

FroogaliT, LLC Privacy Policy

Effective Date: September 20, 2018

1. Overview

[FroogaliT, LLC \(“FroogaliT”\)](#) has developed this Privacy Policy to explain how we may collect, retain, process, share and transfer your Personal Data when you visit our Sites or use our Services. This Privacy Policy applies to your Personal Data when you visit Sites or use Services, and does not apply to online websites or services that we do not own or control, including websites or services of other FroogaliT.

For the avoidance of doubt, this Privacy Policy does not constitute a “framework contract” for the purpose of the EU Payment Services Directive (2007/64/EC) or any implementation of that Directive in the European Economic Area.

This Privacy Policy is designed to help you obtain information about our privacy practices and to help you understand your privacy choices when you use our Sites and Services. Please note that our Service offerings may vary by region. This Privacy Policy may be supplemented with additional notices depending on the Sites and Services concerned. Supplementary information can be found in the Statement on Cookies and Tracking Technologies and the Banking Regulations Notice,

We have defined some terms that we use throughout the Privacy Policy. You can find the meaning of a capitalized term in the Definitions section.

Please contact us if you have questions about our privacy practices that are not addressed in this Privacy Policy.

2. What Personal Data Do We Collect?

We collect Personal Data about you when you visit our Sites or use our Services, including the following:

- **Registration and use information** – When you register to use our Services by establishing an Account, we will collect Personal Data as necessary to offer and fulfil the Services you request. Depending on the Services you choose, we may require you to provide us with your name, postal address, telephone number, email address and identification information to establish an Account. We may require you to provide us with additional Personal Data as you use our Services.
- **Transaction and experience information** – When you use our Services or access our Sites, for example, to run a transaction through the virtual terminal or collect a payment through bill presentment, we collect information about the transaction, as well as other information associated with the transaction such as amount, amount paid for products or services, merchant information, including information about any funding instruments used to complete the transaction, Device Information and Technical Usage Data.
- **Participant Personal Data** – When you use our Services or access our Sites, we collect Personal Data you provide us about the other participants associated with the transaction.
- **Personal data that you choose to provide us to obtain additional Services or specific online Services** – If you request or participate in an optional Site feature, or request enhanced Services or other elective functionality, we may collect additional information from you. We will provide you with a separate notice at the time of collection, if the use of that Personal Data differs from the uses disclosed in this Privacy Policy.
- **Personal Data about you from third-party sources** – We obtain information from third-party sources such as merchants, data providers, and credit bureaus, where permitted by law.
- **Other information we collect related to your use of our Sites or Services** – We may collect additional information from or about you when you communicate with us, contact our customer support teams or respond to a survey.

3. Why Do We Retain Personal Data?

We retain Personal Data in an identifiable format for the least amount of time necessary to fulfill our legal or regulatory obligations and for our business purposes. We may retain Personal Data for longer periods than required by law if it is in our legitimate business interests and not prohibited by law. If your Account

is closed, we may take steps to mask Personal Data and other information, but we reserve our ability to retain and access the data for so long as required to comply with applicable laws. We will continue to use and disclose such Personal data in accordance with this Privacy Policy.

The cookies we use have defined expiration times; unless you visit our Sites or use our Services within that time, the cookies are automatically disabled and retained data is deleted.

4. How Do We Process Personal Data?

We may Process your Personal Data for a variety of reasons that are justified under data protection laws in the European Economic Area (EEA) and Switzerland.

- **To operate the Sites and provide the Services**, including to:
 - initiate a payment, send an invoice, or process a transaction.
 - authenticate your access to an Account.
 - communicate with you about your Account, the Sites, the Services, or FroogaliT.
 - create an account connection between your Account and a third-party account or platform (like payment gateways).
 - perform creditworthiness and other financial standing checks, evaluate applications, and compare information for accuracy and verification purposes.
- **To manage our business needs**, such as monitoring, analyzing, and improving the Services and the Sites' performance and functionality. For example, we may analyze User behavior and perform research about the way you use our Services.
- **To manage risk and protect the Sites, the Services and you from fraud by verifying your identity**, and helping to detect and prevent fraud and abuse of the Sites or Services.
- **To comply with our obligations and to enforce the terms of our Sites and Services**, including to comply with all applicable laws and regulations.
- **For our legitimate interests, including to:**
 - enforce the terms of our Sites and Services;
 - manage our everyday business needs, such as monitoring, analyzing; and
- **With your consent, including to:**

- To market to you by delivering marketing materials about FroogaliT products and online Services and the products and services of unaffiliated businesses. We may also Process your Personal Data to tailor certain Services or Site experiences to better match our understanding of your interests.
- To provide personalized Services offered by FroogaliT on third-party websites and online services. We may use your Personal Data and other information collected in accordance with this Privacy Policy to provide a targeted display, feature or offer to you on third-party websites. We may use cookies and other tracking technologies to provide these online services and/or work with other third-parties such as advertising or analytics companies to provide these online services.
- To respond to your requests, for example to contact you about a question you submitted through our support desk.

You can withdraw your consent at any time and free of charge. See Contact us below on how to reach us and make such a request.

5. Do We Share Personal Data?

We may share your Personal Data or other information about you with others in a variety of ways as described in this section of the Privacy Policy. We may share your Personal Data or other information for the following reasons:

With other members of the FroogaliT corporate family: We may share your Personal Data with members of the FroogaliT family of entities to, among other things, provide the Services you have requested or authorized; to manage risk; to help detect and prevent potentially illegal and fraudulent acts and other violations of our policies and agreements and to help us manage the availability and connectivity of FroogaliT products, Services, and communications.

With other companies that provide services to us: We may share Personal Data with third-party service providers that perform services and functions at our direction and on our behalf. These third-party service providers may, for example, provide you with Services, verify your identity, assist in processing transactions, send you advertisements for our products and services, or provide customer support.

With other financial institutions that we have partnered with to jointly create and offer a product or service: We may share Personal Data with other financial institutions that we have partnered with to jointly create and offer a product.

With the other parties to transactions when you use the Services, such as other Users, merchants, and their service providers: We may share information with the other participants to your transactions, including other Users you are sending or receiving funds from, and merchants or their service providers when you use the Services to pay for goods or services. The information includes:

- Personal Data necessary to facilitate the transaction;
- Personal Data to help other participant(s) resolve disputes and detect and prevent fraud; and
- Anonymous data and performance analytics to help merchants better understand the uses of our Services and to help merchants enhance Users' experiences.

With other third parties for our business purposes or as permitted or required by law: We may share information about you with other parties for FroogaliT's business purposes or as permitted or required by law, including:

- if we need to do so to comply with a law, legal process or regulations;
- to law enforcement authorities or other government officials, or other third parties pursuant to a subpoena, a court order or other legal process or requirement applicable to FroogaliT or FroogaliT's corporate family;
- if we believe, in our sole discretion, that the disclosure of Personal Data is necessary or appropriate to prevent physical harm or financial loss or in connection with an investigation of suspected or actual illegal activity;
- to protect the vital interests of a person;
- with credit agencies and data processors for credit reference checks and anti-fraud and compliance purposes;
- to investigate violations of or enforce a user agreement or other legal terms applicable to any Service;
- to protect our property, Services and legal rights;
- to facilitate a purchase or sale of all or part of FroogaliT's business;
- in connection with shipping and related services for purchases made using a Service;
- to help assess and manage risk and prevent fraud against us, our Users and fraud involving our Sites or use of our Services, including fraud that occurs at or involves our business partners, strategic ventures, or other individuals, and merchants;

- to banking partners as required by card association rules for inclusion on their list of terminated merchants;
- to credit reporting and collection agencies;
- to companies that we plan to merge with or be acquired by; and
- to support our audit, compliance, and corporate governance functions.

With your consent: We also will share your Personal Data and other information with your consent or direction, including if you authorize an account connection with a third-party account or platform.

In addition, FroogaliT may provide aggregated statistical data to third parties, including other businesses and members of the public, about how, when, and why Users visit our Sites and use our Services. This data will not personally identify you or provide information about your use of the Sites or Services. We do not share your Personal Data with third parties for their marketing purposes without your consent.

6. International transfers

Our operations are supported by a network of computers, cloud-based servers, and other infrastructure and information technology, including, but not limited to, third-party service providers.

The parties mentioned above may be established in jurisdictions other than your own and outside the European Economic Area and Switzerland. These countries do not always afford an equivalent level of privacy protection. We have taken specific steps, in accordance with EEA data protection law, to protect your Personal Data. In particular, for transfers of your Personal Data within FroogaliT related companies, we rely on Binding Corporate Rules approved by competent Supervisory Authorities. Other transfers may be based on contractual protections. Please contact us for more information about this.

If you make transactions with parties outside the EEA or Switzerland, we are required to transfer your Personal Data with those parties in order to provide the requested Service to you.

7. How Do We Use Cookies and Tracking Technologies?

When you visit our Sites, use our Services, or visit a third-party website for which we provide online services, we and our business partners and vendors may use cookies and other tracking technologies (collectively, “Cookies”) to recognize you as a User and to customize your online experiences, the Services you use, and other online content and advertising; measure the effectiveness of promotions and perform analytics; and to mitigate risk, prevent potential fraud, and promote trust and safety across our Sites and Services. Certain aspects and features of our Services and Sites are only available through the use of Cookies, so if you choose to disable or decline Cookies, your use of the Sites and Services may be limited or not possible.

Do Not Track (DNT) is an optional browser setting that allows you to express your preferences regarding tracking by advertisers and other third-parties. We do not respond to DNT signals.

8. What Privacy Choices Are Available To You?

You have choices when it comes to the privacy practices and communications described in this Privacy Policy. Many of your choices may be explained at the time you sign up for or use a Service or in the context of your use of a Site. You may be provided with instructions and prompts within the experiences as you navigate the Services.

- **Choices Relating to the Personal Data We Collect**
 - Personal Data. You may decline to provide Personal Data when it is requested by FroogaliT, but certain Services or all of the Services may be unavailable to you.
- **Choices Relating to Our Use of Your Personal Data**
- **Choices Relating to Account Connections**
 - If you authorize an account connection to a third-party account or platform, such as a social media account, you may be able to manage your connection preferences from your Account or the third-party account or platform. Please refer to the privacy notice that governs the third-party platform for more information on the choices you may have.
- **Choices Relating to Cookies**
 - You may have options available to manage your cookies preferences. For example, your browser or internet device may allow you to delete, disable, or block certain cookies and other tracking

technologies. You can learn more by visiting AboutCookies.org. You may choose to enable these options, but doing so may prevent you from using many of the core features and functions available on a Service or Site or even the site itself.

- You may have an option regarding the use of cookies and other tracking technologies when you use a Service or visit parts of a Site. For example, you may be asked if you want the Service or Site to “remember” certain things about you, and we will use cookies and other tracking technologies to the extent that you permit them.
- **Choices Relating to Your Registration and Account Information**
 - If you have an Account, you generally may review and edit Personal Data by logging in and updating the information directly or by contacting us. Contact us if you do not have an Account or if you have questions about your Account information or other Personal Data.
- **Choices Relating to Communication**
- **Notices, Alerts and Updates from Us:**
 - **Marketing:** We may send you marketing content about our Sites, Services, products, products we jointly offer with financial institutions, as well as the products and services of unaffiliated third parties and members of the FroogaliT corporate family through various communication channels, for example, email, text, pop-ups, push notifications, and messaging applications. You may opt out of these marketing communications we send by following the instructions in the communications you receive. If you have an Account with us, you may also adjust your communication preferences in your Account settings. For messages sent via push notifications, you may manage your preferences in your device.
 - **Informational and Other:** We will send communications to you that are required or necessary to send to Users of our Services, notifications that contain important information and other communications that you request from us. You may not opt out of receiving these communications.

9. What Are Your Rights?

Subject to limitations set out in EEA data protection laws, you have certain rights in respect of your Personal Data. In particular, you have a right of access, rectification, restriction, opposition, erasure and data portability. Please contact us if you wish to exercise these rights. If you wish to complete an access request to all personal data that FroogaliT holds on you, please note that photo identity will be required to prove your identity.

If you have an Account with any of our Services, you generally can review and edit Personal Data in the Account by logging in and updating the information directly. We may use automated decision-making for decisions concerning credit with your consent or where necessary for the entry into or performance of a contract or authorized by Union or Member state law.

Please contact us if you require more information on automated-decision making.

10. How Do We Protect Your Personal Data?

We maintain technical, physical, and administrative security measures designed to provide reasonable protection for your Personal Data against loss, misuse, unauthorized access, disclosure, and alteration. The security measures include firewalls, data encryption, physical access controls to our data centers, and information access authorization controls. While we are dedicated to securing our systems and Services, you are responsible for securing and maintaining the privacy of your password(s) and Account/profile registration information and verifying that the Personal Data we maintain about you is accurate and current. We are not responsible for protecting any Personal Data that we share with an authorized third-party partner.

11. Can Children Use Our Services?

The Sites and Services are not directed to children under the age of majority. We do not knowingly collect information, including Personal Data, from children or other individuals who are not legally able to use our Sites and Services. If we obtain actual knowledge that we have collected Personal Data from a child under the age of majority, we will promptly delete it, unless we are legally obligated to retain such data. Contact us if you believe that we have mistakenly or unintentionally collected information from a child under the age of majority.

12. What Else Should You Know?

Changes to this Privacy Policy.

We may revise this Privacy Policy from time to time to reflect changes to our business, the Sites or Services, or applicable laws. The revised Privacy Policy will be effective as of the published effective date.

If the revised version includes a substantial change, we will provide you with 30 days prior on line notice solely by posting notice of the change on the “Policy Update” page of our website. We also may notify Users of the change using email or other means.

13. Contact Us

You may contact us if you have general questions or concerns about this Privacy Policy and supplemental notices the way in which we handle your Personal Data or you wish to have us delete the data and we may lawfully do so. To contact us e-mail us at support@froogalit.com. In order to request the deletion of data you must furnish us with your name, the last 4 digits of your credit card that you provided to us and we will remove it from our system provided banking rules don't require us to hold on to it.

We want to make sure your questions go to the right place:

- To contact us about your FroogaliT account e-mail us at: support@froogalit.com

If you are not satisfied by the way in which we address your concerns, you have the right to lodge a complaint with the Supervisory Authority for data protection in your country.

14. Definitions

- **Account** means a FroogaliT member account.
- **Device Information** means data that can be automatically collected from any device used to access the Site or Services. Such information may include, but is not limited to, your device type; your device's network connections; your device's name; your device IP address; information about your device's web browser and internet connection you use to access the Site or Services;

- **Personal Data** means information that can be associated with an identified or directly or indirectly identifiable natural person. “Personal Data” can include, but is not limited to, name, postal address (including billing and shipping addresses), telephone number, email address, payment card number, other financial account information, account number, date of birth, and government-issued credentials (e.g., driver’s license number, national ID, passport number).
- **Process** means any method or way that we handle Personal Data or sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, and consultation, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of Personal Data.
- **Services** means any products, services, content, features, technologies, or functions, and all related websites, applications and services offered to you by FroogaliT .
- **Sites** means the websites, mobile apps, official social media platforms, or other online properties through which FroogaliT offers the Services and which has posted or linked to this Privacy Policy.
- **Technical Usage Data** means information we collect from your phone, computer or other device that you use to access the Sites or Services. Technical Usage Data tells us how you use the Sites and Services, such as what you have searched for and viewed on the Sites and the way you use our Services, including your IP address, statistics regarding how pages are loaded or viewed, the websites you visited before coming to the Sites and other usage and browsing information collected through Cookies.
- **User** means an individual who uses the Services or accesses the Sites and has established a relationship with FroogaliT (for example, by opening an Account and agreeing to the FroogaliT User Agreement) or otherwise uses the Services as a merchant, seller or other type of participant to a transaction, including a Guest Transaction.

15. Statement on Cookies and Tracking Technologies

When you visit or interact with our sites, services, applications, tools or messaging, we or our authorized service providers may use cookies, web beacons, and other similar technologies for storing information to help provide you with a better, faster, and safer experience and for advertising purposes.

This page is designed to help you understand more about these technologies and our use of them on our sites and in our services, applications, and tools. Below is a summary of a few key things you should know about our use of such technologies. You can review the contents of our full User Cookie Notice below.

Our cookies and similar technologies have different functions. They are either necessary for the functioning of our services, help us improve our performance, or give you extra functionalities. We may use cookies and similar technologies that only remain on your device for as long as you keep your browser active (session) and cookies and similar technologies that remain on your device for a longer period (persistent). You are free to block, delete, or disable these cookies if your device permits so. You can manage your cookies and your cookie preferences in your browser or device settings.

Where possible, security measures are set in place to prevent unauthorized access to our cookies and similar technologies. A unique identifier ensures that only we and/or our authorized service providers have access to cookie data.

Service providers are companies that help us with various aspects of our business, such as site operations, services, applications, advertisements and tools. These service providers may also place cookies on your device via our services (third party cookies). They may also collect information that helps them identify your device, such as IP-address or other unique or device identifiers.

What are cookies, web beacons, and similar technologies?

Like most sites, we use technologies that are essentially small data files placed on your computer, tablet, mobile phone, or other devices (referred to collectively as a

“device”) that allow us to record certain pieces of information whenever you visit or interact with our sites, services, applications, messaging, and tools.

The specific names and types of the cookies, web beacons, and other similar technologies we use may change from time to time. In order to help you better understand this Policy and our use of such technologies we have provided the following limited terminology and definitions:

Cookies – Small text files (typically made up of letters and numbers) placed in the memory of your browser or device when you visit a website or view a message. Cookies allow a website to recognize a particular device or browser. There are several types of cookies:

- Session cookies expire at the end of your browser session and allow us to link your actions during that particular browser session.
- Persistent cookies are stored on your device in between browser sessions, allowing us to remember your preferences or actions across multiple sites.
- First-party cookies are set by the site you are visiting.
- Third-party cookies are set by a third party site separate from the site you are visiting.

Cookies can be disabled or removed by tools that are available in most commercial browsers. The preferences for each browser you use will need to be set separately and different browsers offer different functionality and options.

Web beacons – Small graphic images (also known as “pixel tags” or “clear GIFs”) that may be included on our sites, services, applications, messaging, and tools, that typically work in conjunction with cookies to identify our users and user behavior.

Similar technologies – Technologies that store information in your browser or device utilizing local shared objects or local storage, such as flash cookies, HTML 5 cookies, and other web application software methods. These technologies can operate across all of your browsers, and in some instances may not be fully managed by your browser and may require management directly through your installed applications or device. We do not use these technologies for storing information to target advertising to you on or off our sites.

We may use the terms “cookies” or “similar technologies” interchangeably in our policies to refer to all technologies that we may use to store data in your browser or device or that collect information or help us identify you in the manner described above.

Our uses of such technologies fall into the following general categories:

1. **Essential.** We may use cookies, web beacons, or other similar technologies that are necessary to the operation of our sites, services, applications, and tools. This includes technologies that allow you access to our sites, 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 functions such as shopping-carts, saved search, or similar functions;
2. **Performance Related.** We may use cookies, web beacons, or other similar technologies to assess the performance of our websites, applications, services, and tools, including as part of our analytic practices to help us understand how our visitors use our websites, determine if you have interacted with our messaging, determine whether you have viewed an item or link, or to improve our website content, applications, services, or tools;
3. **Functionality Related.** We may use cookies, web beacons, or other similar technologies that allow us to offer you enhanced functionality when accessing or using our sites, services, applications, or tools. This may include identifying you when you sign into our sites or keeping track of your specified preferences, interests, or past items viewed so that we may enhance the presentation of content on our sites;

Any personal information that we collect and store through use of these technologies for categories 2 through 4 above are based on your consent, obtained through a conspicuous disclosure on our website during your first visit. You can withdraw this consent through your browser settings as explained below.

Use of these technologies by authorized third-party service providers

We may work with third-party companies, commonly known as service providers, who are authorized to place third-party cookies, web beacons, or similar technologies for storing information on our sites or in our services, applications, and tools with our permission. These service providers help us to provide you with a better, faster, and safer experience.

These service providers may use these technologies to help us deliver our own content and advertising, and compile anonymous site metrics and analytics.

“Do Not Track”

California law requires us to let you know how we respond to web browser Do Not Track (DNT) signals. Because there currently is not an industry or legal standard for recognizing or honoring DNT signals, we do not respond to them at this time. We await the result of work by the privacy community and industry to determine when such a response is appropriate and what form it should take.

We reserve the right to alter and update this policy. If we update it, we will post the updated policy on our website as our sole communication with you. Please review our policy from time to time to see if we have revised the policy.

Banking Regulations Notice for Customers in the EEA

1. Banking Rules

Some countries data protection and bank secrecy laws require a higher degree of transparency than other countries laws. By accepting this Privacy Policy and maintaining an account with FroogaliT, you expressly consent to the transfer of your data to those third parties to comply with a country’s laws that requires such transfers for the purposes listed here.

2. FATCA and CRS Law Statement

In order to provide the FroogaliT Services, certain of the information we collect (as set out in this Privacy Policy) may be required to be transferred to other FroogaliT related companies or other entities, including those referred to in this section in

their capacity as payment providers, payment processors or account holders (or similar capacities). You acknowledge that according to their local legislation, such entities may be subject to laws, regulations, inquiries, investigations, or orders which may require the disclosure of information to the relevant authorities of the relevant country. Your use of the FroogaliT Services constitutes your consent to our transfer of such information to provide you the FroogaliT Services.

Specifically, you consent to and direct FroogaliT to do any and all of the following with your information:

- a. Disclose necessary information to: the police and other law enforcement agencies; security forces; competent governmental, intergovernmental or supranational bodies; competent agencies, departments, regulatory authorities, self-regulatory authorities or organizations (including, without limitation, the Agencies referenced in the “Agencies” section of the Third Party Provider List here) and other third parties, including FroogaliT Group companies, that (i) we are legally compelled and permitted to comply with, (ii) we have reason to believe it is appropriate for us to cooperate with in investigations of fraud or other illegal activity or potential illegal activity, or (iii) to conduct investigations of violations of our User Agreement (including without limitation, your funding source or credit or debit card provider).

If you are covered by the FATCA or CRS Law, we are required to give you notice of the information about you that we may transfer to various authorities. Please read more about FroogaliT's obligations under the FATCA and CRS Law and how they could affect you as well as take note of the information we may disclose as result.

We and other organizations, including parties that accept FroogaliT, may also share, access and use (including from other countries) necessary information (including, without limitation the information recorded by fraud prevention agencies) to help us and them assess and to manage risk (including, without limitation, to prevent fraud, money laundering and terrorist financing).

- b. Disclose Account Information to intellectual property right owners if under the applicable national law of an EU member state they have a claim against FroogaliT for an out-of-court information disclosure due to an infringement of their intellectual property rights for which FroogaliT Services have been used.
- c. Disclose necessary information in response to the requirements of the credit card associations or a civil or criminal legal process.
- d. If you as a merchant use a third party to access or integrate FroogaliT, we may disclose to any such partner necessary information for the purpose of facilitating and maintaining such an arrangement (including, without limitation, the status of your FroogaliT integration, whether you have an active FroogaliT account and whether you may already be working with a different FroogaliT integration partner).
- e. Disclose necessary information to the payment processors, auditors, customer services providers, credit reference and fraud agencies, financial products providers, commercial partners, marketing and public relations companies, operational services providers, group companies, agencies, marketplaces and other third parties. The purpose of this disclosure is to allow us to provide FroogaliT Services to you.
- f. Disclose necessary information to your agent or legal representative (such as the holder of a power of attorney that you grant, or a guardian appointed for you).
- g. Disclose aggregated statistical data with our business partners or for public relations. For example, we may disclose that a specific percentage of our users live in a given city. However, this aggregated information is not tied to personal information.
- h. Share necessary Account Information with unaffiliated third parties (listed here) for their use for the following purposes:
 - 1. Fraud Prevention and Risk Management: to help prevent fraud or assess and manage risk. For example, if you use the FroogaliT Services to buy or sell goods from a third-party, we may share

Account Information with that third-party in order to help protect your accounts from fraudulent activity, alert you if we detect such fraudulent activity on your accounts, or evaluate credit risk.

2. Customer Service: for customer service purposes, including to help service your accounts or resolve disputes (e.g., billing or transactional).
3. Legal Compliance: to help them comply with anti-money laundering and counter-terrorist financing verification requirements.
4. Service Providers: to enable service providers under contract with us to support our business operations, such as fraud prevention, bill collection, marketing, customer service and technology services.

Date of Policy: September 20, 2018
