

## **Nyfty Privacy Policy**

### **A. INTRODUCTION**

#### **1. Purpose of this Policy**

This is the Privacy Policy of Nyfty.ai, Inc. (together with any subsidiaries and affiliates, "Nyfty.ai", "we", "us" and/or "our"). The Privacy Policy explains how we collect, use, store, safeguard and disclose your information that you provide to us, or that we have access to, when you interact with us. In this Privacy Policy, "you" refers to any person or entity (acting through a person) that provides us with information, including our Clients, Website users or visitors, or any other person or entity with whom we interact in the normal course of our business.

If you use the Nyfty.ai Website, which includes <https://nyfty.ai> and any other websites we control, or our Application, or otherwise provide us with your information, this Privacy Policy will govern how we deal with that information.

If you are our Client, we will use your information for the primary purpose of facilitating your use of the Application and/or facilitating the delivery of our Services.

In this Privacy Policy, capitalised terms have the meanings given to them in our Application Terms of Use.

#### **2. About Us**

Nyfty.ai develops and markets a proprietary construction industry virtual assistant application that uses Artificial Intelligence technology to interface with leading building industry software suites, including Procore. We interact with Clients and other people in the same way as other software companies. We also require Clients to provide us with personal information so that we can facilitate their use of our application. We take your privacy seriously and will use our best efforts to implement this Privacy Policy.

### **B. WHAT INFORMATION DO WE COLLECT?**

#### **1. Information That You Provide To Us**

We collect information about and from you and users who you have authorised to use the Application and/or Website ("Users") when you create an Account to receive our Services and a Licence to use the Application, or you or your Users visit or use our Website and Application. This information may include personal identifiable information.

Examples of information that you may provide to us are:

- Names, addresses and contact details of Account holders and their representatives.
- Identification details for persons accessing and using our Application.
- Login details for third party software that our application is interfacing with, e.g. Procore OAuth.

Where you or the Users access a service provided by a third party Technology Provider (such as Procore) via our Application, some information is being supplied to that Technology Provider.

Where you supply us with information issued to you by a third party, such as login details, you warrant that you have legal authority to do so, and will hold us harmless from any claim by that third party that you did not have authority to do so. We may allow you to log in to our Website Client area by using a sign-in service provided by a third party, such as Google.

We may also receive information about you from third parties, such as Technology Providers. For example, a party that owns software that you will access via our Application may verify that you are its customer, or provide us with analytical data regarding your use of their software.

We may display feedback, comments or testimonials received from you on our Website and promotional literature. You agree to allow us to publish that information for our promotional and business purposes.

## **2. Information You Provide To A Third Party**

Where we rely on the services of a third party for payment of our Fees, you will be supplying some information to the third party.

In all cases where you or Users provide information to a third party via our Website, Application or otherwise through us, we will take care not to knowingly expose you and the Users to misuse of that information, but we do not control those third parties and cannot guarantee the safe or private use and storage of that information. It is your responsibility to understand the privacy rules that such third parties will apply to your information.

## **3. Information We Collect Automatically**

We have set up our Website and Application in a system that automatically collects information from you and Users when you access those things. It is necessary for us to track usage of our Website and application to monitor the effectiveness of our Services, and to improve their value for our clients including you.

If you or any of your Users is located in the European Union, some of this information (e.g. browser cookies and web beacons) may be subject to the GDPR privacy law. We rely on you to alert us to your location and that of your Users so that we can comply with the GDPR in relation to that information.

Examples of information that we may collect automatically are:

- The type of Web browser being used to access our website.
- The type of operating system being used by a computer or mobile device that accesses the Website or Application.
- The identity of the Internet Service Provider of a person who accesses our Website or Application.
- The IP address of a person who accesses the Website.
- The pages of our Website accessed by visitors, the time spent on each page, and the features of the page that the visitor interacts with, such as links.
- The date, time and duration of visits to our Website and use of our Application.
- Whether a Website visitor clicks on any social media icons or outbound links displayed on the Website.

- What third party software is accessed via the Application, and the date, time and duration of each access session.
- The device identifier of any mobile device used to access the Application or Website.

We use mobile analytics software to allow us to better understand the functionality of our Mobile Software on your phone. This software may record information such as how often you use the application, the events that occur within the application, aggregated usage, performance data and where the application was downloaded. We link certain information we store within the analytics software to authorized users for customer usage and metrics and to aid in customer success.

You may be able to control the storage of cookies in your web browser by adjusting the browser's settings.

### **C. HOW DO WE STORE YOUR INFORMATION AND WHAT DO WE USE IT FOR?**

We will use and store your information for the purpose for which we obtain it, for example:

- If you supply information to us so that we can create an Account for you.
- If we receive information from a third party to facilitate your use of the Application, including handshaking with third party software.
- Monitoring your use of our Website and application.
- Contacting you in relation to our Services.
- Conducting communications with you.
- Research, development and data analysis related to the Application and Services.

In some cases, the information is kept by us in a form that retains your identity, e.g. we create a client file for every Client. In other cases, the information is de-identified and combined with other information, e.g. usage statistics for our Website and Application.

We store most information that we collect or receive in electronic form. All information is kept only for as long as it is needed. All information is kept securely, and wherever practicable, or in the case of very sensitive information, will be kept in encrypted form. We use our best efforts to apply best industry practices, in respect of the storage and handling of Client information.

Where your information is in physical form, it will be kept in secure premises, e.g. offices and filing cabinets that are accessible only to authorised employees. All of our computer systems have security features such as login IDs and passwords, and our servers are protected by software from hackers. Please be aware that no data transmission over the Internet or other network can be guaranteed to be secure. While we will use our best efforts to protect electronic transmission of information via our Website and Application, therefore, we cannot and do not guarantee the absolute security of any information that you or any User you authorise may provide to use via those channels.

We will keep your information for as long as your Account is active or where we have a legitimate and ongoing business need to retain or use that information, for example, to comply with taxation regulations or accounting standards. We will purge information from our record-keeping system when it is no longer needed. We do not provide a data storage facility as part of our Services. It is your responsibility to keep back-up copies of any information that you submit to use.

### **D. WHO WILL WE SHARE YOUR PERSONAL INFORMATION WITH?**

Apart from situations where you have expressly authorised us to do so, e.g. for the purpose of interacting with third party Technology Providers such as Procore, we will not share any of your information that clearly identifies you with any third party. We do consider ourselves at liberty to share *depersonalised* information, e.g. statistics regarding Website and application usage, with our technical and marketing consultants and other third party advisers.

We may share your information with any entity that we engage to assist us to deliver the Services, such as contractors. In any situation where a contractor has access to our Client's information, we will require the contractor to promise to respect the confidentiality of that information. We will not sell your information to any third party without your knowledge. If we sell our business to another entity, or merge with another entity or are acquired by another entity, we may share information regarding our Clients with that entity. Again, we will request the recipient of the information to respect its confidentiality, in those situations.

We will disclose your information by court order or to law enforcement agencies as required by law.

At the time we collect information from you, we may request you to authorise the use of the information for particular purposes. For example, we may invite you to opt-in to receive marketing communications from us or our business partners, in which case we can use your personal information for that purpose. If you wish to revoke permission given to a third party to use your information, you will need to communicate directly with that third party unless a standing arrangement exists for you to revoke the permission through us.

We may share information with third party advertisers. For example, every Facebook user has an identifier issued to them which can be monitored via an element embedded in websites. We may rely on such information as part of our routine tracking of Website visitors, but Facebook will also be able to use that information for its own purposes, including selling targeted advertising to third parties. Social media operators like Facebook and Instagram obtain the consent of their users to being tracked in this manner. Accordingly, if our Website collects the information that you or a User authorised by you has visited the Website, and shares this with Facebook, that is because you or the User has authorised the collection and transfer of that information.

## **E. SPECIAL ISSUES**

### **1. Children's Information**

As we service Clients in the construction industry, most of the time we will not interact with minors. However, if you are authorising a minor as a User of our Website or Application, e.g. a work experience student, you must: (1) have the consent of that person's parent or other legal guardian, and (2) clearly alert us to that situation. If we become aware that we have inadvertently received personal information from a child aged under 13, we will delete that information from our records.

### **2. International Data Transfers**

Our home location is in California, USA, and we will store a copy of most information that we receive from you in servers located in the USA, or operated by third party Technology Providers like Google or Amazon. Depending on where you are located and where the third party servers are located, your information may be transferred internationally on multiple occasions while we use, store and disclose it as explained in this Privacy Policy. If your information is hosted in another country, that country will have its own laws that control the

storage and use of the information. We will not knowingly allow your information to be sent to a storage location that is insecure, and we select third party server operators on the basis that they are reliable custodians of our and our Client's information. You acknowledge that we do not control those third parties and cannot guarantee that any information sent to them will be safe.

### **3. DGPR Compliance**

If you are located in the EU, and we are aware of your location, we will comply with the GDPR in relation to your personal identifiable information. To understand your rights in relation to your personal identifiable information that we hold, please visit this website: < [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en) >.

### **4. Links to Third Party Websites**

If you use a link on our Website to access a third party's website, any information that you provide to the third party will most likely be outside our supervision, unless that party is a business affiliate and we have agreed to exchange information with them. We do not control and cannot take responsibility for any third party's website, although we will not knowingly redirect any person using our Website to another website which might cause any harm to that person or their computer system.

### **F. WHAT ARE YOUR RIGHTS IN RELATION TO YOUR INFORMATION?**

Upon your request, we will provide you with access to your information in our records so that you can check its accuracy and request corrections or updates. You cannot request us to delete your information where we have a legal right or obligation to retain that information.

With respect to Users authorised by a Client, we can substitute the information of one User with that of another User.

### **G. UPDATES TO THIS PRIVACY POLICY**

We may update or change this Privacy Policy from time to time. If you are a Client, and have consented to us providing you with notification of the update, we will notify you by email. We may also post notifications on our Website. Every version of this Privacy Policy has an identification number and effective date (see the end of this text).

### **H. OUR CONTACT DETAILS**

If you have any questions about this Privacy Policy, or the storage, use or disclosure of your information, please contact us by sending an email to [privacy@nyfty.ai](mailto:privacy@nyfty.ai) or you can write to us at the following address:

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