

# Localytics Privacy Policy

## Introduction

Localytics is committed to respecting the privacy rights of our Customers and their End Users, as well as any other users of our Sites and of our Service. When you interact with us, Localytics may collect and process information that includes certain personally identifiable information (PII) as well as information that may be considered “Personal Data” under applicable laws, such as Europe’s General Data Protection Regulation (GDPR). This policy describes how Localytics collects, uses and discloses any information collected via our Site. This policy does not apply to any other websites that may be accessed from our Sites, such as those of our partners, Customers or affiliates, each of which may have separate data collection, handling and privacy policies.

You should also note that Localytics may process certain PII (or information that may otherwise be considered Personal Data under applicable law) on behalf of our Customers who make use of our Service. See the About Our Service Offering section below.

This Privacy Policy is provided in a layered format so you can click through to the specific areas set out below. Alternatively you can download a pdf version of the Policy here . Please also use the Glossary to understand the meaning of some of the terms used in this Privacy Policy.

1. **IMPORTANT INFORMATION AND WHO WE ARE**
2. **THE INFORMATION WE COLLECT ABOUT YOU**
3. **HOW IS YOUR PERSONAL INFORMATION COLLECTED**
4. **HOW WE USE YOUR PERSONAL INFORMATION WE COLLECT**
5. **DISCLOSURES OF YOUR PERSONAL INFORMATION**
6. **INTERNATIONAL TRANSFERS**
7. **DATA SECURITY**
8. **DATA RETENTION**
9. **ACCESSING, CORRECTING AND DELETING YOUR PERSONAL INFORMATION**
10. **ABOUT OUR SERVICE OFFERING**
- 11 **GLOSSARY**

## 1. Important information and who we are

Our Sites are not intended for children under 16 years of age. No one under age 16 may provide any information to or on our Sites. We do not knowingly collect personal information from children under 16. If you are under 16, do not use or provide any information on our Sites or on or through any of their features, use any of the interactive or public comment features of our Sites or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 16

without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please [contact us](#).

It is important that you read this Privacy Policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing personal information about you so that you are fully aware of how and why we are using your information. This Privacy Policy supplements the other notices and is not intended to override them.

### **Controller**

The Localytics Group is made up of different legal entities, details of which can be found here. This Privacy Policy is issued on behalf of the Localytics Group so when we mention “Localytics”, “we”, “us”, or “our” in this Privacy Policy, we are referring to the relevant company in the Localytics Group responsible for processing your information.

If you are based outside of the EU, Char Software, Inc. d/b/a Localytics is the controller and responsible for your personal information.

If you are based in the EU, the party that acts as the data controller and that is responsible for your personal information may be Char Software, Inc. d/b/a Localytics, or Localytics Limited.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this Privacy Policy. If you have any questions about this Privacy Policy, including any requests to exercise [your legal rights](#), please contact the data privacy manager using the details set out below.

### **Contact details**

Our full details are:

**Company:** Char Software, Inc. d/b/a Localytics

**Contact:** Charlie Case, Director of Security

**Email address:** [privacy@localytics.com](mailto:privacy@localytics.com)

**Postal address:** 2 Center Plaza, 3<sup>rd</sup> Floor, Boston, MA 02108, USA

**Telephone number:** 1-800-418-0746 or 1-617-418-4422

If you are based in the European Union, you also have the right to make a complaint at any time to your local supervisory authority for data protection issues. We would, however, appreciate the chance to deal with your concerns before you approach the regulator so please [contact us](#) in the first instance.

### **Changes to the Privacy Policy and your duty to inform us of changes**

This version was last updated on \_\_\_\_\_ and historic versions can be obtained by [contacting us](#).

We reserve the right to change the terms of this Privacy Policy at any time. We will notify you of any material changes by way of a visual alert on the Site announcing that the Privacy Policy has changed, and/or by way of email to those who have provided an email address to us.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

### **Third-party links**

Our Sites may have publicly accessible blogs or community forums, and our Sites may also include links to third-party websites, plug-ins and applications. Any information you provide in our blogs or forums may be read, collected or used by others. Clicking on links to third-party websites, or enabling connections to third party websites via 3<sup>rd</sup> party plug-ins and applications may allow third parties to collect or share your data or data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our Site, we encourage you to read the privacy notice of every website you visit.

## **2. The information we collect about you**

Personally identifiable information, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal information about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, title, date of birth,.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about payments to and from you and other details of services you have purchased from us.
- **Technical Data** includes internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this Site.
- **Profile Data** includes your username and password, purchases or orders made by you, your interests, preferences, feedback and survey responses.
- **Usage Data** includes information about how you use our Site and Services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific Site feature. However, if we combine or connect Aggregated Data with

your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** from you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

### **If you fail to provide personal information**

Where we need to collect personal information by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with our services). In this case, we may have to cancel a service you have with us but we will notify you if this is the case at the time.

## **3. How is your personal information collected?**

We use different methods to collect data from and about you including through:

- **Direct interactions.** You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:
  - complete our “Schedule a Demo” form to request a demo on our solutions;
  - complete our “Contact Sales” form to be contacted by one of our sales representatives
  - complete our “Contact Our Team” form to be contacted by one of our team;
  - submit a comment on one of our blog posts;
  - subscribe to our email alerts;
  - sign in to your Localytics account;
  - request marketing content to be sent to you;
  - enter a competition, promotion or survey; or
  - give us some feedback.
  - Join a webinar, or attend events.
- **Automated technologies or interactions.** As you interact with our Site, we may automatically collect Technical Data about your equipment, browsing actions and patterns. We collect this personal data by using cookies, server logs and other similar technologies. We may also receive Technical Data about you if you visit other websites employing our cookies. Please see our cookie policy for further details.
- **Third parties or publicly available sources.** We may receive personal data about you from various third parties and public sources as set out below:
  - Technical Data from the following parties:
    - (a) analytics providers such as Google, Bizible and Optimizely, which are based outside the EU;
    - (b) advertising networks such as Google and LinkedIn based outside the EU; and
    - (c) search information providers such as Google.

- Identity and Contact Data from data brokers or aggregators such as ZoomInfo and Discoverorg based outside the EU.
- Identity and Contact Data from publicly available sources such as LinkedIn.
- Data in any of the above categories (Identity, Contact, Financial, Transactional, Technical, Profile, Usage, and Marketing and Communications Data) from Customers based inside or outside the EU.

Should you wish to obtain any specific information about the third parties from which we may receive personal information please [contact us](#).

#### **4. How we use your personal information we collect**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into with you or one of our Customers.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by [contacting us](#).

#### **Purposes for which we will use your personal information**

We have set out below, in a table format, a description of all the ways we plan to use your personal information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal information for more than one lawful ground depending on the specific purpose for which we are using your information. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal information where more than one ground has been set out in the table below.

Purpose/Activity	Type of information	Lawful basis for processing including basis of legitimate interest
To register you as a new customer	(a) Identity (b) Contact	Performance of a contract with you
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To manage our relationship with you which will include: (a) Notifying you about changes to our terms or privacy policy (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our services)
To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our services, to develop them and grow our business)
To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganization or group restructuring exercise) (b) Necessary to comply with a legal obligation
To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications (f) Technical	Necessary for our legitimate interests (to study how customers use our services, to develop them, to grow our business and to inform our marketing strategy)
To use data analytics to improve our <u>Sites</u> , services,	(a) Technical	Necessary for our legitimate interests (to define types of customers for our

marketing, customer relationships and experiences	(b) Usage	services, to keep our <u>Sites</u> updated and relevant, to develop our business and to inform our marketing strategy)
To make suggestions and recommendations to you about services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile	Necessary for our legitimate interests (to develop our services and grow our business)

## Marketing

We strive to provide you with choices regarding certain personal information uses, particularly around marketing and advertising. We have established the following personal data control mechanisms:

### Promotional offers from us

We may use your Identity, Contact, Technical, Usage and Profile Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you.

You will receive marketing communications from us if you have requested information from us or purchased services from us or if you provided us with your details when you entered a competition or registered for a promotion and, in each case, you have not opted out of receiving that marketing.

### Third-party marketing

We partner with third parties to either display advertising on our Sites or to manage our advertising on other sites. Third party partners may use technologies such as cookies to gather information about activities on our Sites and other sites in order to provide you advertising based upon your browsing activities and interests.

We will get your express opt-in consent before we share your personal data with any company outside Localytics for marketing purposes.

### Opting out

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service purchase, service experience or other transactions.

### Testimonials

We display personal testimonials of satisfied customers on our site in addition to other endorsements. With your consent we may post your testimonial along with your name.

### Cookies

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this Site

may become inaccessible or not function properly. For more information about the cookies we use, please see our cookie policy.

## Change of purpose

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please [contact us](#).

If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## 5. Disclosures of your personal information

We may have to share your personal information with the parties set out below for the purposes set out in the table in paragraph 4 above.

- Third Parties as set out in the [Glossary](#).
- Third parties to whom we may choose to sell, transfer, or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal information in the same way as set out in this Privacy Policy.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions.

## 6. International transfers

If you access our [Sites](#) from the European Union, please note that we share your personal information within the Localytics Group. This will involve transferring your information outside the European Economic Area (**EEA**).

Many of our external third parties are also based outside the European Economic Area (**EEA**) so their processing of your personal information will involve a transfer of data outside the EEA.

Whenever we transfer your personal information out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented :

- We may transfer your personal information to countries that have been deemed to provide an adequate level of protection for personal information by the European Commission. For further details, click [here](#).
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal information the same protection it has in Europe. For further details, click [here](#).
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal information shared between the Europe and the US. For further details, click [here](#).



Please contact us if you want further information on the specific mechanism used by us when transferring your personal information out of the EEA.

## 7. Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

Although we make good faith efforts to handle and store personal information in a secure operating environment that is not open to the public, you should however understand that there is no such thing as complete security, and we do not guarantee that there will be no unintended disclosures of your personal information.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 8. Data retention

### How long will you use my personal information for?

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

Details of retention periods for different aspects of your personal information are available in our retention policy which you can request from us by [contacting us](#).

In some circumstances you can ask us to delete your information: see [request erasure](#) below for further information.

In some circumstances we may anonymize your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## 9. Accessing, Correcting and Deleting Your Information

You have the right to request access to your personal information or to request that your personal data be rectified, or updated. If you are a registered user of our Site, you are also able to delete the information you have included in your profile by logging in and accessing your Localytics account. To request removal of your personal information from our blogs, community forum, or from testimonials, please [contact us](#).

In the event your login or other personal information has been lost, stolen, or used without permission, you must promptly notify us ([contact us](#)) to remove that personal information from your account and update our records accordingly.

**California residents:** Under California Civil Code sections 1798.83-1798.84, you are entitled to ask us for a notice identifying the categories of personal customer information which we share with our affiliates and/or third parties for marketing purposes, and providing contact information for such affiliates and/or third parties. If you would like a copy of this notice, please [contact us](#).

**EU residents:** Under certain circumstances, you have rights under data protection laws in relation to your personal data. Please click on the links below to find out more about these rights:

- [Request access to your personal information](#).
- [Request correction of your personal information](#).
- [Request erasure of your personal information](#).
- [Object to processing of your personal information](#).
- [Request restriction of processing your personal information](#).
- [Request transfer of your personal information](#).
- [Right to withdraw consent](#).

If you wish to exercise any of the rights set out above, please [contact us](#).

- **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

### **Time limit to respond**

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

## **10. About Our Service Offering**

Localytics is a provider of services for mobile device analytics and user engagement. Our [Service](#) helps our [Customers](#) make better mobile applications and tailor mobile experiences for their [End Users](#). In the course of our business, Localytics processes certain data when our [Customers](#) use our [Service](#) to collect data from their [End Users](#).

When our [Customers](#) use our [Service](#) to collect their [End Users](#)' data for application analytics and engagement, Localytics will receive and process [End User](#) data as instructed by our [Customers](#), and in accordance with our [Terms of Service](#) or any other applicable contract between Localytics and our Customer (together, "Applicable Terms"). Our [Customers](#) implement our [Service](#) by installing and configuring software provided by Localytics to collect information to analyze End User in-application activity for analysis and targeted, personalized messaging. Our [Customers](#), the application owners, control if our software will collect any data at all, as well as what data is collected for processing.

Localytics processes the data as directed by our Customers solely for their use and consumption.

Localytics supports our Customers' obligations to accommodate End User privacy rights in accordance with Applicable Terms. Our Customers are responsible for determining if any data collected or processed through our Service is considered personal data, and providing appropriate transparency and privacy controls for the End User. As such, any solicitation of consent to collect data, as well as any requests to access, review, modify or delete personal data that Localytics is processing on our Customers's behalf must be handled by our Customers. Localytics will refer any direct requests or inquiries from End Users to our Customers, the data controller, and End Users should reach out directly to those application owners as needed with any inquiries.

## 11. Glossary

### EU LAWFUL BASES

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of Contract** means processing your information where it is necessary for the performance of a contract to which we and you are parties or to take steps at your request before entering into such a contract.

**Comply with a legal or regulatory obligation** means processing your personal information where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

### THIRD PARTIES

#### Internal Third Parties

- Char Software, Inc. d/b/a Localytics, the parent company of the Localytics Group, acting as joint controller or processor and which is based in the United States.

#### External Third Parties

- Service providers based in the U.S. or Europe who provide IT, system and corporate administration services.
- Professional advisers including lawyers, bankers, auditors and insurers based in the U.S. or Europe who provide consultancy, banking, legal, insurance and accounting services.
- Regulatory authorities in any jurisdiction who may require reporting of processing activities in certain circumstances.

**EU residents:** if you wish to receive specific information about external third parties with which we may be sharing your personal information please feel free to contact us.

## EU RESIDENTS:

### YOUR LEGAL RIGHTS

If you are accessing this Site from the European Union, please note that under EU data protection laws you have the right to:

**Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

**Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected, though we may need to verify the accuracy of the new information you provide to us.

**Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

**Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing** of your personal information. This enables you to ask us to suspend the processing of your personal information in the following scenarios: (a) if you want us to establish the information's accuracy; (b) where our use of the information is unlawful but you do not want us to erase it; (c) where you need us to hold the information even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your information but we need to verify whether we have overriding legitimate grounds to use it.

**Request the transfer** of your personal information to you or to a third party. We will provide to you, or a third party you have chosen, your personal information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdraw consent at any time** where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

## **ADDITIONAL DEFINITIONS**

### **“Customer”**

means any entity that has engaged Localytics to deliver any of our application analytics and mobile engagement services.

### **“Dashboard”**

means Localytics’ web application used by a Customer to view and consume the information processed on their behalf. Dashboard provides our Customers the ability to generate analytics reports; create segments and audiences of End Users; create and send messages or notifications; etc.

### **“End User”**

means any individual, data subject, consumer or recipient of our Customers’ applications and/or services.

### **“Service”**

means Localytics’ mobile application analytics and engagement service including any Localytics property used to deliver this service, such as our embedded SDKs, dashboards, databases, data storage, data query tools, API endpoints, etc., and any systems, platforms, software, interfaces, tools, utilities, templates, processes, or other technologies used to deliver such Service.

### **“Site”**

means any websites operated by Localytics that are made available to our customers, prospective clients or other interested parties, which may include <https://localytics.com>, <https://docs.localytics.com>, <https://help.localytics.com>, <https://info.localytics.com>, or any other successor sites.

## **Contact Information**

If you have any comments, concerns or questions about this Privacy Policy, please [contact us](#).