

Birdseye Privacy Policy

Last Updated: August 8, 2024

BIRDSEYE GLOBAL INC. ("**Company**", "**us**", "**our**" and "**we**") thanks you for your interest in our dashboard application, BirdsAI Marketing™ (the "**App**"), and the products, services, features and content that we may offer from time to time (collectively, the "**Services**").

We value the privacy of individuals who visit and/or use the Services (individually, "**you**" or collectively, "**Users**"). We take your privacy seriously and make it a priority to protect personal information that we obtain from and about our Users.

This privacy policy (this "**Privacy Policy**") describes:

1. What personal information we collect from you;
2. How and why we use your personal information;
3. To whom your personal information may be disclosed;
4. How we protect your personal information;
5. Updating, accessing, deleting and retaining your personal information, and
6. Providing or withdrawing your consent to our collection, use or disclosure of your personal information.

By purchasing, downloading, installing, accessing, or using the App and/or the Services you expressly consent to the information handling practices described in this Privacy Policy. If you do not want your personal information to be used in the manner set forth in this Privacy Policy, you may not use the Services.

Our collection and use of information that identifies individuals, or by which an individual's identity could, alone or in combination with other information, be deduced (such as an individual's name, telephone number, and e-mail address) ("**Personal Information**") is subject to the terms of this Privacy Policy. Personal information does not include information that would enable an individual to be contacted at a place of business, for example an employee's name, position or title, business telephone number, or business address. This Privacy Policy applies only to information we collect in this App, in email, text, and other electronic communications sent through or provided in connection with this App. Non-Personal Information includes information that does not directly or indirectly reveal a personal identity or directly relate to an identified individual, demographic information, or statistical or aggregated information. We may derive non-personal statistical or aggregated data from personal information and retain such non-Personal Information or data on our servers indefinitely. We reserve the right to use such anonymous and de-identified data for any legitimate business purpose, including without limitation, to provide benchmarking reports and business intelligence analytics to third parties.

Please read this Privacy Policy carefully to understand our policies and practices for collecting, processing, and storing information. If you do not agree with our policies and practices, do not download, register with, or use this App. By downloading, registering with, or using this App, you indicate that you understand, accept, and consent to the practices described in this Privacy Policy.

By accepting this Privacy Policy, you represent and warrant that:

(i) you are in compliance with all applicable laws, privacy policies, terms of service, and any other contractual obligations, including without limitation anti-spam laws and in having obtained or obtaining the necessary consents from your customers and users for the collection, storage, use, disclosure and/or any other processing of their personal information by you as well as parties that you disclose their personal information (for example, the Company), including by enumerating the parties to whom you may disclose their personal information, the purpose for such disclosure, and how such recipient parties may use their personal information;

(ii) your disclosing or providing personal information to the Company, or in connection with using the App or receiving our Services, has not violated or will not violate applicable laws of any country or other privacy policies;

(iii) you shall obtain consent from individuals before sending them Commercial Electronic Messages, as defined in Canada's Anti-Spam Law ("CASL"), you shall include your identification information and an unsubscribe mechanism, maintain records of consent obtained under CASL, and comply with all other requirements of CASL;

You acknowledge and agree that we reserve the right to suspend your usage of the App and/or our Services with immediate effect and without notice for your breach of these representations and warranties. You shall indemnify, defend and hold us and our parents, subsidiaries or affiliates and our and their respective officers, directors, shareholders, employees, contractors, agents, licensors, licensees, and service providers, and its and their successors and assigns harmless from and against any claims, causes of action, demands, recoveries, losses, damages, fines, penalties or other costs or expenses of any kind or nature including reasonable legal and accounting fees, arising out of or in connection with your breach of these representations and warranties.

Further terms and conditions in connection with your policy are set out on our **Terms and Conditions**. This Privacy Policy may change from time to time (see **Changes to Our Privacy Policy**). Your continued use of this App after we make changes indicates that you accept and consent to those changes, so please check the Privacy Policy periodically for updates. We will notify you in advance of any material changes to this Privacy Policy and obtain your consent to any new ways that we collect, use, and disclose your personal information.

1. What Personal Information We Collect

1. **Personal Information that you provide.** From time to time, we may ask you to provide Personal Information. If you choose to provide such information, during account

registration or otherwise, you are giving us the permission to use and store such information as provided in this Privacy Policy.

2. **Personal Information collected via cookies.** When you use the Services we may use cookies to track information about your browser's activities and to provide you with better services and features on the Services. The types of cookies that we may use are "session cookies" and "persistent cookies".
3. **Session cookies:** Session cookies store information only for the length of time that you are connected to a website – they are not written onto your hard drive. Once you leave the website, they expire and are no longer active. We use session cookies to record certain information from your browser including your Internet Protocol (IP) address, browser type, internet service provider (ISP), referring or exit pages, operating system and the dates and times that you use our website. Additionally, we may record certain information regarding your use of features on our website. Session cookies allow us to gather statistical data which provides insight into how we may improve our Services and to identify your current session to our web server.
4. **Persistent cookies:** Persistent cookies store information on your hard drive and can be re-read when you return to the site that placed them on your hard drive. We use persistent cookies to remember your preferences and to help block unauthorized attempts to access your Personal Information.
5. **Rejecting cookies:** You may adjust your browser settings to notify you when a cookie is about to be sent or you may configure your browser to refuse cookies automatically. Please review your web browser's "Help" file to learn the proper way to modify your cookie settings. Note that if you do not accept cookies you will not have access to certain services and features on our Services that rely on cookies for their functionality.
6. **Location information.** When you use the Services through a mobile device, we may track or collect your geo-location information on a real time basis only. We may also use this real-time geo-location information to address support, technical, or business issues that may arise in the course of your use of the Services. If you do not consent to the tracking of your geo-location, you may still be able to use some, but not all, of the features of the Services.
7. **Automatic Information Collection and Tracking Technologies.** When you download, access, and use the App, it may automatically collect:
8. **Usage details.** When you access and use the App, we may automatically collect certain details of your access to and use of the App, including traffic data, location data, logs, and other communication data and the resources that you access and use on or through the App.
9. **Device information.** We may collect information about your mobile device and internet connection, including the device's unique device identifier, IP address, operating system, browser type, mobile network information, and the device's telephone number.

10. **Stored information and files.** The App also may access metadata and other information associated with other files and information stored on your device or by authorized access to your third party accounts, including without limitation, social media, e-commerce, and digital advertising platforms. This may include, for example, sales and advertising data, digital ad spend, photographs, audio and video clips, personal contacts, and address book information.
11. **Location information.** This App may collect real-time information about the location of your device.
12. **Web Beacons.** Pages of the App and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or opened an email and for other related app statistics (for example, recording the popularity of certain app content and verifying system and server integrity).
13. **Third-Party Web Beacons.** We may also implement third-party content on our App that uses “clear gifs”, “web beacons” or other similar techniques, which allow third-party content providers to read and write cookies to your browser, or implement similar tracking mechanisms, in connection with your viewing of that third-party content displayed on our website. This information is collected directly by the third-party, and we do not participate in that data transmission. Information collected by third parties in this manner is subject to that third-party's own data collection, use, and disclosure policies.
14. **Your relationship with us.** We will collect information arising from your relationship with and through your use of the Services. For example, we maintain a record of your transaction history and when you send us an e-mail, speak with one of our telephone service representatives, or communicate with us through any other means, we may monitor, record and retain those communications for our mutual protection and in order to process your inquiries, respond to your requests and improve our Services.
15. **Personal Information from Other Sources.** We may also obtain your Personal Information from third parties and sources other than the Services. If we combine or associate information from other sources with your Personal Information that we collect through our Services, we will treat the combined information as Personal Information in accordance with this Privacy Policy.

We may also use these technologies to collect information about your activities over time and across third-party websites, apps or other online services (behavioural tracking). To learn more or to opt-out of tailored advertising please visit Digital Advertising Alliance of Canada Opt-Out Tool for information on how you can opt out of behavioural tracking on or through this App and how we respond to browser signals and other mechanisms that help users exercise their choices about behavioural tracking.

The information we collect automatically is statistical information and may include Personal Information. We may maintain it or associate it with Personal Information we collect in other ways, that you provide to us, grant us access to, or receive from third parties. This usage

information helps us to improve our App and to deliver a more personalized service, including by helping us to: (1) Estimate our audience size and usage patterns; (2) Store information about your preferences and customize our App according to your individual interests; (3) Speed up your searches; and (4) Recognize you when you use the App.

If you do not want us to collect this information do not download the App or delete it from your device. For more information. Note, however, that opting out of the App's collection of location information will cause its location-based features to be disabled.

2. Information You Provide to Us

1. When you download, register with, or use this App, we may ask you to provide:
2. Information by filling in forms in the App. This includes information you provide when subscribing to our service, posting material, and or requesting further services. We may also ask you for information when you report a problem with the App.
3. Records and copies of your correspondence, including email addresses and phone numbers, if you contact us.
4. Your responses to surveys that we might ask you to complete for research or other purposes.
5. Details of transactions you carry out through the App and order fulfillment. We may require you to provide financial information before placing an order through the App.
6. Your search queries on the App.
7. Access to your third party accounts, including without limitation, social media, e-commerce, and digital advertising platform for us to store your data and information, for processing in our database, and then organized into the App's dashboard for analytics.

3. How and Why Personal Information is Used

1. **To Serve you.** We use the Personal Information that you provide or that we collect for legal and regulatory purposes, to manage business risks, to provide our Services to you, enhance our Services, and to establish and enhance our relationship with you. We generally use the Personal Information you provide or that we collect to operate, maintain, enhance, and provide our Services. For example, we may use Personal Information to: respond to specific requests from you; to help us better understand your use of the Services and overall needs; to deliver the Services; to develop and enhance Services; and protect the security of the Services when necessary. The Services may allow you to submit feedback. Should you choose to submit feedback, you consent to us contacting you by way of follow-up on the App, e-mail or phone call to discuss your feedback.
2. **Aggregate Information.** We may generate non-identifying and aggregate profiles from the Personal Information or other information you provide or grant access to during

registration for our Services and through your use of our Services. Non-identifying and aggregate profiles are used to provide Services, improve the quality of our Services, and to develop new products and services. When Personal Information has been de-identified such that it does not directly or indirectly reveal a personal identity or directly relate to an identified individual, such information shall be non-personally identifying information. Aggregated non-personally identifying information may be shared with third parties or provided in the delivery of services to third parties.

3. **Marketing and Experience.** We may use your Personal Information to provide you with information about our features, services and other offerings that may be of interest to you and facilitate your participation in sweepstakes or contests and to fulfill prizes. This information may be provided to you by mail or phone and/or, with your prior consent, by email. We may also send information or offers to groups of Users on behalf of other businesses. We may share your Personal Information with certain other websites that we link to, to the extent that you click on such links, in order to enhance your experience in connection with our website.
4. **Additional Use Purposes.** We may use your Personal Information:
 5. To provide you with the App and its contents.
 6. To fulfill the purposes for which you provided it or that were described when it was collected or any other purpose for which you provide it.
 7. To provide notices about your account and subscription, including expiration and renewal notices.
 8. To carry out our obligations and enforce our rights in any contracts with you, including for billing and collection or to comply with legal requirements.
 9. To notify you when App updates are available, and of changes to any products or services we offer or provide though it.
 10. To improve our App, products or services, or customer relationships and experiences.
 11. For marketing purposes.
 12. To allow you to participate in interactive features, social media, or other features on our App.
 13. To measure or understand the effectiveness of the advertising we serve to you and others, and to deliver relevant advertising to you.
 14. To measure or understand the effectiveness of advertising spend across social media, e-commerce, or other digital platforms, and to offer you and others benchmarking reports and other products or services based on certain indicia such as industry comparables.

15. For any other purpose with your consent.

4. To Whom your Personal Information may be disclosed

1. **Our subsidiaries or affiliates.** We may share your Personal Information with our subsidiaries or affiliates (the “**Group**”) for: fraud or crime prevention, suppression or detection; for legal and regulatory purposes and to meet regulatory, legal or reporting requirements; to manage business risks; to perform analytics; to ensure that we have correct and up date information about you; and to the extent necessary if you have requested a Service that is jointly offered by more than one member of the Group. We may also share your Personal Information to better manage your total relationship with the Group and enable other members of the Group to bring suitable Services to your attention. We may share your Personal Information within the Group for these purposes unless prohibited by law or you tell us not to.
2. **Suppliers.** We may use other companies, to provide certain Services on our behalf. We may share your Personal Information with our suppliers, agents and other organizations that perform Services for us or on our behalf to the extent necessary to provide and administer the Services that you have requested from us, including without limitation contractors, service providers, and other third parties we use to support our business, such as analytics and search engine providers. These companies will only be given the information needed to perform those Services. We have contracts in place holding these companies to the same standards of confidentiality by which we are governed. Our suppliers may perform activities outside of your jurisdiction. As a result, your Personal Information may be securely used, stored or accessed in other countries and may be subject to the laws of those jurisdictions. These companies may be required to disclose your Personal Information in response to valid demands or requests from governments, regulators, courts and law enforcement authorities in those jurisdictions or countries.
3. **Payment Processing.** Although you can submit credit card or other payment card information through the Services, we not receive this information. Payment card information is transmitted directly to a third-party payment card processor, Stripe, through an Internet connection secured by industry-standard Transport Layer Security (TLS) encryption technology. Stripe then communicates to us whether your payment has cleared, but does not provide payment card information to us.
4. **Merger or sale.** In the event that we are acquired by or merged with a third-party entity, or if we sell a part of our business, we reserve the right to transfer or assign the Personal Information that we have collected from you as part of such merger, sale or other change of control.
5. **Where required by law.** We may disclose your Personal Information if we have a good faith belief that access, use, preservation or disclosure of such Personal Information is reasonably necessary to satisfy any applicable law, regulation, self-regulation, legal process or enforceable governmental request. When we provide Personal Information in response to a legal inquiry or order that we believe to be valid, we disclose only the Personal Information that is legally required. Note that we may store or process your

Personal Information outside of your jurisdiction which physical or digital storage of your Personal Information may span multiple jurisdictions or countries and we may disclose your Personal Information in response to valid demands or requests from governments, regulators, courts or law enforcement authorities in those jurisdictions or countries.

6. **Protection of our interests.** We may also disclose your Personal Information if we believe, in good faith, that it is appropriate or necessary to take precautions against liability; to help us collect a debt or enforce an obligation owed to us by you; to protect against fraudulent, abusive, or unlawful uses; to investigate and defend ourselves against any third-party claims or allegations; to assist government enforcement agencies; to protect the security or integrity of our Services; or to protect the rights, property, or personal safety of our Users, employees or others.
7. **Consent.** We may disclose your Personal Information where you have authorized us to do so. For example, if you have given us consent, we may share your Personal Information with business partners and other entities that are not affiliated with us who would like to send you information about their products and services. We do not share Personal Information with other third-party organizations for their marketing or promotional use without your consent or except as part of a specific program or feature for which you will have the ability to opt-in

5. How we protect your Personal Information

1. **Security processes.** We follow generally accepted industry standards to safeguard your Personal Information from loss or theft, unauthorized access, disclosure, duplication, use or modification through security measures appropriate to the sensitivity of the information. These measures include internal reviews of our data collection, storage and processing practices and security measures which include appropriate encryption, firewalls, and physical security measures to guard against unauthorized access to systems where we store Personal Information. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure, and so you should always exercise caution when disclosing sensitive information over the internet.
2. **Password.** Your account is protected by a password for your privacy and security. Your password and other access codes are private and confidential– our employees cannot gain access to them and will not ask you to reveal them. It is your responsibility to use your best efforts to prevent unauthorized access to your account by selecting your password appropriately, and limiting unauthorized access to your computer, browser and mobile platform.
3. **Confidentiality obligations.** We restrict access to your Personal Information to our employees, contractors and suppliers who need to know that information in order to process it on our behalf or to provide our Services to you. Our employees, contractors and suppliers are bound by confidentiality obligations and may not use the information for any unauthorized purpose. Our employees may be subject to discipline, including termination and criminal prosecution, if they fail to meet their obligations described in

this Privacy Policy. Our suppliers and contractors are required to protect your Personal Information in a manner that is consistent with this Privacy Policy.

6. Updating, Accessing, Deleting and Retaining your Personal Information

- 1. Updating your Personal Information.** If you setup an account through the Services, you may update, correct, or delete your profile information and preferences at any time by going to your account settings page.
- 2. Accessing and deleting your Personal Information.** We make good faith efforts to provide you with access to your Personal Information and to delete such data at your request if it is not otherwise required to be retained by law or for legitimate business purposes. We ask individual Users to identify themselves and the information requested to be accessed, corrected or removed before processing such requests, and we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, or would be extremely impractical (for instance, requests concerning information residing on backup tapes), or for which access is not otherwise required. In any case where we provide information access and correction, we perform this service free of charge, except if doing so would require a disproportionate effort. We will advise you of any applicable fee prior to proceeding with your request. Upon your request, we will make reasonable efforts to delete your Personal Information from our database, however, it may be impossible to delete your information without retaining some residual information for a period of time due to backups and records of deletion. If you delete your User Contributions from the App, copies of your User Contributions may remain viewable in cached and archived pages or might have been copied or stored by other App users. Proper access and use of information provided on the App is governed by our **Terms and Conditions**.
- 3. Retention of your Personal Information.** We retain your Personal Information only as long as it is required for the reason(s) that it was collected. This length of time will vary depending on the Service and the nature of the information and may extend beyond the end of your relationship with us. When your Personal Information is no longer needed for the purpose for which it was collected, we will destroy, delete, erase or convert it to an anonymous form. We may anonymize or aggregate any Personal Information so that it can no longer be associated with you. We reserve the right to use such anonymous and de-identified data for any legitimate business purpose without further notice to you or your consent. We retain all information you provide to us behind firewalls on our secure servers and data storage facilities and may retain such de-identified data on our servers indefinitely for any purposes.

7. Providing or withdrawing your consent.

We will obtain your consent before collecting, using or disclosing your Personal Information, except where permitted or required by law. Depending on the situation and the sensitivity of the information, we may obtain your consent in different ways. Express consent maybe obtained verbally, electronically or in writing from you or your authorized representative (such as a legal guardian or attorney appointed pursuant to a power of attorney) for stated purpose(s). Implied

consent may be obtained through your use or continued use of a Services when the purpose(s) for collecting, using or disclosing your Personal Information is indicated by the relevant circumstances or follows logically from purposes identified in this Privacy Policy (such as when you approach us to obtain information or inquire about or purchase Services from us). We will seek your consent before using your Personal Information for any purpose not previously identified and will limit the collection of your Personal Information to that which is reasonably necessary for the relevant purpose(s). We will not, as a condition of the supply of any of the Services, require you to consent to the collection, use or disclosure of Personal Information beyond that which is reasonably required to fulfill the purpose for which it is collected.

In most cases you may refuse to provide your consent to our collection, use and/or disclosure of your Personal Information in accordance with this Privacy Policy. Note, however, that if you refuse to provide your consent or withdraw your consent, we may not be able to provide you with a particular Service.

You may withdraw your consent provided that: you provide reasonable notice; we are not legally required to collect, use or disclose your Personal Information; and withdrawing your consent does not impede our ability to fulfill our obligations to you. You may withdraw your consent by contacting us at clientservices@birdseyeglobal.com or through the “Contact Us” form in the App or on the Site. Our staff will be pleased to explain your options and any consequences of refusing or withdrawing your consent, and record your choices.

Several of the privacy preferences available to you, subject to legal, business or contractual requirements, are outlined below.

1. **Direct marketing.** The Services may provide an option for you to consent to receive information that may be of interest to you such as our newsletters and updates on our new products and services through various channels including direct mail, telephone, electronic or other means. You may opt-out of receiving such communications from us at any time by clicking on the “unsubscribe” link in any such electronic messages, modifying your communications preferences on your account settings page or by contacting us at clientservices@birdseyeglobal.com or through the “Contact Us” form in the App or on the Site. We will honor your opt-out instructions within 10 days after we are informed of your request without any further action being required by you.
2. **Sharing with our subsidiaries, affiliates or Suppliers.** We may share your Personal Information with the Group or our suppliers, agents and other organizations that perform Services for us or on our behalf for the reasons outlined in paragraphs 3(a) and 3(b) above. If you withdraw your consent for this sharing, we may not be able to provide you with your requested Service.

8. Changes to this Privacy Policy

We reserve the right to change this Privacy Policy at any time at our sole discretion. We will inform you of any such change by posting a new Privacy Policy on our website OR on this page with a notice that the Privacy Policy has been updated and notify you by email and/or text message to the primary email address and/or phone number specified in your account; an in-App

alert the first time you use the App after we make the change and clearly marking the effective date of any such change to the Privacy Policy. Your continued use of the Services after the posting of changes constitutes your binding acceptance of such changes.

9. Third-Party Sites

Our website may be linked to internet websites operated by other companies. You should consult the respective privacy policies of these third-party websites. Our Privacy Policy does not apply to, and we cannot control the activities of, such other third-party web sites. Please be aware that we do not warn you when you choose to follow a link through to another website from our website.

10. International Users

Please note that we use cloud storage services to store and process your Personal Information. In some cases, we store and process your Personal Information outside your own country. As a result, the physical storage of your Personal Information may span multiple jurisdictions or countries and the governments, regulators, courts or law enforcement authorities in those jurisdictions or countries may be able to obtain disclosure of your information through applicable laws. Your use of the Services or your submission of any Personal Information to us will constitute your consent to the transfer of your Personal Information outside of your home country, which may provide for different data protection rules than those in your own country.

11. Minors

We do not knowingly collect any Personal Information of minors. If you are an individual, by accessing or using the Services you represent and warrant that you are of legal age to form a binding contract. If we learn that Personal Information of a minor has been inadvertently collected without parental or guardian consent, we will take the appropriate steps to delete this information. If you are a parent or guardian and discover that a minor for which you are responsible has provided his or her Personal Information to us without your consent, then you may alert us by contacting us at clientservices@birdseyeglobal.com or through the “Contact Us” form in the App or on the Site or by calling us at clientservices@birdseyeglobal.com and request that we delete such person’s Personal Information from our systems.

12. Complaints and Questions

1. We regularly review our compliance with this Privacy Policy. When we receive formal written complaints, it is our policy to contact the complaining User regarding his or her concerns. We will cooperate with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data that cannot be resolved between us and you.
2. If you have any questions about this Privacy Policy, please feel free to contact us through the Services or write to us at clientservices@birdseyeglobal.com, Attention: Privacy Officer; or at **BIRDSEYE GLOBAL INC.**, abogoroch@birdseyeglobal.com, Attention: Privacy Officer.

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3. If you are located in Canada and are not satisfied with our response to your inquiries, you may contact the Office of the Privacy Commissioner of Canada by mail at **30 Victoria Street Gatineau, Quebec K1A 1H3** or by calling **1-800 282 1376**.