

Privacy Policy

uPerform Privacy Statement, effective as of September 22, 2025

This uPerform Privacy Statement ("Privacy Statement") explains our privacy practices for the activities described herein. Please read this Privacy Statement carefully to learn how we collect, use, share, and otherwise process information relating to individuals ("Personal Data"), and to learn about your rights and choices regarding your Personal Data. A reference to "uPerform," "ANCILE," "we," "us," or the "Company" is a reference to ANCILE Solutions, Inc. d/b/a uPerform and its relevant affiliate involved in the collection, use, sharing, or other processing of Personal Data.

1. Responsible uPerform entity

uPerform is the controller of your Personal Data as described in this Privacy Statement, unless specified otherwise. For detailed privacy information related to a uPerform partner, customer, or a customer affiliate who uses uPerform products and services as the controller, please contact that partner or customer directly. We are not responsible for the privacy or data security practices of our customers, which may differ from those explained in this Privacy Statement. For more information, please also see Section 10.3 below.

2. Processing activities covered

This Privacy Statement applies to the processing of Personal Data collected by us when you:

- Visit our websites that display or link to this Privacy Statement;
- Visit our branded social media pages;
- Visit our offices;
- Receive communications from us or otherwise communicate with us, including but not limited to emails, phone calls, texts or faxes;
- Use our products and services as an authorized user (for example, as an employee of one of our customers who provided you with access to our services) where we act as a controller of your Personal Data;
- Register for, attend or take part in our events, webinars, programs or contests;
- Act as or work for a service provider or supplier to uPerform, to the extent uPerform acts as a controller with respect to your Personal Data; or
- Participate in surveys, research or other similar data collection facilitated by us.

When applications, connectors, extensions, or other solutions are provided by us and they link to this Privacy Statement, this Privacy Statement applies. When these offerings are provided by third parties, the privacy statement of the third party applies and this Privacy Statement does not. Our websites and services may contain links to other websites, applications, platforms, and services maintained by third parties. The information practices of these third parties, including the social media platforms that host our branded social media pages, are governed by their privacy statements, which you should review to better understand their privacy practices. Please note Processing of Personal Data is required for receiving certain products or services.

3. What Personal Data do we collect?

3.1 Personal Data we collect directly from you

The Personal Data we collect directly from you includes identifiers, professional or employment-related information, financial account information, commercial information, visual information, and internet activity information, among others. We collect such information in the following situations:

- If you express an interest in obtaining additional information about our services; request customer support; use our "Contact Us" or similar features; register to use our websites or to receive communications; sign up for an event, webinar or contest; participate in a program or survey; act as an authorized user for our products and services; or download certain

content, we may require that you provide to us your contact information, such as your name, job title, company name, address, phone number, email address or username and password;

- If you make purchases of our products and services or register for an event or webinar, we may require that you provide to us your financial and billing information, such as billing name and address, credit card number or bank account information;
- If you attend an event, we may, with your further consent, scan your attendee badge, which will provide to us your information, such as name, title, company name, address, country, phone number and email address;
- If you register with us for a variety of purposes, including joining an online community that we host or participating in a program, we may ask you to provide a username, photo or other biographical information, such as your occupation, location, social media profiles or usernames, company name, areas of expertise and interests;
- If you interact with our websites or emails, we automatically collect information about your device and your usage of our websites or emails (such as Internet Protocol (IP) addresses or other identifiers), which may qualify as Personal Data (please see Section 4 below) using cookies, web beacons, or similar technologies;
- If you use and interact with our products and services, we collect information about your device and your usage of our services through log files and other technologies, some of which may qualify as Personal Data (please see Section 4 below);
- If you communicate with us via a phone call, we may record that call in accordance with applicable laws;
- If you attend an event or visit our offices, we may collect your image or video;
- If you voluntarily submit certain information to us, such as filling out a survey, responding to a questionnaire or participating in other forms of research, we may collect the information you have provided as part of that request, which may include special categories of Personal Data, to the extent you voluntarily choose to provide it;
- If you visit our offices, you may be required to register as a visitor and to provide your name, email address, phone number, company name and time and date of arrival;
- If you visit our offices or attend an event, due to the COVID-19 pandemic, you may be required to provide information regarding your health status, including your temperature, COVID-19-related symptoms, exposure to COVID-19 positive individuals, vaccination status, testing results, and recent travel history; and
- If you are a supplier or service provider to uPerform (or work for a supplier or service provider), you may also be required to provide us with Personal Data such as your contact details and payment and billing information.

If you provide us, our service providers or our affiliates with any Personal Data relating to other individuals, you represent that you have the authority to do so, and where required, have obtained the necessary consent, and acknowledge that it may be used in accordance with this Privacy Statement. If you believe that your Personal Data has been provided to us improperly, or want to exercise your rights relating to your Personal Data, please contact us by using the information in Section 13 below.

3.2 Personal Data we collect from other sources

We also collect information about you from other sources including third parties from whom we purchase Personal Data and from publicly available information. We may combine this information with Personal Data provided by you. This helps us update, expand, and analyze our records, identify new customers, and create more tailored advertising to provide services that may be of interest to you. The Personal Data we collect from other sources includes identifiers, professional or employment-related information, education information, commercial information, visual information, internet activity information, and inferences about preferences and behaviors. In particular, we collect such Personal Data from the following sources:

- Third party providers of business contact information, including mailing addresses, job titles, email addresses, phone numbers, intent data (or user behavior data), IP addresses, social media profiles, LinkedIn URLs and custom profiles, for purposes of targeted advertising, delivering relevant email content, event promotion and profiling, determining eligibility and verifying contact information;
- Another individual at your organization who may provide us with your personal information, which may include Personal Data and special categories of Personal Data, to the extent you consent to providing it and sharing it, for the purposes of obtaining services and assessing our goals related to encouraging diversity within our vendors; and

4. What device and usage data do we process?

We use common information-gathering tools, such as tools for collecting usage data, cookies, web beacons, pixels, and similar technologies to automatically collect information that may contain Personal Data as you navigate our websites, our services, or interact with emails we have sent to you.

4.1 Device and usage data

As is true of most websites, we gather certain information automatically when individual users visit our websites. This information may include identifiers, commercial information, and internet activity information such as IP address (or proxy server information), device and application information, identification numbers and features, location, browser type, plug-ins, integrations, Internet service provider, mobile carrier, the pages and files viewed, searches, referring website, app or ad, operating system, system configuration information, advertising and language preferences, date and time stamps associated with your usage, and frequency of visits to the websites. This information is used to analyze overall trends, help us provide and improve our websites, offer a tailored experience for website users, and secure and maintain our websites.

In addition, we gather certain information automatically as part of your use of our products and services. This information may include identifiers, commercial information, and internet activity information such as IP address (or proxy server), mobile device number, device and application identification numbers, location, browser type, Internet service provider or mobile carrier, the pages and files viewed, website and webpage interactions including searches and other actions you take, operating system type and version, system configuration information, date and time stamps associated with your usage and details of which of our products and product versions you are using. This information is used to maintain the security of the services, to provide necessary functionality, to improve performance of the services, to assess and improve customer and user experience of the services, to validate that you are a licensed user, to review compliance with applicable usage terms, to identify future opportunities for development of the services, to assess capacity requirements, to identify customer opportunities, and for the security of uPerform generally (in addition to the security of our products and services). Some of the device and usage data collected by the services, whether alone or in conjunction with other data, could identify you. Please note that this device and usage data is primarily used to identify the uniqueness of each user logging on (as opposed to specific individuals), apart from where it is strictly required to identify an individual for security purposes or as required as part of our provision of the services to our customers.

4.2 Cookies, web beacons and other tracking technologies on our website and in email communications

We use technologies such as web beacons, pixels, tags, and JavaScript, alone or in conjunction with cookies, to gather information about the use of our websites and how people interact with our emails. When you visit our websites, we, or an authorized third party, may place a cookie on your device that collects information, including Personal Data, about your online activities over time and across different sites. Cookies allow us to track use, infer browsing preferences, and improve and customize your browsing experience. We use both session-based and persistent cookies on our websites. Session-based cookies exist only during a single session and disappear from your device when you close your browser or turn off the device. Persistent cookies remain on your device after you close your browser or turn your device off. You can control the use of cookies on your device, but choosing to disable cookies on your device may limit your ability to use some features on our websites and services. We also use web beacons and pixels on our websites and in emails. For example, we may place a pixel in a marketing email that notifies us when you click on a link in the email. We use these technologies to operate and improve our websites and marketing emails. For instructions on how to unsubscribe from our marketing emails, please see Section 10.4 below.

The following describes how we use different categories of cookies and similar technologies and your options for managing the data collection settings of these technologies:

Type of Cookies	Description	Managing Settings
Required cookies	Required cookies are necessary for basic website functionality. Some examples include: session cookies needed to transmit the website, authentication cookies, and security cookies. If you have chosen to identify yourself to us, we may place on your browser a cookie that allows us to uniquely identify you when you are logged into the websites and to process your online transactions and requests.	Because required cookies are essential to operate the websites, there is no option to opt out of these cookies.
Functional cookies	Functional cookies enhance functions, performance, and services on the website. Some examples include: cookies used to analyze site traffic, cookies used for market research, and cookies used to display advertising that is not directed to a particular individual. Functional cookies may also be used to improve how our websites function and to help us provide you with more relevant communications, including marketing communications. These cookies collect information about how our websites are used, including which pages are viewed most often. We may use our own technology or third-party technology to track and analyze usage information to provide enhanced interactions and more relevant communications, and to track the performance of our advertisements. For example, we use Google Analytics (“Google Analytics”), a web analytics service provided by Google, Inc., 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA. You can learn about Google’s privacy practices by going to www.google.com/policies/privacy/partners/. Google Analytics uses cookies to help us analyze how our websites are used, including the number of visitors, the websites from which visitors have navigated to our websites, and the pages on our websites to which visitors navigate. This information is used by us to improve our websites. We use Google Analytics with restrictions on how Google can process our data enabled. For information on Google’s Restricted Data Processing go to https://privacy.google.com/businesses/rdp/. uPerform may also use HTML5 local storage for the above-mentioned purposes. These technologies differ from browser cookies in the amount and type of data they store, and how they store it.	You can choose to opt out of certain functional cookies. To opt out from data collection by Google Analytics, you can download and install a browser add-on, which is available here. To learn how to control functional cookies via your individual browser settings, click here.

4.3 Notices on behavioral advertising and opt-out for website visitors

As described above, we or one of our authorized partners may place or read cookies on your device when you visit our websites for the purpose of serving you targeted advertising. To learn more about targeted advertising and advertising networks, please visit the opt-out pages of the Network Advertising Initiative, [here](#), and the Digital Advertising Alliance, [here](#).

4.4 Opt-Out from the setting of cookies on your individual browser

In many cases you may opt-out from the collection of non-essential device and usage data on your web browser (see Section 4.1 above) by managing your cookies at the browser or device level. In addition, if you wish to opt-out of interest-based advertising, click [here](#) (or, if located in the European Union or United Kingdom, click [here](#)). Please note, however, that by blocking or deleting cookies and similar technologies used on our websites, you may not be able to take full advantage of the websites. While some

internet browsers offer a “do not track” or “DNT” option that lets you tell websites that you do not want to have your online activities tracked, these features are not yet uniform and there is no common standard adopted by industry groups, technology companies, or regulators. Therefore, we do not currently commit to responding to browsers’ DNT signals with respect to our websites. uPerform takes privacy and meaningful choice seriously and will make efforts to continue to monitor developments around DNT browser technology and the implementation of a standard.

4.5 Social Media Features

Our websites may use social media features, such as the “Tweet” button and other sharing widgets (“Social Media Features”). Social Media Features may allow you to post information about your activities on our website to outside platforms and social networks. Social Media Features may also allow you to like or highlight information we have posted on our website or our branded social media pages. Social Media Features are either hosted by each respective platform or hosted directly on our website. To the extent the Social Media Features are hosted by the platforms themselves, and you click through to these from our websites, the platform may receive information showing that you have visited our websites. If you are logged in to your social media account, it is possible that the respective social media network can link your visit to our websites with your social media profile.

Your interactions with Social Media Features are governed by the privacy policies of the companies providing them.

5. Purposes for which we process Personal Data and the legal bases on which we rely

We collect and process your Personal Data (including, where legally permissible, special categories of Personal Data) for the following purposes. Where required by law, we obtain your consent to use and process your Personal Data for the below purposes. Otherwise, we rely on another authorized legal basis (including but not limited to the (a) performance of a contract or (b) legitimate interest) to collect and process your Personal Data, as further detailed below.

- Providing and promoting our websites and services (including necessary functionality): We process your Personal Data to perform our contract with you for the use of our websites and services and to fulfill our obligations under the applicable terms of use and service; if we have not entered into a contract with you, we base the processing of your Personal Data on our legitimate interest to operate and administer our websites and services and to provide you with content you access and request (e.g., to download content from our websites);
- Promoting the security of our websites and services: We process your Personal Data by tracking use of our websites and services, creating aggregated non-personal data, verifying accounts and activity, investigating suspicious activity, and enforcing our terms and policies to the extent it is necessary for our legitimate interest in promoting the safety and security of the services, websites, systems and applications and the security of uPerform generally, and in protecting our rights and the rights of others;
- Managing user registrations: If you have registered for an account with us, we process your Personal Data by managing your user account for the purpose of performing our contract with you according to applicable terms of service;
- Handling contact and user support requests: If you fill out a “Contact Me” web form or request user support, or if you contact us by other means including but not limited to via phone, we process your Personal Data to perform our contract with you and to the extent it is necessary for our legitimate interest in fulfilling your requests and communicating with you;
- Managing event registrations and attendance: We process your Personal Data to plan and host events or webinars for which you have registered or that you attend, including sending related communications to you or to perform our contract with you or where we receive your consent;
- Managing, and participating in, contests, programs or promotions: If you register for a contest, promotion, or a program, we process your Personal Data to perform our contract with you or where we seek your consent. Some contests, programs and promotions have additional rules containing information about how we will process your Personal Data;
- Managing payments: If you have provided financial information to us, we process your Personal Data to verify that information and to collect payments to the extent that doing so is necessary to complete a transaction and perform our contract with you;

- Contract fulfillment: We may process your Personal Data for the purposes of fulfilling our contract with you or your employer (e.g. if you are an authorized user of our products and services or work for a service provider or supplier to uPerform). We do this where it is necessary for the performance of the relevant contract;
- Developing and improving our websites and services: We process your Personal Data to analyze trends and to track your usage of and interactions with our websites and services to the extent it is necessary for our legitimate interest in developing and improving our websites and services and providing our users with more relevant content and service offerings, or where we seek your consent;
- Assessing and improving user experience: We process device and usage data as described in Section 4.1 above, which in some cases may be associated with your Personal Data, to analyze trends and assess and improve the overall user experience to the extent it is necessary for our legitimate interest in developing and improving the service offering or website, or where we seek your consent;
- Reviewing compliance with applicable usage terms: We process your Personal Data to validate that you are a licensed user and to review compliance with the applicable usage terms in our customer's or user's contract to the extent that it is in our legitimate interest to ensure adherence to the relevant terms;
- Assessing capacity requirements: We process your Personal Data to assess the capacity requirements of our services to the extent that it is in our legitimate interest to ensure that we are meeting the necessary capacity requirements of our service offering;
- Identifying customer opportunities: We process your Personal Data to assess new potential customer opportunities to the extent that it is in our legitimate interest to ensure that we are meeting the demands of our customers and their users' experiences;
- Registering and hosting visitors to the office or at events: We process your Personal Data for security, health, and safety reasons, to register visitors and to manage non-disclosure agreements that visitors may be required to sign, to the extent such processing is necessary for our legitimate interest in protecting our offices, staff and visitors and our confidential information against unauthorized access. In addition, certain health data (which may include special categories of Personal Data) may be processed for office visits and at events during the COVID-19 pandemic to ensure the safety and security of our visitors and employees (where legally permitted) with your consent or where necessary for reasons of public interest in the area of public health;
- Recording phone calls: We may record phone calls for training, quality assurance, and administration purposes. If required under applicable law, we will obtain your prior consent or give you the option to object to a call being recorded;
- Displaying personalized advertisements and content: We process your Personal Data to conduct market research, advertise to you, provide personalized information about us on and off our websites and to provide other personalized content based upon your activities and interests to the extent it is necessary for our legitimate interest in advertising our websites or, where necessary, to the extent you have provided your prior consent (please see Section 10 below, to learn how you can control the processing of your Personal Data by uPerform for personalized advertising purposes);
- Administering surveys and conducting research: We process your Personal Data (including special categories of Personal Data) in order to meet the goals set out in surveys or research as well as to analyze our compliance with internal policies. If required under applicable law, we will obtain your consent to process your responses;
- Sending communications: We will process your Personal Data or device and usage data, which in some cases may be associated with your Personal Data, to send you marketing information, product recommendations and other non-transactional communications (e.g., marketing newsletters, telemarketing calls, SMS, or push notifications) about us and our affiliates and partners, including information about our products, promotions, news or events as necessary for our legitimate interest in conducting direct marketing or to the extent you have provided your prior consent (please see Section 10 below to learn how you can control the processing of your Personal Data by uPerform for marketing purposes);
- Collection of diversity information: We may process your Personal Data (including special categories of Personal Data) to the extent you voluntarily consent to provide it to meet our broader community-minded goals related to diversity and equality of opportunity. If required under applicable law, we will obtain your consent or explicit consent; and

- Compliance with legal obligations: We process your Personal Data when cooperating with public and government authorities, courts or regulators in accordance with our legal obligations under applicable laws to the extent this requires the processing or disclosure of Personal Data to protect our rights or is necessary for our legitimate interest in protecting against misuse or abuse of our websites or services, protecting personal property or safety, pursuing remedies available to us and limiting our damages, complying with judicial proceedings, court orders or legal processes, respond to lawful requests, or for auditing purposes.

If we need to collect and process Personal Data by law, or under a contract we have entered into with you, and you fail to provide the required Personal Data when requested, we may not be able to perform our contract with you.

6. Who do we share Personal Data with?

We may share your Personal Data as follows:

- Service providers: With our contracted service providers, who provide services such as IT and system administration and hosting, research and analytics, marketing, customer support and data enrichment for the purposes and pursuant to the legal bases described above in Section 5;
- Affiliates: If you use our websites to register for an event or webinar organized by one of our affiliates, we may share your Personal Data with the affiliate to the extent this is required on the basis of the affiliate's contract with you to process your registration and ensure your participation in the event; in such instances, our affiliate will process the relevant Personal Data as a separate controller and will provide you with further information on the processing of your Personal Data, where required.
- Event sponsors: If you attend an event or webinar organized by us, or download or access an asset on our website, we may share your Personal Data with sponsors of the event. If required by applicable law, you may consent to such sharing via the registration form or by allowing your attendee badge to be scanned at a sponsor booth. In these circumstances, your information will be subject to the sponsors' privacy statements. If you do not wish for your information to be shared, you may choose to not opt-in via event/webinar registration or elect to not have your badge scanned, or you can opt-out in accordance with Section 10 below;
- Customers with whom you are affiliated: If you use our services as an authorized user, we may share your Personal Data with your affiliated customer responsible for your access to the services to the extent this is necessary for verifying accounts and activity, investigating suspicious activity, or enforcing our terms and policies;
- Contest and promotion sponsors: With sponsors of contests or promotions for which you register in order to fulfill the contest or promotion;
- Third party networks and websites: With third-party social media networks, advertising networks and websites, so that uPerform can market and advertise on third party platforms and websites;
- Professional advisers: In individual instances, we may share your Personal Data with professional advisers acting as service providers, processors, or joint controllers - including lawyers, bankers, auditors, and insurers who provide consultancy, banking, legal, insurance and accounting services, and to the extent we are legally obliged to share or have a legitimate interest in sharing your Personal Data;
- uPerform family affiliates: With affiliates within the uPerform corporate group and companies that we acquire in the future after they are made part of the uPerform corporate group, to the extent such sharing of data is necessary to fulfill a request you have submitted via our websites or for customer support, marketing, technical operations and account management purposes;
- Third parties involved in a corporate transaction: If we are involved in a merger, reorganization, dissolution or other fundamental corporate change, or sell a website or business unit, or if all or a portion of our business, assets or stock are acquired by a third party. In accordance with applicable laws, we will use reasonable efforts to notify you of any transfer of Personal Data to an unaffiliated third party; and

We may also share anonymous or de-identified usage data with uPerform's service providers for the purpose of helping uPerform in such analysis and improvements. Additionally, uPerform may share such anonymous or de-identified usage data on an aggregate basis in the normal course of operating our business; for example, we may share information publicly to show trends about the general use of our services.

Anyone using our communities, forums, blogs, or chat rooms on our websites may read any Personal Data or other information you choose to submit and post.

For more information on the recipients of your Personal Data, please contact us by using the information in Section 13 below.

7. International transfer of Personal Data

Your Personal Data may be collected, transferred to and stored by us in the United States and by our affiliates and third-parties disclosed in Section 6, above, that are based in other countries. Therefore, your Personal Data may be processed outside your jurisdiction, including in countries and jurisdictions that are not subject to an adequacy decision by the European Commission or your local legislature or regulator, and that may not provide for the same level of data protection as your jurisdiction. We ensure that the recipient of your Personal Data offers an adequate level of protection and security, for instance by entering into the appropriate back-to-back agreements and, if required, standard contractual clauses or an alternative mechanism for the transfer of data as approved by the European Commission (Art. 46 GDPR) or other applicable regulators or legislators. Where required by applicable law, we will only share, transfer or store your Personal Data outside of your jurisdiction with your prior consent.

8. Children

Our websites and services are not directed at children. We do not knowingly collect Personal Data from children under the age of 16, or such other applicable age of consent for privacy purposes in relevant individual jurisdictions, unless (a) we have obtained consent from a parent or guardian, (b) such collection is subject to a separate agreement with us or (c) the visit by a child is unsolicited or incidental. If you are a parent or guardian and believe your child has provided us with Personal Data without your consent, please contact us by using the information in Section 13 below and we will take steps to delete their Personal Data from our systems.

9. How long do we keep your Personal Data?

We may retain your Personal Data for a period of time consistent with the original purpose of collection (see Section 5 above) or as long as required to fulfill our legal obligations. We determine the appropriate retention period for Personal Data on the basis of the amount, nature, and sensitivity of the Personal Data being processed, the potential risk of harm from unauthorized use or disclosure of the Personal Data, whether we can achieve the purposes of the processing through other means, and on the basis of applicable legal requirements (such as applicable statutes of limitation).

After expiry of the applicable retention periods, your Personal Data will be deleted. If there is any data that we are unable, for technical reasons, to delete entirely from our systems, we will implement appropriate measures to prevent any further use of such data.

For more information on data retention periods, please contact us by using the information in the Section 13 below.

10. Your rights relating to your Personal Data

10.1 Your rights

You may have certain rights relating to your Personal Data, subject to local data protection laws. Depending on the applicable laws these rights may include the right to:

- Access your Personal Data held by us;
- Know more about how we process your Personal Data;
- Rectify inaccurate Personal Data and, taking into account the purpose of processing the Personal Data, ensure it is complete;
- Erase or delete your Personal Data;
- Restrict our processing of your Personal Data;

- Transfer your Personal Data to another controller, to the extent possible;
- Object to any processing of your Personal Data;
- Opt out of certain disclosures of your Personal Data to third parties;
- If you're under the age of 16, or such other applicable age of consent for privacy purposes in relevant individual jurisdictions, opt in to certain disclosures of your Personal Data to third parties;
- Not be discriminated against for exercising your rights described above;
- Not be subject to a decision based solely on automated processing, including profiling, which produces legal effects ("Automated Decision-Making"); and
- Withdraw your consent at any time (to the extent we base processing on consent), without affecting the lawfulness of the processing based on such consent before its withdrawal.

Where we process your Personal Data for direct marketing purposes or share it with third parties for their own direct marketing purposes, you can exercise your right to object at any time to such processing without having to provide any specific reason for such objection

Please note that Automated Decision-Making currently does not take place on our websites or in our services.

10.2 How to exercise your rights

To exercise your rights, please contact us by using the information in Section 13 below. Your Personal Data may be processed in responding to these rights. We try to respond to all legitimate requests within one month unless otherwise required by law, and will contact you if we need additional information from you in order to honor your request or verify your identity. Occasionally it may take us longer than a month, taking into account the complexity and number of requests we receive. If you are an employee of a uPerform customer, we recommend you contact your employer's system administrator for assistance in correcting or updating your information.

Some registered users may update their user settings, profiles, organization settings and event registrations by logging into their accounts and editing their settings or profiles.

To update your billing information, discontinue your account or request return or deletion of your Personal Data and other information associated with your account, please contact us by using the information in Section 13 below.

10.3 Your rights relating to customer data

As described above, we may also process Personal Data submitted by or for a customer to our products and services. To this end, if not stated otherwise in this Privacy Statement or in a separate disclosure, we process such Personal Data as a processor on behalf of our customer (and its affiliates) who is the controller of the Personal Data (see Section 1 above). We are not responsible for and have no control over the privacy and data security practices of our customers, which may differ from those explained in this Privacy Statement. If your data has been submitted to us by or on behalf of a uPerform customer and you wish to exercise any rights you may have under applicable data protection laws, please inquire with them directly. Because we may only access a customer's data upon their instructions, if you wish to make your request directly to us, please provide us the name of the uPerform customer who submitted your data to us. We will refer your request to that customer, and will support them as needed in responding to your request within a reasonable timeframe.

10.4 Your preferences for email and SMS marketing communications

If we process your Personal Data for the purpose of sending you marketing communications, you may manage your receipt of marketing and non-transactional communications from uPerform by clicking on the "unsubscribe" link located on the bottom of uPerform marketing emails, or by replying or texting 'STOP' if you receive uPerform SMS communications. Please note that opting out of marketing communications does not opt you out of receiving important business communications related to your current relationship with us, such as communications about your subscriptions or event registrations, service announcements or security information.

10.5 Your preferences for telemarketing communications

If you want your phone number to be added to our internal Do-Not-Call telemarketing register, please contact us by using the information in Section 13 below. Please include your first name, last name, company and the phone number you wish to add to our Do-Not-Call register. Alternatively, you can always let us know during a telemarketing call that you do not want to be called again for marketing purposes.

11. How we secure your Personal Data

We take appropriate precautions including organizational, technical, and physical measures to help safeguard against accidental or unlawful destruction, loss, alteration, and unauthorized disclosure of, or access to, the Personal Data we process or use. While we follow generally accepted standards to protect Personal Data, no method of storage or transmission is 100% secure. You are solely responsible for protecting your password, limiting access to your devices and signing out of websites after your sessions. If you have any questions about the security of our websites, please contact us by using the information in Section 13 below.

12. Changes to this Privacy Statement

We will update this Privacy Statement from time to time to reflect changes in our practices, technologies, legal requirements, and other factors. If we do, we will update the “effective date” at the top. If we make a material update, we may provide you with notice prior to the update taking effect, such as by posting a notice on our website or by contacting you directly, or where required under applicable law and feasible, seek your consent to these changes.

We encourage you to periodically review this Privacy Statement to stay informed about our collection, processing and sharing of your Personal Data.

13. Contacting us

uPerform has appointed a Data Protection Officer. To exercise your rights regarding your Personal Data, or if you have questions regarding this Privacy Statement or our privacy practices please email us at privacy@uperform.com, call us at +1 (443) 561-3900, or write to us at:

uPerform Data Protection Officer (uPerform Privacy Team)
6085 Marshalee Drive, Suite 300
Elkridge, MD, 21075, USA

When you contact us, please indicate in which country and/or state you reside. We are committed to working with you to obtain a fair resolution of any complaint or concern about privacy. If, however, you believe that we have not been able to assist with your complaint or concern, and you are located in the European Economic Area or the United Kingdom, you have the right to lodge a complaint with the competent supervisory authority.

14. Additional Disclosures for California Residents

The California Consumer Privacy Act requires businesses to disclose whether they sell Personal Data. As a business covered by the CCPA, we do not sell Personal Data. We may share Personal Data with third parties or allow them to collect Personal Data from our sites or services if those third parties are authorized service providers or business partners who have agreed to our contractual limitations as to their retention, use, and disclosure of such Personal Data, or if you use uPerform sites or services to interact with third parties or direct us to disclose your Personal Data to third parties.

California law requires that we detail the categories of Personal Data that we disclose for certain “business purposes,” such as to service providers that assist us with securing our services or marketing our products, and to such other entities as described in Sections 5 and 6 of this Privacy Statement. We disclose the following categories of Personal Data for our business purposes:

- Identifiers;
- Commercial information;
- Internet activity information;
- Financial information;
- Professional and employment-related information;

- Education information; and
- Inferences drawn from any of the above information categories.

California law grants state residents certain rights, including the rights to access specific types of Personal Data, to learn how we process Personal Data, to request deletion of Personal Data, and not to be denied goods or services for exercising these rights.

If you are a California resident under the age of 18 and have registered for an account with us, you may ask us to remove content or information that you have posted to our website(s). Please note that your request does not ensure complete or comprehensive removal of the content or information, because, for example, some of your content may have been reposted by another user.

For information on how to exercise your rights, please refer to Section 10.2 of this Privacy Statement. If you are an authorized agent wishing to exercise rights on behalf of a California resident, please contact us using the information in the "Contacting Us" section above and provide us with a copy of the consumer's written authorization designating you as their agent.

We may need to verify your identity and place of residence before completing your rights request.

As of the Effective Date, we have received no qualifying requests for access to or deletion of Personal Data.

15. Agreement to Arbitrate Claims and Class Action Waiver

You agree to resolve disputes with uPerform through binding arbitration before the American Arbitration Association ("AAA"). Arbitration means that an arbitrator, and not a judge or a jury, will decide the dispute. This Agreement also prevents you from bringing or participating in any kind of class, collective, or mass action, private attorney general action, or any other proceeding brought against uPerform by someone else.

- **Covered Disputes.** You agree that any dispute or claim arising between you and uPerform concerning this website, including any related software, hardware, advertising or marketing communications related to the subject matter herein, will be resolved by binding arbitration, rather than in court.
- **Exceptions to Arbitration.** This Agreement does not require arbitration of the following types of claims: (1) small claims court actions brought by either you or uPerform, if the requirements of the court are met and the claims are only on an individual basis; and (2) claims pertaining to domain names or intellectual property rights, including trademarks, trade dress, trade secrets, copyrights, and patents.