



Ainstein™ takes data privacy seriously.

This Privacy Policy explains who we are, how we may and may not collect, share and use Personal Information, and how you can exercise your privacy rights.

We recommend that you read this Privacy Policy in full to ensure you are fully informed. If you have any questions or concerns about our use of your Personal Information, then please contact us using the contact details provided at the end of Section 3. To the extent we provide you with notice of different or additional privacy policies, those policies will govern such interactions.

## **1. The Basics**

### **A. About Us**

Ainstein is an online platform incorporated in the State of Delaware in the United States ("we," "us," "our," and "Ainstein").

Our Services enable our Members to, among other things, access analytics. We also provide other related services, such as real-time data analytics and insights to help our Members track and personalize information.

### **B. Key Terms**

In this Privacy Policy, these terms have the following meanings:

"Personal Information" means any information that identifies or can be used to identify an individual directly or indirectly. Examples of Personal Information include, but are not limited to, first and last name, date of birth, email address, gender, occupation, or other demographic information.

"Member" and "Visitor" mean, depending on the context, any person who purchases, subscribes to or visits any of our Ainstein Sites, offices, or otherwise engages with us at our events or in connection with our marketing or recruitment activities.

"you" and "your" means, depending on the context, either a Member or a Visitor.

## **2. Privacy for Members**

This section applies to the Personal Information we may collect and process from a Member, Visitor, or potential Member or Visitor, through the provision of the Services.

### **A. Information We Collect**

The Personal Information that we may collect depends on the context of your interactions with Ainstein, your Ainstein account settings, the products and features you use, your location, and applicable law. However, the Personal Information we may collect broadly falls into the following categories:

(i) Information you provide to us: You (or your organization) may provide certain Personal Information to us when you sign up for an Ainstein account and use the Service, consult with our customer service team, send us an email, integrate the Service with another Website or service, or communicate with us in any other way.

This information may include:

- Business contact information (such as your name, job title, organization, location, phone number, email address, and country);
- Marketing information (such as your contact preferences);
- Account log-in credentials (such as your email address or username and password when you sign up for an account with us);
- Troubleshooting and support data (which is data you provide or we otherwise collect in connection with support queries we receive from you. This may include contact or authentication data, the content of your chats and other communications with us, and the product or service you are using related to your help inquiry); and
- Payment information (including your credit card numbers and associated identifiers and billing address).

(ii) Information we may collect automatically: When you use the Services, we and our third-party partners may automatically collect or receive certain information about your device and usage of the Services (collectively "Service Usage Data"). In some (but not all) countries, including countries in the European Economic Area ("EEA"), this information is considered Personal Information under applicable data protection laws. We and our third-party partners may use cookies and other tracking technologies to collect some of this information.

If you are using our Mobile App, we may collect this information using our software development kits ("SDKs") or APIs the first time the SDK or API is initiated on your Mobile App.

Service Usage Data may include:

- Device information: We may collect information about the device and applications you use to access the Services, such as your IP address, your operating system, your browser ID, viewfinder size, and other information about your system and connection. If you are using our Mobile App, we may also collect information about the cellular network associated with your mobile device, your mobile device's operating system or platform, the type of mobile device you use, your mobile device's name and unique device ID, and information about the features of our Mobile App that you accessed.
- Log data: Our web servers may keep log files that record data each time a device accesses those servers and the nature of each access, including originating IP addresses and your activity in the Services (such as the date/time stamps associated with your usage, pages and files viewed, searches and other actions you take, for example, which features you used), and device event information (such as system activity, error reports, and hardware settings). We may also access metadata and other information associated with files that you upload into our Service.
- Usage data: We may collect usage data about you whenever you interact with our Services, which may include the dates and times you access the Services and your browsing activities (such as what portions of the Services you used, session duration, links clicked, non-sensitive text entered, and mouse movements). We also may collect information regarding the performance of the Services, including metrics related to the deliverability of emails and other communications you send through the Service. If you are using our Mobile App, we may collect information about how often you use the Mobile App and other performance data. This information allows us to improve the content and operation of the Services, and facilitate research and analysis of the Services.

(iii) Information we collect from other sources: From time to time, we may obtain information about you from third-party sources, such as public databases, third-party data providers, and our affiliates and marketing partners.

Examples of the information we may receive from other sources include demographic information (such as age and gender), device information (such as IP addresses), and location (such as city and state). We may use this information, alone or in combination with other Personal Information we collect, to enhance our ability to provide relevant marketing and content to you and to develop and provide you with more relevant products, features, and services.

## **B. Use of Personal Information**

We may use the Personal Information we collect or receive through the Services (alone or in combination with other data we source) for the purposes and on the legal bases identified below:

- To bill and collect money owed to us by you to perform our contract with you for the use of the Services or where we have not entered into a contract with you, in accordance with our legitimate interests to operate and administer our Services. This includes sending you emails, invoices, receipts, notices of delinquency, and

alerting you if we need a different credit card number. We use third parties for secure credit card transaction processing, and those third parties collect billing information to process your orders and credit card payments.

- To send you system alert messages in reliance on our legitimate interests in administering the Services and providing certain features. For example, we may inform you about temporary or permanent changes to our Service, such as planned outages, or send you account, security or compliance notifications, such as new features, version updates, releases, abuse warnings, and changes to this Privacy Policy.
- To communicate with you about your account and provide customer support to perform our contract with you for the use of the Services or where we have not entered into a contract with you, in reliance on our legitimate interests in administering and supporting our Services. For example, if you use our Mobile Apps, we may ask you if you want to receive push notifications about activity in your account. If you have opted in to these push notifications and no longer want to receive them, you may turn them off through your operating system.
- To enforce compliance with our Standard Terms of Use and applicable law and to protect the rights and safety of our Members in reliance on our legitimate interest to protect against misuse or abuse of our Services and to pursue remedies available. This may include developing tools and algorithms that help us prevent violations. Please do not use Einstein to send or display confidential information.
- To meet legal requirements, including complying with court orders, valid discovery requests, valid subpoenas, and other appropriate legal mechanisms.
- To provide information to representatives and advisors, including attorneys and accountants, to help us comply with legal, accounting or security requirements in reliance on our legitimate interests.
- To prosecute and defend a court, arbitration or similar legal proceeding.
- To respond to lawful requests by public authorities, national security or law enforcement requirements.
- To provide, support and improve the Services to perform our contract with you for the use of the Services or, where we have not entered into a contract with you, in reliance on our legitimate interests in administering and improving the Services and providing certain features. For example, this may include improving the navigation and content of the Services and sharing your information with third parties in order to provide and support our Services or to make certain features of the Services available to you. If we share your Personal Information with third parties, we take steps to protect your information in a manner that is consistent with our obligations under applicable privacy laws. For further information about how we may share your information, refer to Section 3 below.
- To provide suggestions to you and to provide tailored features within our Services to optimize and personalize your experience in reliance on our legitimate interests in administering the Services and providing certain features. This includes using data to recommend products or services that you may be interested in or that may be relevant to you. Some of these suggestions may be generated through analysis of the data used in our data analytics projects, as described below.
- To perform data analytics projects in reliance on our legitimate business interests in improving and enhancing our products and services for our Members. Our data analytics projects may use data from Einstein accounts, including Personal Information, to provide and improve the Services and make more informed predictions, decisions, and products for our Members. For example, we may use data from Einstein accounts to enable product recommendations, audience segmentation, and demographics features for our Members. If you prefer not to have your data used for this purpose, you can alter the settings on your account or you can opt out of data analytics projects at any time by emailing us at [personaldatarequests@EinsteinAI.com](mailto:personaldatarequests@EinsteinAI.com). As always, we take the privacy of Personal Information seriously and will continue to implement appropriate safeguards to protect this Personal Information from misuse or unauthorized disclosure.
- To combine and anonymize data about our Members and our Members use of the Services in order to create aggregate, anonymized statistics which we may use to provide certain features within the Services and for promoting and improving the Services in reliance on our legitimate interests.
- To personalize the Services, content and advertisements we serve to you in reliance on our legitimate interests in supporting our marketing activities and providing certain features within the Services. We may use your Personal Information to serve you specifically, such as to deliver marketing information, product recommendations and non-transactional communications (e.g., email, SMS, or push notifications) about us, in accordance with your marketing preferences and this Privacy Policy.

### ***C. Third-Party Integrations***

We may use the Personal Information we collect or receive through the Services as a processor and as otherwise stated in this Privacy Policy to enable your use of the integrations and plugins you choose to connect to your Einstein account.

### ***D. Cookies and Tracking Technologies***

We and our third-party partners may use various technologies to collect and store Service Usage Data when you use our Services (as discussed above), and this may include using cookies and similar tracking technologies, such as pixels, web beacons, and if you use our Mobile Apps, through our SDKs deployed on your mobile device. For example, we may use web beacons in the emails we send on your behalf, which enable us to track certain behavior, such as whether the email sent through the Services was delivered and opened and whether links within the email were clicked. Although we generally opt to not do so, via web beacons and SDKs we may collect information such as the recipient's IP address, browser, email client type and other similar data as further described above. We may use this information to measure the performance of email campaigns, provide analytics information, enhance the effectiveness of our Services and for other purposes described above. Reports are also available to us when we send email to you, so we may collect and review that information.

### ***E. Your Data Protection Rights***

Depending on the country in which you reside, you may have the following data protection rights:

- To access; correct; update; port; delete; restrict; or object to our processing of your Personal Information.
- You can manage your individual account and profile settings within the Einstein platform or you may contact us directly by emailing us at [personaldatarequests@EinsteinAI.com](mailto:personaldatarequests@EinsteinAI.com). You can also manage information within the Einstein platform to assist you with responding to requests to access, correct, update, port or delete information that you receive. You can also contact us at any time to update your own marketing preferences (see Section 3. General Information, C. Your Choices and Opt-Outs below). Einstein takes reasonable steps to ensure that the data we collect is reliable for its intended use, accurate, complete and up to date.
- The right to complain to a data protection authority about the collection and use of Personal Information. For more information, please contact your local data protection authority.
- Similarly, if Personal Information is collected or processed on the basis of consent, the data subject can withdraw their consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect the processing of your Personal Information conducted in reliance on lawful processing grounds other than consent.

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection law. We may ask you to verify your identity in order to help us respond efficiently to your request.

## **3. General Information**

### ***A. How We May Share Information***

At times, we may share and disclose your Personal Information with our subsidiaries or Affiliates and to the following types of third parties for the purposes described in this Privacy Policy (for purposes of this section, "you" and "your" refer to Members and Visitors unless otherwise indicated).

(i) Our service providers: We may share your information with third-party service providers working on our behalf for the purposes described in this Privacy Policy. For example, companies we've hired to help us provide and support our Service or assist in protecting and securing our systems and services and other business-related functions.

Other examples include analyzing data, hosting data, engaging technical support for our Services, processing payments, and delivering content.

(ii) Advertising partners: We may partner with third-party advertising networks, exchanges, and social media platforms to display advertising on the Einstein Sites or to manage and serve our advertising on other sites, and we may share Personal Information of Members and Visitors with them for this purpose. We and our third-party partners may use cookies and other similar tracking technologies, such as pixels and web beacons, to gather information about your activities on the Einstein Sites and other sites in order to provide you with targeted advertising based on your browsing activities and interests.

(iii) Any competent law enforcement body, regulatory body, government agency, court or other third party where we believe disclosure is necessary (a) as a matter of applicable law or regulation, (b) to exercise, establish, or defend our legal rights, or (c) to protect your vital interests or those of any other person.

(iv) Any other person with your consent.

We may also share anonymized, aggregated information with selected third parties for statistical purposes.

### ***B. Legal Basis for Processing Personal Information (EEA and UK Persons Only)***

If you are located in the EEA or UK, our legal basis for collecting and using the Personal Information described above will depend on the Personal Information concerned and the specific context in which we collect it.

We may collect and use Personal Information from you where the processing is in our legitimate interests and not overridden by your data-protection interests or fundamental rights and freedoms.

Our legitimate interests are described in more detail in this Privacy Policy in the sections above titled "Use of Personal Information" but they typically include improving, maintaining, providing, and enhancing our technology, products, and services; ensuring the security of the Services and our Einstein Sites; and supporting our marketing activities.

If you are a Member, we may need the Personal Information to perform a contract with you. In some limited cases, we may also have a legal obligation to collect Personal Information from you. If we ask you to provide Personal Information to comply with a legal requirement or to perform a contract with you, we will make this clear at the relevant time and advise you whether the provision of your Personal Information is mandatory or not, as well as of the possible consequences if you do not provide your Personal Information.

Where required by law, we will collect Personal Information only where we have your consent to do so.

If you have questions or need further information concerning the legal basis on which we collect and use your Personal Information, please contact us using the contact details provided in the "Questions and Concerns" section below.

### ***C. Your Choices and Opt-Outs***

Members and Visitors who have opted in to our marketing emails can opt out of receiving marketing emails from us at any time by clicking the "unsubscribe" link at the bottom of our marketing messages.

Also, all opt-out requests can be made by emailing us using the contact details provided in the "Questions and Concerns" section below. Please note that some communications (such as service messages, account notifications, billing information) are considered transactional and necessary for account management, and Members cannot opt out of these messages unless you cancel your Einstein account.

### ***D. Our Security***

We take appropriate and reasonable technical and organizational measures designed to protect Personal Information from loss, misuse, unauthorized access, disclosure, alteration, and destruction, taking into account the risks involved in the processing and the nature of the Personal Information. If you have any questions about the security of your Personal Information, you may contact us at [privacy@EinsteinAI.com](mailto:privacy@EinsteinAI.com).

Einstein accounts require a username and password to log in. Members must keep their username and password secure, and never disclose it to a third party. Because the information in a Member's Einstein account is private, account passwords are hashed, which means we cannot see a Member's password. We cannot resend forgotten passwords either. We will only provide Members with instructions on how to reset them.

### ***E. International Transfers***

(i) We operate in the United States.

Our servers and offices are located in the United States, so your information may be transferred to, stored, or processed in the United States. While the data protection, privacy, and other laws of the United States might not be as comprehensive as those in your country, we take many steps to protect your privacy.

(ii) Data transfers from Switzerland, United Kingdom, or the EEA to the United States

Einstein is aligned with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework. We are committed to subjecting all Personal Information received from EEA member countries, United Kingdom, and Switzerland, respectively, in reliance on each Privacy Shield Framework, to each Framework's applicable Principles.

Einstein is responsible for the processing of Personal Information we receive under each Privacy Shield Framework and subsequent transfer to a third party acting as an agent on our behalf. We comply with the Privacy Shield Principles for



all onward transfers of Personal Information from the EEA, United Kingdom, and Switzerland, including the onward transfer liability provisions.

With respect to Personal Information received or transferred pursuant to the Privacy Shield Frameworks, we are subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, we may be required to disclose Personal Information in response to lawful requests by public authorities, including meeting national security or law enforcement requirements.

(iii) Members, Contacts and Visitors located in Australia

If you are a Member or Visitor who accesses our Service in Australia, this section applies to you. We are subject to the operation of the Privacy Act 1988 ("Australian Privacy Act"). Here are the specific points you should be aware of:

- Sensitive personal information is not permitted on Einstein's platform and Members are prohibited from importing or incorporating any sensitive personal information into their Einstein accounts or uploading any sensitive personal information to Einstein's servers.
- Please note that if you do not provide us with your Personal Information or if you withdraw your consent for us to collect, use and disclose your Personal Information, we may be unable to provide the Services to you.
- Where we collect Personal Information of our Visitors, the Personal Information we ask you to provide will be information that is reasonably necessary for, or directly related to, one or more of our functions or activities.
- Where we say we assume an obligation about Personal Information, we will also require our contractors and subcontractors to undertake a similar obligation.
- We will not use or disclose Personal Information for the purpose of our direct marketing to you unless:
  - You have consented to receive direct marketing;
  - You would reasonably expect us to use your personal details for marketing; or
  - We believe you may be interested in the material but it is impractical for us to obtain your consent.

You may opt out of any marketing materials we send to you through an unsubscribe mechanism. If you have requested not to receive further direct marketing messages, we may continue to provide you with messages that are not regarded as "direct marketing" under the Australian Privacy Act, including changes to our terms, system alerts, and other information related to your account as permitted under the Australian Privacy Act and the Spam Act 2003 (Cth).

- Our servers are located in the United States. In addition, we or our subcontractors may use cloud technology to store or process Personal Information, which may result in storage of data outside Australia. It is not practicable for us to specify in advance which country will have jurisdiction over this type of offshore activity. All of our subcontractors, however, are required to comply with the Australian Privacy Act in relation to the transfer or storage of Personal Information overseas.
- We may also share your Personal Information outside of Australia to our business operations in other countries. While it is not practicable for us to specify in advance each country where your Personal Information may be disclosed, typically we may disclose your Personal Information to the United States, Canada and the European Union.
- You may access the Personal Information we hold about you. If you wish to access your Personal Information, you may do so by emailing us at [personaldatarequests@AinsteinAI.com](mailto:personaldatarequests@AinsteinAI.com). We will respond to all requests for access within a reasonable time.

If you think the information we hold about you is inaccurate, out of date, incomplete, irrelevant, or misleading, we will take reasonable steps, consistent with our obligations under the Australian Privacy Act, to correct that information upon your request. If you find that the information we have is not up to date or is inaccurate or incomplete, please contact us in writing at [personaldatarequests@AinsteinAI.com](mailto:personaldatarequests@AinsteinAI.com) so we can update our records. We will respond to all requests for correction within a reasonable time.

- If you are unsatisfied with our response to a privacy matter, you may consult either an independent advisor or contact the Office of the Australian Information Commissioner for additional help. We will provide our full cooperation if you pursue this course of action.

## ***F. Retention of Data***

We retain Personal Information where we have an ongoing legitimate business or legal need to do so. Our retention periods will vary depending on the type of data involved, but, generally, we'll refer to these criteria in order to determine retention period:

- Whether we have a legal or contractual need to retain the data.
- Whether the data is necessary to provide our Services.
- Whether our Members have the ability to access and delete the data within their Einstein accounts.
- Whether our Members would reasonably expect that we would retain the data until they remove it or until their Einstein accounts are closed or terminated.

When we have no ongoing legitimate business need to process your Personal Information, we will either delete or anonymize it or, if this is not possible (for example, because your Personal Information has been stored in backup archives), then we will securely store your Personal Information and isolate it from any further processing until deletion is possible.

### ***G. California Privacy***

The California Consumer Privacy Act (“CCPA”) provides consumers with specific rights regarding their Personal Information. You have the right to request that businesses subject to the CCPA (which may include our Members with whom you have a relationship) disclose certain information to you about their collection and use of your Personal Information over the past 12 months. In addition, you have the right to ask such businesses to delete Personal Information collected from you, subject to certain exceptions. If the business sells Personal Information, you have a right to opt-out of that sale. Finally, a business cannot discriminate against you for exercising a CCPA right.

When offering services to its Members, Einstein acts as a “service provider” under the CCPA and our receipt and collection of any consumer Personal Information is completed on behalf of our Members in order for us to provide the Services. Please direct any requests for access or deletion of your Personal Information under the CCPA to the Member with whom you have a direct relationship.

Consistent with California law, if you choose to exercise your applicable CCPA rights, we won’t charge you different prices or provide you a different quality of services. If we ever offer a financial incentive or product enhancement that is contingent upon you providing your Personal Information, we will not do so unless the benefits to you are reasonably related to the value of the Personal Information that you provide to us.

### ***H. Do Not Track***

Certain state laws require us to indicate whether we honor “Do Not Track” settings in your browser. Einstein adheres to the standards set out in this Privacy Policy and does not monitor or follow any Do Not Track browser requests.

### ***I. Changes to this Policy***

We may change this Privacy Policy at any time and from time to time. All updates and amendments are effective immediately upon notice, which we may give by any means, including, but not limited to, by posting a revised version of this Privacy Policy or other notice on the Einstein Sites. We encourage you to review this Privacy Policy often to stay informed of changes that may affect you. Our electronically or otherwise properly stored copies of this Privacy Policy are each deemed to be the true, complete, valid, authentic, and enforceable copy of the version of this Privacy Policy that was in effect on each respective date you visited the Einstein Site.

### ***J. Questions & Concerns***

If you have any questions or comments, or if you have a concern about the way in which we have handled any privacy matter, please use our contact form to send us a message. You may also contact us by postal mail or email at:

For EEA, Swiss and UK Residents:

For the purposes of EU data protection legislation, Einstein is the controller of your Personal Information. Our Data Protection Officer can be contacted at [privacy@AinsteinAI.com](mailto:privacy@AinsteinAI.com).

For any other Residents:

Ainstein LLC  
Attn. Privacy Officer  
[privacy@AinsteinAI.com](mailto:privacy@AinsteinAI.com)  
1 Memorial Drive  
Cambridge, MA 02142 USA

