy ("Policy") relates to collecting data, use of data, use of our: software, services and website (collectively, "Services") provided by IMAGA, INC. and/or any of our affiliates (collectively, "IMAGA").

By using our Services, you consent to our Policy, methods and procedures described in this Policy. In the event that you do not agree with any provision in our Policy, please do not continue to use the Products. By accessing or using our Services, you agree to this Policy. This Policy may change from time to time. Your continued use of our Services after we make changes is deemed to be acceptance of those changes, so please check the Policy periodically for updates.

The terms "we," "us" and "our" refer to IMAGA. The terms "user," "you," and "your" refer to site visitors, customers, natural or legal persons and any other users of the site.

IMAGA provides this Privacy Policy to inform you of our practices with respect to the collection and use of your Personal Data.

### **1. COLLECTED INFORMATION**

#### **Personal information you disclose to us**

We collect personal information that you voluntarily provide to us when you express an interest in obtaining information about us or our products and Services, when you participate in activities on the Services, or otherwise when you contact us.

**Personal Information Provided by You.** The personal information that we collect depends on the context of your interactions with us and the Services, the choices you make, and the products and features you use. The personal information we collect may include the following:

- names
- phone numbers
- email addresses
- mailing addresses
- job titles
- usernames
- passwords
- contact preferences
- contact or authentication data
- billing addresses
- cookies

All personal information that you provide to us must be true, complete, and accurate, and you must notify us of any changes to such personal information.

#### **Information automatically collected**

We automatically collect certain information when you visit, use, or navigate the Services. This information does not reveal your specific identity (like your name or contact information) but may include device and usage information, such as your IP address, browser and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Services, and other technical information. This information is primarily needed to maintain the security and operation of our Services, and for our internal analytics and reporting purposes.

Like many businesses, we also collect information through cookies and similar technologies.

## 2. INFORMATION PROCESSING

**We process your personal information for a variety of reasons, depending on how you interact with our Services, including:**

- **To deliver and facilitate delivery of services to the user.** We may process your information to provide you with the requested service.
- **To respond to user inquiries/offer support to users.** We may process your information to respond to your inquiries and solve any potential issues you might have with the requested service.
- **To send administrative information to you.** We may process your information to send you details about our products and services, changes to our terms and policies, and other similar information.
- **To fulfill and manage your orders.** We may process your information to fulfill and manage your orders, payments, returns, and exchanges made through the Services.
- **To enable user-to-user communications.** We may process your information if you choose to use any of our offerings that allow for communication with another user.
- **To request feedback.** We may process your information when necessary to request feedback and to contact you about your use of our Services.
- **To send you marketing and promotional communications.** We may process the personal information you send to us for our marketing purposes, if this is in accordance with your marketing preferences. You can opt out of our marketing emails at any time.
- **To protect our Services.** We may process your information as part of our efforts to keep our Services safe and secure, including fraud monitoring and prevention.

## 3. LEGAL BASES

**If you are located in the EU or UK, this section applies to you.**

The General Data Protection Regulation (GDPR) and UK GDPR require us to explain the valid legal bases we rely on in order to process your personal information. As such, we may rely on the following legal bases to process your personal information:

- **Consent.** We may process your information if you have given us permission (i.e., consent) to use your personal information for a specific purpose. You can withdraw your consent at any time. Learn more about withdrawing your consent.
- **Performance of a Contract.** We may process your personal information when we believe it is necessary to fulfill our contractual obligations to you, including providing our Services or at your request prior to entering into a contract with you.
- **Legal Obligations.** We may process your information where we believe it is necessary for compliance with our legal obligations, such as to cooperate with a law enforcement body or

regulatory agency, exercise or defend our legal rights, or disclose your information as evidence in litigation in which we are involved.

In legal terms, we are generally the "data controller" under European data protection laws of the personal information described in this privacy policy, since we determine the means and/or purposes of the data processing we perform. This privacy policy does not apply to the personal information we process as a "data processor" on behalf of our customers. In those situations, the customer that we provide services to and with whom we have entered into a data processing agreement is the "data controller" responsible for your personal information, and we merely process your information on their behalf in accordance with your instructions. If you want to know more about our customers' privacy practices, you should read their privacy policies and direct any questions you have to them.

Any and all disputes arising under or related to this Policy shall be adjudicated exclusively in California, USA.

#### 4. TRANSFER OF INFORMATION

**Vendors, Consultants, and Other Third-Party Service Providers.** We may share your data with third-party vendors, service providers, contractors, or agents ("**third parties**") who perform services for us or on our behalf and require access to such information to do that work. We have contracts in place with our third parties, which are designed to help safeguard your personal information. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will also not share your personal information with any organization apart from us. They also commit to protect the data they hold on our behalf and to retain it for the period we instruct. The categories of third parties we may share personal information with are as follows:

- Affiliate Marketing Programs
- Data Analytics Services
- Ad Networks
- Cloud Computing Services
- Communication & Collaboration Tools
- Data Storage Service Providers
- Sales & Marketing Tools
- Social Networks
- Testing Tools
- Website Hosting Service Providers

We also may need to share your personal information in the following situations:

- **Business Transfers.** We may share or transfer your information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company.
- **Affiliates.** We may share your information with our affiliates, in which case we will require those affiliates to honor this privacy policy. Affiliates include our parent company and any subsidiaries, joint venture partners, or other companies that we control or that are under common control with us.
- **Business Partners.** We may share your information with our business partners to offer you certain products, services, or promotions.

#### 5. THIRD-PARTY WEBSITES

The Services may link to third-party websites, online services, or mobile applications and/or contain advertisements from third parties that are not affiliated with us and which may link to other websites, services, or applications (e.g. LinkedIn Website Retargeting; Cloudflare; Meta ads conversion tracking (Meta pixel); Google Tag Manager; Meta Events Manager; Google Analytics). Accordingly, we do not make any guarantee regarding any such third parties, and we will not be liable for any loss or damage caused by the use of such third-party websites, services, or applications. The inclusion of a link towards a third-party website, service, or application does not imply an endorsement by us. We cannot guarantee the safety and privacy of data you provide to any third parties. Any data collected by third parties is not covered by this privacy policy. We are not responsible for the content or privacy and security practices and policies of any third parties, including other websites, services, or applications that may be linked to or from the Services. You should review the policies of such third parties and contact them directly to respond to your questions.

## **6. COOKIES AND OTHER**

We may use cookies and similar tracking technologies (like web beacons and pixels) to access or store information.

A cookie is a text file that is placed on your hard drive, but they may not be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you, and when you return to our website, the information you previously provided can be retrieved, so you can continue to use any Products that you previously customized. You may accept or decline cookies by modifying your browser settings. If you decline cookies, the use of the Products may not be optimized. If you have any questions about our use of cookies please contact us before using the Service or Products.

## **7. INTERNATIONAL TRANSFER OF INFORMATION**

Our servers are located in the United States. If you are accessing our Services from outside the United States, please be aware that your information may be transferred to, stored, and processed by us in our facilities and by those third parties with whom we may share your personal information in the United States, and other countries.

If you are a resident in the European Economic Area (EEA) or United Kingdom (UK), then these countries may not necessarily have data protection laws or other similar laws as comprehensive as those in your country. However, we will take all necessary measures to protect your personal information in accordance with this privacy policy and applicable law.

European Commission's Standard Contractual Clauses:

We have implemented measures to protect your personal information, including by using the European Commission's Standard Contractual Clauses for transfers of personal information between our group companies and between us and our third-party providers. These clauses require all recipients to protect all personal information that they process originating from the EEA or UK in accordance with European data protection laws and regulations. Our Standard Contractual Clauses can be provided upon request. We have implemented similar appropriate safeguards with our third-party service providers and partners and further details can be provided upon request.

## **8. INFORMATION STORAGE**

We will only keep your personal information for as long as it is necessary for the purposes set out in this privacy policy, unless a longer retention period is required or permitted by law (such as tax, accounting, or other legal requirements).

When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymize such information, or, if this is not possible (for example, because your personal

information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

## 9. INFORMATION SECURITY

We have implemented appropriate and reasonable technical and organizational security measures designed to protect the security of any personal information we process. However, despite our safeguards and efforts to secure your information, no electronic transmission over the Internet or information storage technology can be guaranteed to be 100% secure, so we cannot promise or guarantee that hackers, cybercriminals, or other unauthorized third parties will not be able to defeat our security and improperly collect, access, steal, or modify your information. Although we will do our best to protect your personal information, transmission of personal information to and from our Services is at your own risk. You should only access the Services within a secure environment.

## 10. PRIVACY RIGHTS

In some regions (like the EEA, UK, and Canada), you have certain rights under applicable data protection laws. These may include the right (i) to request access and obtain a copy of your personal information, (ii) to request rectification or erasure; (iii) to restrict the processing of your personal information; and (iv) if applicable, to data portability. In certain circumstances, you may also have the right to object to the processing of your personal information. You can make such a request by contacting us by using the contact details.

We will consider and act upon any request in accordance with applicable data protection laws.

If you are located in the EEA or UK and you believe we are unlawfully processing your personal information, you also have the right to complain to your Member State data protection authority or UK data protection authority.

If you are located in Switzerland, you may contact the Federal Data Protection and Information Commissioner.

**Withdrawing your consent:** If we are relying on your consent to process your personal information, which may be express and/or implied consent depending on the applicable law, you have the right to withdraw your consent at any time. You can withdraw your consent at any time by contacting us by using the contact details.

However, please note that this will not affect the lawfulness of the processing before its withdrawal nor, when applicable law allows, will it affect the processing of your personal information conducted in reliance on lawful processing grounds other than consent.

**Opting out of marketing and promotional communications:** You can unsubscribe from our marketing and promotional communications at any time by clicking on the unsubscribe link in the emails that we send, or by contacting us using the contact details. You will then be removed from the marketing lists. However, we may still communicate with you — for example, to send you service-related messages that are necessary for the administration and use of your account, to respond to service requests, or for other non-marketing purposes.

**Cookies and similar technologies:** Most Web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove cookies and to reject cookies. If you choose to remove cookies or reject cookies, this could affect certain features or services of our Services. You may also opt out of interest-based advertising by advertisers on our Services.

If you have questions or comments about your privacy rights, you may email us at [welcome@imaga.co](mailto:welcome@imaga.co)

## 11. CONTROLS FOR DO-NOT-TRACK FEATURES

Most web browsers and some mobile operating systems and mobile applications include a Do-Not-Track ("DNT") feature or setting you can activate to signal your privacy preference not to have data about your online browsing activities monitored and collected. At this stage no uniform technology standard for recognizing and implementing DNT signals has been finalized. As such, we do not currently respond to DNT browser signals or any other mechanism that automatically communicates your choice not to be tracked online. If a standard for online tracking is adopted that we must follow in the future, we will inform you about that practice in a revised version of this privacy policy.

## 12. DO CALIFORNIA RESIDENTS PRIVACY RIGHTS

**In Short:** Yes, if you are a resident of California, you are granted specific rights regarding access to your personal information.

California Civil Code Section 1798.83, also known as the "Shine The Light" law, permits our users who are California residents to 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 personal information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to us using the contact information provided below.

If you are under 18 years of age, reside in California, and have a registered account with Services, you have the right to request removal of unwanted data that you publicly post on the Services. To request removal of such data, please contact us using the contact information provided below and include the email address associated with your account and a statement that you reside in California. We will make sure the data is not publicly displayed on the Services, but please be aware that the data may not be completely or comprehensively removed from all our systems (e.g., backups, etc.).

### **Will your information be shared with anyone else?**

We may disclose your personal information with our service providers pursuant to a written contract between us and each service provider. Each service provider is a for-profit entity that processes the information on our behalf, following the same strict privacy protection obligations mandated by the CCPA.

We may use your personal information for our own business purposes, such as for undertaking internal research for technological development and demonstration. This is not considered to be "selling" of your personal information.

### **Your rights with respect to your personal data**

#### Right to request deletion of the data — Request to delete

You can ask for the deletion of your personal information. If you ask us to delete your personal information, we will respect your request and delete your personal information, subject to certain exceptions provided by law, such as (but not limited to) the exercise by another consumer of his or her right to free speech, our compliance requirements resulting from a legal obligation, or any processing that may be required to protect against illegal activities.

#### Right to be informed — Request to know

Depending on the circumstances, you have a right to know:

- whether we collect and use your personal information;
- the categories of personal information that we collect;
- the purposes for which the collected personal information is used;

- whether we sell or share personal information to third parties;
- the categories of personal information that we sold, shared, or disclosed for a business purpose;
- the categories of third parties to whom the personal information was sold, shared, or disclosed for a business purpose;
- the business or commercial purpose for collecting, selling, or sharing personal information; and
- the specific pieces of personal information we collected about you.

In accordance with applicable law, we are not obligated to provide or delete consumer information that is de-identified in response to a consumer request or to re-identify individual data to verify a consumer request.

#### Right to Non-Discrimination for the Exercise of a Consumer's Privacy Rights

We will not discriminate against you if you exercise your privacy rights.

#### Verification process

Upon receiving your request, we will need to verify your identity to determine you are the same person about whom we have the information in our system. These verification efforts require us to ask you to provide information so that we can match it with information you have previously provided us. For instance, depending on the type of request you submit, we may ask you to provide certain information so that we can match the information you provide with the information we already have on file, or we may contact you through a communication method (e.g., phone or email) that you have previously provided to us. We may also use other verification methods as the circumstances dictate.

We will only use personal information provided in your request to verify your identity or authority to make the request. To the extent possible, we will avoid requesting additional information from you for the purposes of verification. However, if we cannot verify your identity from the information already maintained by us, we may request that you provide additional information for the purposes of verifying your identity and for security or fraud-prevention purposes. We will delete such additionally provided information as soon as we finish verifying you.

#### Other privacy rights

- You may object to the processing of your personal information.
- You may request correction of your personal data if it is incorrect or no longer relevant, or ask to restrict the processing of the information.
- You can designate an authorized agent to make a request under the CCPA on your behalf. We may deny a request from an authorized agent that does not submit proof that they have been validly authorized to act on your behalf in accordance with the CCPA.

To exercise these rights, you can contact us by email [welcome@imaga.co](mailto:welcome@imaga.co) or by visiting [imaga.co](http://imaga.co). If you have a complaint about how we handle your data, we would like to hear from you.

### **13. CONTACT DETAILS**

If you have questions or comments about this policy, you may email us or by post to:

IMAGA, INC.  
1401 21st St STE R Sacramento CA 95811 United States

[welcome@imaga.co](mailto:welcome@imaga.co)