

## **Kinetica DB, Inc. Privacy Policy**

**Effective: January 2017**

Kinetica DB, Inc. (“**Kinetica**,” “**we**,” “**our**,” or “**us**”) understands that privacy is important to our online visitors to our website (our “**Website**”) and users of our products and services (our “**Products**”). This Privacy Policy explains how we collect, use, maintain, share and protect your personal information that we collect in relation to the use of our Website and our Products. By using our Website and our Products, you agree to the terms of this Privacy Policy.

Please note that our Website Terms of Service , [www.kinetica.com/tos](http://www.kinetica.com/tos), or end-user license agreements for certain Products may contain additional notices and terms that apply to our collection and use of data in connection with your use of those particular Products. Also, please note that, unless we define a term in this Privacy Policy, all capitalized words used in this Privacy Policy have the same meanings as in our Terms of Service or license agreement for the applicable Products.

### **What Information Do We Collect?**

Our primary goals in collecting information are to provide and improve our Products, to administer your use of the Products, and to enable you to enjoy and easily navigate our Website and Products.

We and our service providers may collect both personal information (defined below) and non-personal information through your interaction with and use of our Website and Products. Personal Information is information that either identifies an individual or relates to a specific individual, and includes without limitation, your name, physical address, telephone number, email, company affiliation, and in some jurisdictions your IP address. Non-personal information is information that does not reveal your specific identity or relate to specific individual and may include browser and device information, electronic interaction information, geographic or geo-location information, statistical and aggregated information. While statistical and aggregated information may be derived from personal information Kinetica will anonymize any personal information prior to sharing this information with third parties.

### **How is Information Collected?**

Information is collected from a variety of sources including direct interactions (e.g. account registration, sales inquiries and Product transactions); publically available data and third party data (e.g. data made available through social media and marketing opt-ins); and electronic interactions (e.g. cookies, pixels, website buttons and tools).

Kinetica may automatically collect and receive electronic interaction information about your interactions with our electronic communications, Website and Products. Kinetica may receive information such as network routing information, browser or device type, your IP address, and the date and time.

Cookies. Kinetica and its service providers use “cookies,” which are small text files that are saved by your browser when you access our Website. We may use both session cookies and persistent cookies to identify that you’ve logged in to the Website. We may also use cookies to monitor aggregate usage and web traffic routing on our Website and to customize and improve our Website. Unlike persistent cookies, session cookies are deleted when you log off from the Website and close your browser.

Widget, button, and tools. Kinetica may also include the use of widgets to provide specific services from a third party (e.g. bookmarked sites) along with buttons and tools that link to third party services and products (e.g. social media, Github etc). The widget, button, or tool may collect and automatically send personal information, such as your email address or non-personal information, to a third party. Cookies may also be set or used by these third parties to enable the widget, button or tool to function properly. Note that this Privacy Policy does not cover information collected by third party widget, buttons or tools, including cookie settings and preferences, those are governed by the privacy policy of the third party who created it.

Physical Location. Kinetica may collect and share physical location of your device for purposes consistent with this Privacy Policy, such as to provide you with geo-personalized location based advertising and content. You may be permitted to allow or deny such use of your device's location, but if you so choose such restriction Kinetica may not be able to provide you with personalized advertising or content.

### **How Do We Use Your Information?**

Kinetica uses and shares both personal and non-personal information it collects, unless restricted by law, to: engage and process Product transactions; provide you with support and other services; support marketing through advertising and communications; engage with you on social media and other third party social networking sites; administer product downloads and licensing compliance, select content and improve our communications, advertising, Website and Products; support sales and product promotions; and communicate with you.

### **When is Information Shared With Third Parties?**

Information Shared with Our Service Providers. We may engage third party service providers to work with us to advertise, market, administer, distribute, resell and/or support our Website and Products. These third-party services providers have access to your personal information only for the purpose of performing services on our behalf and are expressly obligated not to disclose or use your personal information for any other purpose.

Information Shared with Third Parties. We may share aggregated anonymized and statistical information and non-personal information with third parties for industry analysis, demographic profiling and other similar purposes.

Information Disclosed in Connection with Business Transactions. Information that we collect, including personal information, is considered to be a business asset. As a result, if we go out of business or enter bankruptcy or if we are acquired as a result of a transaction such as a merger, acquisition, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock your personal information may be disclosed or transferred to the third-party in connection with the transaction.

Information Disclosed for Our Protection and the Protection of Others. It is our policy to protect you from having your privacy violated through abuse whether by individuals, entities or government, and to contest claims that we believe to be invalid under applicable law. However, it is also our policy to cooperate with government and law enforcement officials and private parties. Accordingly, we reserve the right to disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary: (i)

to satisfy or comply with any applicable law, regulation or legal process or to respond to lawful requests, including subpoenas, warrants or court orders; (ii) to protect our property, rights and safety and the rights, property and safety of third parties or the public in general; and (iii) to prevent or stop activity we consider to be illegal or unethical.

Information We Disclose With Your Consent or at Your Request. We will share your personal information with third-party sites or platforms, such as social networking sites, if you have expressly requested that we do so.

### **The Security of Your Information**

We take reasonable physical, electronic and administrative measures to protect the information that we collect from or about you (including your personal information) from unauthorized access, use, disclosure or destruction. Please be aware, however, that no method of transmitting information over the Internet or storing information is completely secure. Accordingly, we cannot guarantee the absolute security of any information.

In the event your personal information is acquired, or is reasonably believed to have been acquired by an unauthorized person, and applicable law requires notification, Kinetica will notify you by e-mail or other contact information on file. Kinetica will provide you with prompt notice consistent with the reasonable needs of law enforcement and/or its internal needs to determine the scope of the breach and to investigate and restore the integrity of the data system.

### **Links to Other Sites**

Our Website and Products may contain links or link to other websites and services. Any information that you provide on or to a third-party website or service is provided directly to the owner of the website or service and is subject to that party's privacy policy. Our Privacy Policy does not apply to such websites or services and we're not responsible for the content, privacy or security practices and policies of those websites or services. To protect your information we recommend that you carefully review the privacy policies of other websites and services that you access.

### **Preferences and Opt-Out**

E-mail Marketing. Kinetica enables you to opt out of marketing communications. You may opt out of e-mail marketing by using the general unsubscribe automated link that is included in our marketing e-mails. If you have any problems using the general unsubscribe link, please contact us at [legal@kinetica.com](mailto:legal@kinetica.com).

Some non-marketing communications are not subject to general opt-out, such as communications related to product download, sales transactions, software updates and other support related information, patches and fixes, conferences or events for which you have registered, disclosures to comply with legal requirements, and (where permitted by law) quality assurance surveys. Some additional communications with partners are also not subject to general-opt out, including product alerts, updates, contractual marketing and sales materials, and other notices related to partner status.

Cookies and Do Not Track Preferences. Although most browsers automatically accept cookies, you can change your browser options to stop automatically accepting cookies or to prompt you before accepting cookies. Please note, however, that if you choose not to accept cookies, you may

not be able to access all portions or features of our Website and Products. To comply with current legislation, depending on your location, you may be asked for consent to set the persistent cookies described above. In such case, either a pop-up message or other click-accept field will be made available to collect your consent. Once consent has been provided, the message will not appear again. You are free to withdraw consent at any time by altering your browser settings. To learn more about cookies see: [www.allaboutcookies.org](http://www.allaboutcookies.org) and <http://www.youronlinechoices.com>.

Third Party Permission Based Lists. Kinetica may use third-party lists to send communications about Kinetica Products. These lists are maintained by third parties and include users eligible under applicable law to receive e-mails from other companies such as Kinetica. When we use such lists, the communications will include mechanisms to opt out of receiving Kinetica's marketing communications. If you have trouble opting out, or if you wish to make us aware of any issues related to a third-party mailing, you may contact us directly at [legal@kinetica.com](mailto:legal@kinetica.com).

### **Access, Modification, Retention and Deletion**

Access and Modification. You may request to review, correct, update, suppress, or otherwise modify any of your personal information that you have previously provided to us through electronic communications and the Website, or object to the use or processing of such personal information by us. You may update your profile and related personal information at any time. To change this information, please contact us at [legal@kinetica.com](mailto:legal@kinetica.com). If you have privacy concerns regarding access to or the correction of your personal information, please write to us at the following address:

Kinetica DB, Inc.  
1 Sansome St., Suite 3440  
San Francisco, CA 94104  
USA  
Attn: Legal Dept.

In your request, please make clear what personal information you would like to have changed, whether you would like to have your personal information that you have provided to us suppressed from our database or otherwise let us know what limitations you would like to put on our use of your personal information that you have provided to us.

While the majority of questions and issues related to access can be handled quickly, complex requests may take more research and time. In such cases, issues will be addressed, or you will be contacted regarding the nature of the problem and appropriate next steps, within thirty days.

For California Residents. Under California Civil Code Section 1798.83 (also known as S.B. 27), if you are a California resident and your business relationship with Kinetica is primarily for personal, family, or household purposes, you may request certain data regarding Kinetica's disclosure, if any, of your personal information to third parties for the third-parties' direct marketing purposes. To make such a request, please contact [legal@kinetica.com](mailto:legal@kinetica.com); you may make such a request up to once per calendar year. If applicable, we will provide you, by e-mail, a list of

the categories of personal information disclosed to third parties for their direct marketing purposes during the immediately preceding calendar year, along with the third parties' names and addresses. Please note that not all personal information sharing is covered by S.B. 27's requirements.

**Retention and Deletion.** Kinetica will retain your personal information for as long it is needed to provide you with Product(s); as needed for the purposes outlined in this Privacy Policy or at the time of collection; as necessary to comply with our legal obligations (e.g., to honor opt-outs), resolve disputes, and enforce our agreements; or to the extent permitted by law. At the end of the retention period, Kinetica will delete your personal information in a manner designed to ensure that it cannot be reconstructed or read.

### **International Transfer**

Your personal information may be transferred to, and maintained on, computers located outside of your state, province, country or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you're located outside the United States and choose to provide your personal information to us, we may transfer your personal information to the United States and process it there. Your consent to this Privacy Policy followed by your submission of any personal information represents your agreement to that transfer.

### **Compliance with EU-US Privacy Shield Framework**

Kinetica complies with the EU-US Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries. Kinetica has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>.

### **Compliance with Swiss-US Safe Harbor Framework**

Kinetica complies with the US-Swiss Safe Harbor Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from Switzerland. Kinetica has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. If there is any conflict between the policies in this privacy policy and the Safe Harbor Privacy Principles, the Safe Harbor Privacy Principles shall govern. To learn more about the US-Swiss Safe Harbor and to view our certification page, please visit <http://www.export.gov/safeharbor/>.

### **Recourse**

In compliance with the EU-US Privacy Shield and US- Swiss Safe Harbor Principles, Kinetica commits to resolve complaints about your privacy and our collection or use of your personal information. European Union individuals with inquiries or complaints regarding this privacy policy should first contact Kinetica at:

Kinetica DB, Inc.  
1 Sansome St., Suite 3440

San Francisco, CA 94104  
USA  
Attn: Legal Dept.

E-mail: [legal@kinetica.com](mailto:legal@kinetica.com)

Kinetica has further committed to refer unresolved privacy complaints to JAMS, an independent alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by Kinetica, please visit <https://www.jamsadr.com/file-an-eu-us-privacy-shield-or-safe-harbor-claim> for more information and to file a complaint.

If your Privacy Shield complaint is not resolved by contacting Kinetica directly or through the independent dispute resolution process, you may choose to invoke binding arbitration before the Privacy Shield Panel to be created by the U.S. Department of Commerce and the European Commission or may contact your local Data Protection Authority. Kinetica is subject to the investigatory and enforcement powers of the United States Federal Trade Commission.

### **Our Policy Toward Children**

Our Website and Products are not directed to children under 13 and we do not knowingly collect personal information from children under 13. If we learn that we have collected personal information of a child under 13 we will take steps to delete such information from our files as soon as possible.

### **Changes to Privacy Policy**

Any information that we collect is subject to the privacy policy in effect at the time such information is collected. We may, however, modify and revise this Privacy Policy from time to time. If we make any material changes to this Privacy Policy, we'll notify you of such changes by sending you an email, post notification on our website, or provide other notification, and we'll indicate when such changes will become effective.

### **Questions?**

Please contact us at [legal@kinetica.com](mailto:legal@kinetica.com) if you have any questions about our Privacy Policy.