



TheroPay's Privacy Disclosure Statement

Welcome to TheroPay! This Privacy Disclosure Statement, along with any other notices provided at the time of collection, explains how we collect, disclose, and use your personal information, the steps we take to protect such information, and how you can exercise your privacy rights. Specifically, this Privacy Disclosure Statement describes the types of information TheroPay, Inc., our subsidiaries and affiliates, (collectively, "**TheroPay**", "**we**," "**our**," or "**us**") collect, (i) when you visit, interact with or use any of our websites, including the website at www.theropay.co, social media pages, public forums (such as our blogs), mobile apps, online advertisements, marketing, or sales communications that link to this Privacy Disclosure Statement (collectively, our "**Sites**"); (ii) or if you visit or attend any of our offices or events, or interact with or use our sales, marketing, and other offline activities (collectively, our "**Offline Activities**"); and (iii) avail or use certain services provided by us which link to this Privacy Disclosure Statement, where TheroPay is acting as a controller or business (as applicable) (collectively, including the **Sites** and **Offline Activities**, our "**Service Offerings**").

For clarity, this Privacy Disclosure Statement applies to personal information collected and processed by TheroPay while acting as a data controller or business (as those terms are defined under applicable privacy laws, including the European Union's (EU) General Data Protection Regulation 2016/679 ("EU GDPR"), "United Kingdom (UK) GDPR"), or the **New York State Assembly Bill 2025-A4947, enacting the New York Privacy Act ("NYPA")**, or the **Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5) ("PIPEDA")** for the purposes and legal bases set forth below. For example, if you create a TheroPay account and provide certain personal information (such as name and email address) which is used for account creation and authentication purposes, TheroPay acts as a data controller or business with respect to processing that information. For certain other aspects of our services, such as processing case files which are attached to a support ticket, TheroPay acts as a data processor or service provider.

This Privacy Disclosure Statement does not apply to:

- ☞ TheroPay's processing of personal information submitted for processing by merchants utilizing TheroPay products or services and processed by us as service provider or processor on their behalf ("Merchant Data"), which is subject to our merchant agreements and the merchant's respective privacy practices; and
- ☞ All websites, products, or services that display or link to different Privacy Disclosure Statements or that are operated by companies other than TheroPay, or to business activities or practices of third parties.

When you access or use our Service Offerings, you acknowledge that you have read this Privacy Disclosure Statement and understand its contents. Your use of our Service Offerings and any dispute over privacy is subject to this Privacy Disclosure Statement. We recommend that you read this Privacy Disclosure Statement in full to ensure you are completely informed about TheroPay's processing of your personal information and your rights. However, if you only want to access a particular section, then you can click on the relevant link below to visit that section.

If you have any questions or concerns about our use of your personal information, then please contact us using the contact details provided under the "Contacting TheroPay" section. If you are unable to access this Privacy Disclosure Statement due to a disability or any physical or mental impairment, please contact us using the contact details provided under the "Contacting TheroPay" section and we will arrange to supply you with the information you need in an alternative format that you can access.

What is the meaning of Personal Information?

As used in this Privacy Disclosure Statement, the term "**personal information**" or "**personally identified information**" means and includes all information about an identifiable individual or '*renseignement personnel*' as also defined in the PIPEDA, or information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, to an individual, and it includes "personal data" and other analogous variations as defined under applicable privacy laws. It does not include aggregated or deidentified information that is maintained in a form that is not reasonably capable of being associated with or linked to an individual and does not apply to other information that is excluded from privacy protections under applicable law.

What Personal Information does TheroPay collect?

The personal information we collect from you, either directly or indirectly, will depend on how you interact with us. We may collect your personal information from the following sources:

Information you provide voluntarily

We collect personal information directly from you when you provide us with this information online and through your other interactions with us. This includes, but is not limited to, the following:

- ☞ Completing forms for our Service Offerings (including any registration and account creation, due diligence forms and requests for additional information);



- ☞ Posting content to our Sites, including any interaction with social media, blogs, forums, chat features, or other interactive features of our Service Offerings;
- ☞ Registrations for demos or to use a demo instance of our products and services (such as TheroPay Test Drive);
- ☞ Entering a contest, competition, or other promotion;
- ☞ Contacting us (including merchant service communications and interactions with chat features on our Sites);
- ☞ Completing surveys;
- ☞ Registering to attend an event, webinar, or conference; and
- ☞ Submitting other information to us related to your use of our Service Offerings or attendance for an Offline Activity.

Accessing or using our Service Offerings, and providing your personal information is optional; however, we may not be able to provide you with certain requested Service Offerings if we do not process your personal information. Examples of Service Offerings that can only be provided by us if we process your personal information include event registrations, content downloads (e.g., whitepapers), account activations, access to an application or a payment platform service. Additionally, if you contact us through our chat features, we may use contact details and any information you provide to contact you with information you have requested about our products and services.

Information we collect from your device and Cookies

We may collect personal information from your device through automated means when you use our Service Offerings, including information such as your IP address, operating system, device type, unique device identification numbers, browser-type, broad geographic location (by use of GPS or other geolocation features of your device) and other technical information. Some of the information we collect is captured using cookies, pixels, embedded scripts, web beacons, and other technologies (collectively “**Cookies**”), and we may use third-party providers or technologies to collect this information on our behalf. We may combine this information with other information that we have collected, such as your username. We (and our third-party service providers), use Cookies to automatically collect usage and device information, such as:

- ☞ Device Information, as indicated in the table below.
- ☞ Information about how you access and use our Service Offerings. This includes information about how your device interacts with the Service Offerings, information regarding the site from which you came and the site to which you are going when you leave our Sites, how frequently you access the Service Offerings, whether you open emails or click the links contained in emails, and other similar actions and preferences. It also includes information such as the pages accessed, the links clicked, interaction with our advertisements, videos you watch, and preferences stored. We may also use third-party tools to collect information you provide to us or information about how you use and interact with the Service Offerings, including page navigation, clicks and keystroke activity. These tools may also record information you enter when you interact with our Service Offerings, including any chat features.
- ☞ Location information, such as general geographic location that we or our third-party providers may derive from your IP address.
- ☞ Analytics information. We (or our third-party providers) collect analytics data via analytics tools to measure traffic to our Service Offerings, understand and analyze the usage trends and preferences of our users, enhance, and develop new products, services, features, and functionality, administer our Service Offerings, track user's movements around our Service Offerings, store preference information in our Service Offerings, serve targeted advertisements, and gather demographic information about our user community.

The information collected through these tools allows us to customize and improve merchant/ customer experience and facilitate your use of our Service Offerings, including by securing, managing, measuring, improving, and/or supporting our Service Offerings as well as enabling us to develop and market additional products and services to you. We may also use information collected through Cookies to: (a) remember information so that you will not have to re-enter it during your visit to the Service Offerings; (b) provide custom, personalized content and information, including content and advertising tailored to your interests; (c) identify you across multiple devices; (d) provide and monitor the effectiveness of the Service Offerings; (e) monitor aggregate metrics such as total number of visitors, traffic, usage, and demographic patterns on our website.

For further information about the types of Cookies we use, why, and how you can control cookies, please see our [Cookie Notice](#).

Information from other sources

We may collect your personal information from third party sources, which we may combine with other personal information we obtain directly from you. These sources include:

- ☞ Business partners - We may receive your information directly from a business partner.
- ☞ Your employer/company - When utilizing Service Offerings on behalf of your employer or company, we may receive your information from other personnel from your employer or company.



- ☞ Service providers - Our third-party service providers performing services on our behalf may collect and share some or all the personal information they process, including for operational assistance, email, marketing and analytics services, surveys, payment processing, and other financial and credit related services.
- ☞ Merchants and other individuals who interact with our Service Offerings - We may receive your information directly from a merchant contained in Merchant Data or from other individuals interacting with our Service Offerings. This may also include information that an organization submits related to administrative or support contacts.
- ☞ Social media platforms - We may receive information about an individual if they have permitted the applicable social media platform to share information with us or have otherwise interacted with our content on social media (such as by "liking" or commenting on a Facebook post or interacting with content on LinkedIn). The information received is dependent upon an individual's privacy settings with the social media platform which may be adjusted at any time.
- ☞ Information providers - We may use third-party information providers from time to time to obtain additional information to correct or supplement personal information we collect. For example, we may obtain updated contact information from third-party information providers to contact an individual.
- ☞ Other sources - We may obtain your information from a public record, publicly available source, or from another company because of a merger or acquisition.

Information received from third parties will be checked to ensure that the third party either has your consent or is otherwise legally permitted or required to disclose your personal information to us. For example, we may obtain your contact details, job title, company and interest from our partners and advertisers to market our Service Offerings in accordance with your marketing preferences.

The table below describes the categories of your personal information we may collect through our Service Offerings and other third-party sources.

<u>Personal information description</u>	<u>Source</u>
Identity and contact information such as your first and last name, email address, physical address, business postal address, employer, job title, company name, telephone number, and photograph (if provided by you).	Directly from you Third parties
Account information such as login information (email and password) and profile information (your name, surname, email address, company name, employer, job title, geographic area, and preferences), merchant ID, user ID (or equivalent unique identifier) and password, profile information, affiliations, account balances, payment, merchant support history including any returns or replacements, entitlements, and product and services obtained, purchased, and considered, and any other information you provide to us.	Directly from you Third parties
Transaction information such as first and last name, email address, company name, job title, payment method, billing address, payments and orders to and from you, and other details of products that you have purchased.	Directly from you Third parties
Social media information such as name and social media handle where you choose to interact with our Service Offerings using your social media account.	Directly from you Third parties Your device
Communications information such as your feedback on our Service Offerings and any other communications or messages with us. This may include interactions with our merchant service agents, and any information you send to us as part of any queries you raise, competition and survey entries, and chat, video, email or call history with TheroPay or our third-party service providers. This includes information provided to subscribe to any newsletters or marketing communications (such as an email address) or contact information provided in connection with our Service Offerings. In addition, we may record or monitor our telephone, chat, or other communications with you, to the extent permitted by applicable law, for merchant service, quality assurance, and internal training purposes. Please do not use the chat feature if you do not agree to have your chat conversations monitored or retained for these purposes.	Directly from you Third parties Your device
Advertising and marketing information such as your interests based on your use of our Service Offerings and other websites and online services, your purchases, survey responses, testimonials, promotions or contests you enter, preferences in relation to receiving marketing materials from us, communication preferences, your preferences for particular products or services and your subscription details.	Directly from you Third parties Your device



Device information collected using Cookies, includes information regarding the device you use to access the Service Offerings, including your IP address (or the proxy server you use to access the World Wide Web), internet service provider and/or mobile carrier, operating system, device type/model, browser type, device type, unique device identification numbers or other identifiers (including advertising identifiers), date and time stamp.

Your device

Usage information such as activity and interaction with our Service Offerings, including date/time stamps associated with your usage, information that we capture using cookies and similar technologies. This will include page views and searches, log-in information, clicks, operating system, information about content viewed, watched or downloaded for offline access, length of visits to certain pages, length of use, purchase history and other functional information on Site performance (for example, application version information, diagnostics, and crash logs). Due to Internet communications standards, when you visit or use our Service Offerings, we automatically receive the URL of the website from which you came and the website to which you go when you leave our Offering.

Your device

Location information provided by you in association with the Service Offerings, and inferred from your IP address (or the proxy server you use to access the World Wide Web),

Directly from you
Your device

Event and webcast information, including registration information, call-in details, attendee badge information, and business and/or personal contact information, such as email, physical address, mobile or telephone number, job title, and company name.

Directly from you

How We Use the Personal Information We Collect

We use the personal information we collect for the following business and commercial purposes:

- ☞ Account Registration. We collect information that is necessary for you to register an account with us, log in to your account, and use features of our Service Offerings, such as your name, contact details, company, geographic area, preferences, job title, and password. This information also allows us to manage your account.
- ☞ Order and service request. We collect information that is necessary to enable you to order products or services or fulfill your order or purchase of our Service Offerings, including downloading any software updates. This may include information such as your name, contact details, job title, company, credit card or other billing information.
- ☞ Provide you with information, content, or other Service Offerings that you have requested. We collect information necessary to fulfill your request, such as providing a whitepaper or enabling access to a demo environment.
- ☞ Manage our daily business operations and facilitating merchant, vendor, and partner relationships.
- ☞ Merchant communications and support. We collect information that is necessary to respond to enquiries, support requests or any other communications you submit through our Service Offerings, such as your name, contact details and the content of your communications. We also use that information to communicate with you via technical notices, updates, security alerts and support and administrative messages.
- ☞ Promotions and contests. We collect information that is necessary to process and deliver entries and rewards in connection with promotions and contests that we may offer from time to time, such as your name, contact details, job title and company.
- ☞ Provide, operate, and enhance our Service Offerings. We collect information that is necessary to deliver, operate, maintain, enhance, and provide all features of our Service Offerings, such as your feedback or any other information related to your utilization of our Service Offerings that you provide us with. We also use that information to develop new products, services, features, and functionality.
- ☞ Allow you to activate and access the Service Offerings.
- ☞ Secure our Service Offerings. We process information for security purposes, including to verify your identity and ensure that you are authorized to use our Service Offerings.
- ☞ Administer, improve and personalize our Service Offerings.
- ☞ Product and services improvement. We may conduct researching or use analytics to improve and customize our Service Offerings.
- ☞ Test, update and monitor the Service Offerings, or diagnose or resolve issues related to our Service Offerings.
- ☞ Process payments for our Service Offerings using third-party providers.
- ☞ Direct marketing. We collect information to send you direct marketing, in accordance with your marketing preferences. We use your name, contact details and account information to email you with marketing offers and resources, events, newsletters, whitepapers and other company updates about TheroPay and other third parties.
- ☞ Advertising. We may use information to assist us in advertising our products and services on third-party websites.



- ☞ Conferences, webinars, and events. We collect information necessary to register you and provide our conferences, webinars, and events to you.
- ☞ Social Networking. We may collect information from your interactions on third-party social networks (subject to the social network's terms of use).
- ☞ Education and Training. We may collect information from you to provide, facilitate, and enhance our education and training Service Offerings.
- ☞ Communities and Forums. We may collect information to provide and facilitate online forums, blogs, merchant tutorials and other similar groups or functions.
- ☞ Surveys and feedback. From time to time, we request individuals to complete surveys about TheroPay or our Service Offerings.
- ☞ Dispute resolution or enforcement. We may use your information to enforce a contract we have with you or your organization, to enforce our Terms of Use, to resolve a dispute, to perform a legal obligation or enforce a legal right, or to protect our business interests.
- ☞ Prevent, detect, or investigate fraud, or unlawful, unauthorized, or criminal activity.
- ☞ Comply with contractual and legal obligations and requirements.
- ☞ Other purposes. We may use the personal information you voluntarily disclose to us for any other purposes disclosed to you and with your consent.

Legal Basis for Processing

We use your personal information only for the purposes described in this Privacy Disclosure Statement or for purposes that we explain to you at the time we collect your information. Depending on our purpose for collecting your information, we rely on one of the following legal bases:

- ☞ **Contract** – processing your personal information may be necessary for the performance of a contract or to take steps at your request to enter a contract;
- ☞ **Knowledge and Consent** – we will obtain “**Meaningful Consent**” (as defined in the PIPEDA Fair Information Principles) from you at every stage of obtaining PII, for information being collected, used and disclosed in Canada. In certain circumstances, we may ask for your consent (separately from any contract between us) before we collect, use, or disclose your personal information, in which case you can voluntarily choose to give or deny your consent;
- ☞ **Legitimate interests** – processing your personal information may be necessary for our legitimate interest. We will rely on legitimate interests to process your personal information provided that our legitimate interests are not overridden by your data protection interests or fundamental rights and freedoms. We may rely on our legitimate interests for purposes such as: operating, providing, and improving our Service Offerings; communicating with you; detecting or preventing illegal activities; managing the security of our IT infrastructure, and the safety and security of our employees, merchants, vendors, and visitors; or
- ☞ **Legal obligation** – there are instances where we it is necessary for us to process and retain your personal information to comply with laws or to fulfil certain legal obligations.

Processing that shall not occur

TheroPay shall not be involved in:-

- ☞ collecting, using or disclosing personal information in ways that are otherwise unlawful;
- ☞ profiling or categorizing individuals in a way that leads to unfair, unethical or discriminatory treatment contrary to human rights law;
- ☞ collecting, using or disclosing personal information for purposes that are known or likely to cause significant harm to the individual;
- ☞ publishing personal information with the intent of charging people for its removal;
- ☞ requiring passwords to social media accounts for the purpose of employee screening; and
- ☞ conducting surveillance on an individual using their own device's audio or video functions.

You can find examples of the personal information, purposes, and legal basis on which we process your personal information in the table below. The examples in the table are not exhaustive.

Purpose / activity	Types of personal information	Legal bases
Entering a contract with us, such as a merchant, partner, or vendor agreement.	Identity and contact information Account information	Performance of a contract



	Transaction information	
Communicating with you and responding to your inquiries	Identity and contact information Account information Transaction information Communications information	Legitimate interests
Fulfilling your orders or purchases, including registering, managing, and administering your account to facilitate your use of the Service Offerings	Identity and contact information Account information Transaction information Communication information Device information Location information	Performance of a contract
Provision of support services	Identity and contact information Account information Transaction information Communication information Device information Usage information	Performance of a contract
Processing technical and analytics data from your use of our Service Offerings to improve and customize the Service Offerings	Account information Device information Usage information	Legitimate Interests
Reviewing communications with you for support, quality assurance, training purposes, and related recordkeeping	Identity and contact information Account information Transaction information Communication information Device information Usage information	Legitimate interests
Keeping our business, including our Service Offerings, employees, merchants, vendors, and visitors secure and addressing threats to safety; detecting and preventing fraud, illegal, unlawful or unauthorized activity	Identity and contact information Account information Transaction information Communication information Device information Usage information Location information	Legitimate interests
Managing compliance with our Terms of Use	Identity and contact information Account information	Performance of a contract

	Transaction information Communication information Social media Device information Usage information	
Administering and maintaining our Service Offerings and our IT systems (including monitoring, troubleshooting, data analysis, testing, system maintenance, repair and support, reporting and hosting of data)	Identity and contact information Account information Transaction information Communication information Device information Usage information	Performance of a contract
Managing the use of Cookies (including enabling you to manage your Cookie preferences) and analyzing collected data to learn about and improve our Service Offerings	Account information Communication information Social media Device information Usage information Location information Advertising and marketing information	Consent (where required under applicable law) Legitimate interests (for strictly necessary cookies)
Marketing to, or otherwise tailoring the content and advertising to existing merchants/ users	Account information Social media Communication information Device information Usage information Advertising and marketing information	Consent (where required under applicable law) Legitimate interests
Personalizing and delivering advertising for our products and services on third party websites, apps, and other online services	Account information Social media Device information Usage information Advertising and marketing information	Consent (where required under applicable law) Legitimate interests
Administering sweepstakes, competitions or surveys	Identity and contact information Account information Communication information Social media	Legitimate interests
Complying with legal and regulatory obligations to which we are subject, including our obligations	Identity and contact information Account information	Legal obligation



to respond to your requests under data protection law	Transaction information Device information Usage information Location information Communication information	
Protecting our legal rights (including where necessary, sharing information with law enforcement and others)	Identity and contact information Account information Transaction information Device information Usage information Location information Communication information	Legitimate interests

How We Disclose Your Personal Information

Except as described in this Privacy Disclosure Statement, we will not disclose personal information about you that we collect on or through our Service Offerings to third parties without your consent, unless legally required or permitted to do so. We may disclose information to third parties if you consent to us doing so, as well as with the following categories of recipients:

- ☞ **TheroPay affiliates and group companies** (current or prospective). We may share personal information with other companies owned or controlled by TheroPay, or under common ownership, including our affiliates, subsidiaries, or our ultimate holding company as necessary to provide the Service Offerings or for the purposes listed above.
- ☞ **Merchants.** When merchants use our Service Offerings, their Merchant Data may include your information.
- ☞ **Third-party service providers.** Your personal information may be disclosed to a third-party service provider providing services to TheroPay as necessary to provide our Service Offerings or for purposes described in this Privacy Disclosure Statement. Examples include merchant relationship management providers, communications providers, maintenance and technical support providers, payment platform hosting providers, analytics companies, payment providers, survey providers, security, and fraud detection providers. For example, our merchant relationship management providers host our merchants and prospects employees' contact details and information about our interactions and relationship with them for the purpose of allowing us to better manage our relationships with our merchants and prospective customers. We limit the information provided to these service providers to that which is reasonably necessary for them to perform their functions, and we require them to only use the information shared to provide us with the services they have been hired to provide.
- ☞ **Other TheroPay community and blog users.** If you participate in any of TheroPay's online communities or blogs, we may disclose your public profile information to other online community and blog participants, as well as any other information you choose to provide or make public.
- ☞ **Business Partners** in connection with selling, distributing, delivering, supporting, or providing our Service Offerings, or engaging in joint marketing activities, in accordance with your marketing preferences.
- ☞ **Third party services.** When you use third party services linked through our Sites or Service Offerings, your personal information will be collected by the provider of such services, and their own terms and privacy notices will govern your use of their services and their processing of your personal information. We are not responsible for the content or privacy and security practices and policies of third-party sites or services to which links or access are provided through our Service Offerings. We encourage you to review third parties' privacy and security policies before providing them with your personal information.
- ☞ **Your employer or company.** If you use our Offering on behalf of your employer or company, we may disclose your information to your employer or company.
- ☞ **Ad networks and advertising partners:** We work with third-party ad networks and advertising partners to deliver advertising and personalized content on our Sites, on other websites and services, and across other devices using Cookies. This information is used to provide and tailored advertising, as well as to provide advertising-related services such as reporting, attribution, analytics, and market research. Please see our Cookie Notice for more information.
- ☞ **Social media providers.** When you use social media features through TheroPay Service Offerings, such as the Facebook "like" button ("Social Media Features"), these Social Media Features may collect your IP address and which page you are visiting on our website, and may set a Cookie to enable the feature to function properly. You may be given the option by such Social Media



Features to post information about your activities on our Offering to a profile page of yours that is provided by a third-party social media network to share with others within your network. Social Media Features are either hosted by a third-party or hosted directly on our Service Offerings. Information collected in the context of the Social Media Features is subject to the relevant social media platforms' own data collection, use, and disclosure policies.

- ☞ **Law enforcement body, regulatory, government agency, court or other similar third-party (such as our professional advisers).** TheroPay may disclose your personal information to these parties where we believe disclosure is necessary (i) to comply with applicable law or regulation, (ii) in response to a court order, judicial or other government subpoena or warrant, or (iii) to exercise, establish or defend our legal rights, (iv) to protect your vital interests or those of any other person, or (v) to otherwise cooperate with law enforcement or other governmental agencies.
- ☞ **Acquirer, successor, lender, or assignee** (and its agents and advisers) as part of any actual or proposed merger, acquisition, debt financing, sale of assets, or similar transaction, or in the event of an insolvency, bankruptcy, or receivership in which information is transferred to one or more third-parties as one of our business assets in which case we will inform the acquirer, successor or assignee it must use your personal information in line with this Privacy Disclosure Statement; and
- ☞ **With your consent.** We may disclose personal information about you to certain other individuals, third parties, or publicly with your consent or at your direction. For example, where we have obtained your consent, we may post a testimonial on our Sites.

We further, reserve the right to disclose your personal information that we believe, in good faith, is appropriate or necessary to (i) take precautions against liability, (ii) protect ourselves or others from fraudulent, abusive, or unlawful uses or activity, (iii) investigate and defend ourselves against any third-party claims or allegations, (iv) protect the security or integrity of our Service Offerings and any facilities or equipment used to make our Service Offerings available, or (v) protect our property or other legal rights (including, but not limited to, enforcement of our agreements), or the rights, property, or safety of others.

We may also make certain aggregated non-personal information available to third-parties for various purposes, including (i) compliance with various reporting obligations; (ii) for business or marketing purposes; or (iii) to assist such parties in understanding our users' interests, habits, and usage patterns for certain programs, content, services, advertisements, promotions, and/or functionality available through our Service Offerings.

Security certifications

TheroPay holds several security certifications. You can find more information about our security protocols and certifications on our website www.theropay.co. We maintain technical and organizational safeguards that are designed to improve the integrity and security of your personal information. The measures we implement are designed to provide a level of security appropriate to the risk of processing your personal information. Specific measures we use include encryption in transit and at rest; using an industry standard framework as part of our Information Security program; employing advance malware protections and implementation of other reasonable security defences (including vulnerability management, access management and recovery/ resilience measures).

Please be aware that no security measures are perfect or impenetrable. We cannot and do not guarantee that your personal information will not be accessed, viewed, disclosed, altered, or destroyed by breach of any of our technical and organizational safeguards. Where you have created an account with us that uses a unique password to enable you access, it is your responsibility to keep this password secure and confidential.

International transfer of Data

Subject to the applicable law, including but not limited to **GDPR**, **NYPA** or **PIPEDA**, as the case maybe, we may transfer your personal information to third countries outside of your jurisdiction, including to the U.S. and other countries where our affiliates, partners, and third-party service providers operate. Like most businesses, we have centralized certain aspects of our data processing to better manage our business. Certain jurisdictions may not be considered to provide the same level of data protection as your country of residence. When we export your personal information from your country of residence to a different country, we will take steps to ensure that such data exports comply with applicable laws and that there are appropriate security arrangements in place. TheroPay has data processing agreements in place with our affiliates and our service providers which incorporate valid data transfer mechanisms and provide technical, organizational, and contractual measures for the protection of your personal information. If you wish to see details of these safeguards, please contact us using the contact details provided under the "Contacting TheroPay" section.

Data Privacy Framework Notice

In relation to the transfer of your personal information covered in this Notice to the US, TheroPay, Inc. has certified and continue to comply with the **EU-U.S. Data Privacy Framework**, the **UK Extension to the EU-U.S. Data Privacy Framework**, and the **Canada-U.S. Data Privacy Framework** (collectively, the "DPF") regarding the collection, use, and retention of personal information transferred from the EEA,



the UK, and Switzerland (collectively, the “DPF Countries”) to the United States. We commit to comply with the DPF Principles of Notice, Choice, Accountability for Onward Transfers, Security, Data Integrity & Purpose Limitation, Access, Recourse, Enforcement and Liability. If there is any conflict between the terms of this Notice and the DPF Principles, the DPF Principles shall govern. To learn more about the DPF, and to view our certification page, please visit DPF’s website [here](#).

The U.S.-based TheroPay companies are subject to the investigation and enforcement of the U.S. Federal Trade Commission.

Any personal information received by TheroPay will be used for the purposes indicated in this Notice or in a separate notice provided to you. We will retain your personal information in an identifiable form only for the period necessary to fulfill the purposes outlined in this Notice unless a longer retention period is required or permitted by law or by the DPF Principles. We will adhere to the DPF Principles for as long as we retain the personal information collected under the DPF. We commit to give you an opportunity to opt out where we disclose your personal information to an independent third party or if your personal information is to be used for a purpose that is materially different from those communicated and/ or authorized by you. If you otherwise wish to limit the use or disclosure of your personal information, please contact us using the details provided under the “Contacting TheroPay” section.

If we have received your personal information in the United States and subsequently transfer that information to a third party acting as an agent, we will comply with the Accountability for Onward Transfer Principle, including ensuring that such agents have written agreements requiring them to provide at least the same level of protection as required by the DPF Principles and/or applicable law. If such a third-party agent processes your personal information in a manner inconsistent with the DPF Principles, we will remain liable unless we can prove we are not responsible for the event giving rise to the damage. In certain situations, TheroPay may be required to disclose personal information that we process under the DPF in response to lawful requests by public authorities, including to meet national security requirements or to meet law enforcement requirements.

Individuals located in DPF Countries have rights to access their personal information and request that TheroPay correct, amend, or delete their personal information if it is inaccurate or processed in violation of the DPF. If you would like to exercise your rights or request any privacy preferences, please contact us using the details provided under the “Contacting TheroPay” section. TheroPay may request specific information from you to confirm your identity, and we will respond to your request in accordance with the DPF Principles and applicable data protection laws.

In compliance with the DPF Principles, TheroPay commits to resolve complaints about our collection or use of your personal information. Individuals located in DPF Countries with questions, concerns, inquiries, or complaints should first contact us at legal@theropay.co with a copy to jeromedorchimont@theropay.co or in writing to TheroPay’s address using the details provided under the “Contacting TheroPay” section. We will investigate and attempt to resolve any DPF-related complaints or disputes within forty-five (45) days of receipt.

If you have an unresolved DPF complaint that we have not addressed satisfactorily, we have committed to refer unresolved DPF complaints to JAMS, which is an independent dispute resolution body located in the United States. These services are provided free of charge to you. If you do not receive timely acknowledgment of your complaint from us, or if we have not addressed your complaint to your satisfaction, please visit [here](#) (JAMS), or for those Services in Canada, you can visit the [JAMS Toronto Resolution Center](#) (“JAMS Toronto”), to file a complaint or for more information. You may also have the option to select binding arbitration for the resolution of your complaint under certain circumstances. To find out more about the DPF’s binding arbitration scheme, please visit DPF’s website [here](#). The U.S. Federal Trade Commission has jurisdiction over our compliance with the DPF. TheroPay remains liable if it fails to meet its obligations under the DPF and is responsible for the event giving rise to damage.

Retention of Information

We retain personal information we collect from you where we have an ongoing legitimate business need to do so or where we are required by applicable law (for example, to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements).

When we have no ongoing legitimate business need or legal reason to process your personal information, we will either delete or anonymize it. 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.

Individual Privacy Rights

Depending on your location and applicable privacy laws, including but not limited to GDPR, NYPA or PIPEDA, as the case maybe, you may have certain data protection or privacy rights.

Regardless of your location, if you receive marketing communications from us, you may unsubscribe at any time by visiting our website or by clicking the “unsubscribe” link in the email. To opt-out of other forms of marketing (such as telemarketing), please contact us using the



contact details provided under the "Contact TheroPay" section . If you are a current TheroPay customer, and choose to opt out of marketing communications, we will still send you non-promotional emails, such as emails about your account or our ongoing business relations.

US residents have the rights listed in our Supplemental Disclosures for US residents here [link]. In accordance with applicable privacy law for your jurisdiction, you may have the following rights with respect to your personal information:

- ☞ **Right of access.** You have the right to obtain: (i) confirmation of whether, and where, we are processing your personal information; (ii) categories of personal information we are processing, the purposes for which we process your personal information, and information as to how we determine applicable retention periods; (iii) the categories of recipients with whom we may share your personal information; and (iv) a copy of the personal information we hold about you.
- ☞ **Right of portability.** In some situations, you have the right to receive a copy of the personal information you have provided to us in a structured, commonly used, machine-readable format, or to request the transfer of your personal information to another person.
- ☞ **Right to correct or update your information.** You have the right to correct or update any inaccurate or incomplete personal information we hold about you.
- ☞ **Right to request deletion.** You have the right, in some circumstances, to require us to delete your personal information if the continued processing of that personal information is unjustified.
- ☞ **Right to object to processing or restriction.** You have the right, in some circumstances, to require us to limit the purposes for which we process your personal information if the continued processing of the personal information is unjustified.
- ☞ **Right to withdraw consent.** If you have provided consent for the processing of your personal information, you have the right to withdraw your consent at any time. If you withdraw your consent, this will not affect the lawfulness of our use of your personal information before your withdrawal.

If you are unsatisfied with our response to your request or any complaint, or you feel that your privacy rights have been infringed, you have the right to complain to your local data protection authority at any time. To exercise these rights, contact us at legal@theropay.co with a copy to jeromedorchimont@theropay.co. For further information on how to contact TheroPay, please find our contact details under the "Contact TheroPay" heading below.

We respond to all requests we receive from individuals wishing to exercise their privacy rights in accordance with applicable privacy laws. We do not discriminate against any individual based on the exercise of their privacy rights. To protect your privacy and security, we may take steps to verify your identity before responding to your request. While we will make reasonable efforts to accommodate your request, we also reserve the right to reject such requests or to impose certain restrictions and requirements on such requests, if required or permitted by applicable law.

Amendments, Changes and updates

We may update this Privacy Disclosure Statement from time to time in response to changing legal, regulatory, technical, or business developments. When we update our Privacy Disclosure Statement, we will make it available through our Service Offerings and indicate the date of the latest revision. We will take appropriate measures to inform you, consistent with the significance of the changes we make.

You can see when this Privacy Disclosure Statement was last updated by checking the "last updated" date displayed at the top. Please revisit this page periodically to stay aware of any changes to this Privacy Disclosure Statement.

Contacting TheroPay

If you have any questions or concerns about this Privacy Disclosure Statement, or our use of your Personal Information, please contact us by email at legal@theropay.co with a copy to jeromedorchimont@theropay.co.

To contact us by registered mail:

TheroPay, Inc., Corporate Headquarters

19 Old Kings Hwy S Suite 200, Darien CT 06820 United States