



228 Park Ave S, New York, 10003, USA

www.gooten.com

Privacy Policy

Effective as of Feb 8, 2022 .

This Privacy Policy describes how Breakout Commerce, Inc. d/b/a Gooten and our subsidiaries and affiliates ("Gooten," "we", "us" or "our") handles personal information that we collect through our digital properties that link to this Privacy Policy, including our website and applications (collectively, the "Service"), as well as through social media, our marketing activities, our live events, and other activities described in this Privacy Policy.

Gooten may provide additional or supplemental privacy policies to individuals for specific products or services that we offer at the time we collect personal information.

Gooten provides a smart supply chain SaaS platform and related services for brands that are looking to optimize their eCommerce business with on-demand manufacturing. This Privacy Policy does not apply to information that we process on behalf of our business customers while providing the Gooten platform and services to them. Our use of this information is restricted by our agreements with those business customers. If you have concerns regarding personal information that we process on behalf of a business, please direct your concerns to that business.

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Personal information we collect

Information you provide to us. Personal information you may provide to us through the Service or otherwise includes:

- Contact data, such as your first and last name, salutation, email address, billing and mailing addresses, professional title and company name, and phone number.
- Demographic Information, such as your city, state, country of residence, postal code, and age.
- Profile data, such as the username and password that you may set to establish an online account on the Service, and any other information that you add to your account profile.
- Communications that we exchange with you, including when you contact us through the Service, social media, or otherwise.
- Marketing data, such as your preferences for receiving our marketing communications and details about your engagement with them.
- Transactional data, such as information relating to or needed to complete your orders on or through the Service, including order numbers and transaction history.
- Payment information needed to complete transactions, including payment card information or bank account number.
- Other data not specifically listed here, which we will use as described in this Privacy Policy or as otherwise disclosed at the time of collection.

Third-party sources. We may combine personal information we receive from you with personal information we obtain from other sources, such as:

- Public sources, such as government agencies, public records, social media platforms, and other publicly available sources.
- Data providers, such as information services and data licensors that provide demographic and other information.
- Marketing partners, such as joint marketing partners and event co-sponsors.

Automatic data collection. We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and your interaction over time with the Service, our communications and other online services, such as:

- Device data, such as your computer's or mobile device's operating system type and version, manufacturer and model, browser type, screen resolution, RAM and disk size, CPU usage, device type (e.g., phone, tablet), IP address, unique identifiers (including identifiers used for advertising purposes), language settings, mobile device carrier, radio/network information (e.g., Wi-Fi, LTE, 3G), and general location information such as city, state or geographic area.
- Online activity data, such as pages or screens you viewed, how long you spent on a page or screen, the website you visited before browsing to the Service, navigation paths between pages or screens, information about your activity on a page or screen, access times and duration of access, and whether you have opened our emails or clicked links within them.
- Precise geolocation data when you authorize our mobile application to access your device's location.

Cookies and similar technologies. Some of the automatic collection described above is facilitated by the following technologies:

- Cookies, which are small text files that websites store on user devices and that allow web servers to record users' web browsing activities and remember their submissions, preferences, and login status as they navigate a site. Cookies used on our sites include both "session cookies" that are deleted when a session ends, "persistent cookies" that remain longer, "first party" cookies that we place and "third party" cookies that our third-party business partners and service providers place.
- Local storage technologies, like HTML5, that provide cookie-equivalent functionality but can store larger amounts of data on your device outside of your browser in connection with specific applications.
- Web beacons, also known as pixel tags or clear GIFs, which are used to demonstrate that a webpage or email was accessed or opened, or that certain content was viewed or clicked.

Data about others. We may offer features that help users invite their friends or contacts to use the Service, and we may collect contact details about these invitees so we can deliver their invitations. Please do not refer someone to us or share their contact details with us unless you have their permission to do so.

How we use your personal information

We may use your personal information for the following purposes or as otherwise described at the time of collection:

Service delivery. We may use your personal information to:

- provide, operate and improve the Service and our business;
- establish and maintain your user profile on the Service;
- enable security features of the Service, such as by sending you security codes via email or SMS, and remembering devices from which you have previously logged in;
- communicate with you about the Service, including by sending announcements, updates, security alerts, and support and administrative messages;
- communicate with you about events or contests in which you participate;
- understand your needs and interests, and personalize your experience with the Service and our communications; and
- provide support for the Service, and respond to your requests, questions and feedback.

Research and development. We may use your personal information for research and development purposes, including to analyze and improve the Service and our business.

Marketing and advertising. We, our service providers, and our third-party advertising partners may collect and use your personal information for marketing and advertising purposes:

- Direct marketing. We may send you direct marketing communications. You may opt-out of our marketing communications as described in the [Opt-out of marketing](#) section below.
- Interest-based advertising. Our third-party advertising partners may use cookies and similar technologies to collect information about your interaction (including the data described in the automatic data collection section above) with the Service, our

communications and other online services over time, and use that information to serve online ads that they think will interest you. This is called interest-based advertising. We may also share information about our users with these companies to facilitate interest-based advertising to those or similar users on other online platforms.

Compliance and protection. We may use your personal information to:

- comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities;
- protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims);
- audit our internal processes for compliance with legal and contractual requirements or our internal policies;
- enforce the terms and conditions that govern the Service; and
- prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

With your consent. In some cases, we may specifically ask for your consent to collect, use or share your personal information, such as when required by law.

To create anonymous, aggregated or de-identified data. We may create anonymous, aggregated or de-identified data from your personal information and other individuals whose personal information we collect. We make personal information into anonymous, aggregated or de-identified data by removing information that makes the data identifiable to you. We may use this anonymous, aggregated or de-identified data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

Cookies and similar technologies. In addition to the other uses included in this section, we may use the [Cookies and similar technologies](#) described above for the following purposes:

- **Technical operation.** To allow the technical operation of the Service, such as by remembering your selections and preferences as you navigate the site, and whether you are logged in when you visit password protected areas of the Service.
- **Functionality.** To enhance the performance and functionality of our services.
- **Advertising.** To help our third-party advertising partners collect information about how you use the Service and other online services over time, which they use to show you ads on other online services they believe will interest you and measure how the ads perform.
- **Analytics.** To help us understand user activity on the Service, including which pages are most and least visited and how visitors move around the Service, as well as user interactions with our emails. For example, we use Google Analytics and Hot Jar for this purpose. You can learn more about these tools and how to prevent them from using your activity on our site here:
 - o <https://tools.google.com/dlpage/gaoptout?hl=en>.
 - o <https://www.hotjar.com/policies/do-not-track>

Retention. We generally retain personal information to fulfill the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for fraud prevention purposes. To determine the appropriate retention period for personal information, we may consider factors

such as 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.

When we no longer require the personal information we have collected about you, we may either delete it, anonymize it, or isolate it from further processing.

How we share your personal information

We may share your personal information with the following parties and as otherwise described in this Privacy Policy or at the time of collection.

Affiliates. Our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.

Service providers. Third parties that provide services on our behalf or help us operate the Service or our business (such as hosting, information technology, customer support, email delivery, marketing, consumer research and website analytics).

Payment processors. Any payment card information you use to make a purchase on the Service is collected and processed directly by our payment processors, PayPal and Braintree, which may use your payment data in accordance with their privacy policies. PayPal's privacy policy can be found here: <https://www.paypal.com/us/webapps/mpp/ua/privacy-full>. Braintree's privacy policy can be found here: <https://www.braintreepayments.com/legal>.

Third parties designated by you. We may share your personal data with third parties where you have instructed us or provided your consent to do so.

Advertising partners. Third-party advertising companies for the [interest-based advertising purposes](#) described above.

Business and marketing partners. Third parties with whom we co-sponsor events or promotions, with whom we jointly offer products or services, or whose products or services may be of interest to you.

Professional advisors. Professional advisors, such as lawyers, auditors, bankers and insurers, where necessary in the course of the professional services that they render to us.

Authorities and others. Law enforcement, government authorities, and private parties, as we believe in good faith to be necessary or appropriate for the [compliance and protection purposes](#) described above.

Business transferees. Acquirers and other relevant participants in business transactions (or negotiations of or due diligence for such transactions) involving a corporate divestiture, merger, consolidation, acquisition, reorganization, sale or other disposition of all or any portion of the business or assets of, or equity interests in, Gooten or our affiliates (including, in connection with a bankruptcy or similar proceedings).

We make commercially reasonable efforts to verify that the parties with whom our mobile application shares personal information provide a level of protection of personal information consistent with the practices described in this Privacy Policy, except that all such parties

described above other than service providers and affiliates may, to the extent permitted by law, use personal information as described in their own privacy policies.

Your choices

In this section, we describe the rights and choices available to all users. Users who are located in California, the United Kingdom, Switzerland, and the European Economic Area can find additional information about their rights below.

Access or update your information. If you have registered for an account with us through the Service, you may review and update certain account information by logging into the account.

Opt-out of marketing communications. You may opt-out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of our emails or by [contacting us](#). Please note that if you choose to opt-out of marketing-related emails, you may continue to receive service-related and other non-marketing emails.

Mobile location data. You can disable our access to your device's precise geolocation in your mobile device settings.

Advertising choices. You can limit use of your information for interest-based advertising by:

- **Browser settings.** Blocking third-party cookies in your browser settings.
- **Privacy browsers/plugin-ins.** By using privacy browsers or ad-blocking browser plug-ins that let you block tracking technologies.
- **Platform settings.** Google and Facebook offer opt-out features that let you opt-out of use of your information for interest-based advertising:
 - o Google: <https://adssettings.google.com/>
 - o Facebook: <https://www.facebook.com/about/ads>
- **Ad industry tools.** Opting out of interest-based ads from companies participating in the following industry opt-out programs:
 - o Network Advertising Initiative: http://www.networkadvertising.org/managing/opt_out.asp
 - o Digital Advertising Alliance: <https://optout.aboutads.info>
 - o AppChoices mobile app, available at <https://www.youradchoices.com/appchoices>, which will allow you to opt-out of interest-based ads in mobile apps served by participating members of the Digital Advertising Alliance.
- **Mobile settings.** Using your mobile device settings to limit use of the advertising ID associated with your mobile device for interest-based advertising purposes.

You will need to apply these opt-out settings on each device from which you wish to opt-out.

We cannot offer any assurances as to whether the companies we work with participate in the opt-out programs described above.

Do Not Track. Some Internet browsers may be configured to send "Do Not Track" signals to the online services that you visit. We currently do not respond to "Do Not Track" or similar signals. To find out more about "Do Not Track," please visit <http://www.allaboutdnt.com>.

Declining to provide information. We need to collect personal information to provide certain services. If you do not provide the information we identify as required or mandatory, we may not be able to provide those services.

Delete your content or close your account. You can choose to delete certain content through your account. If you wish to request to close your account, please [contact us](#).

Other sites and services

The Service may contain links to websites, mobile applications, and other online services operated by third parties. In addition, our content may be integrated into web pages or other online services that are not associated with us. These links and integrations are not an endorsement of, or representation that we are affiliated with, any third party. We do not control websites, mobile applications or online services operated by third parties, and we are not responsible for their actions. We encourage you to read the privacy policies of the other websites, mobile applications and online services you use.

Security

We employ a number of technical, organizational and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

International data transfer

We are headquartered in the United States and may use service providers that operate in other countries. Your personal information may be transferred to the United States or other locations where privacy laws may not be as protective as those in your state, province, or country.

Users in the United Kingdom, Switzerland, and the European Economic Area should read the important information provided below about transfer of personal information outside of the European Union.

Children

The Service is not intended for use by anyone under 18 years of age. If you are a parent or guardian of a child from whom you believe we have collected personal information in a manner prohibited by law, please [contact us](#). If we learn that we have collected personal information through the Service from a child without the consent of the child's parent or guardian as required by law, we will comply with applicable legal requirements to delete the information.

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service or other appropriate means. Any modifications to this Privacy Policy will be effective upon our posting the modified version (or as otherwise indicated at the time of posting). In all cases, your use of the Service after the effective date of any modified Privacy Policy indicates your acceptance of the modified Privacy Policy.

How to contact us

- Email: partnersupport@gooten.com
- Mail: 228 Park Ave S, New York, NY 10003

California privacy rights notice

This section describes how we collect, use, and share Personal Information of California residents in our capacity as a “business” under the California Consumer Privacy Act (“CCPA”) and their rights with respect to that Personal Information. For purposes of this section, the term “Personal Information” has the meaning given in the CCPA but does not include information exempted from the scope of the CCPA. In some cases, we may provide a different privacy notice to certain categories of California residents, in which case that notice will apply instead of this section.

Your California privacy rights. California residents have the rights listed below under the CCPA. However, these rights are not absolute, and in certain cases we may decline your request as permitted by law.

- **Information.** You can request the following information about how we have collected and used your Personal Information during the past 12 months:
 - The categories of Personal Information that we have collected.
 - The categories of sources from which we collected Personal Information.
 - The business or commercial purpose for collecting and/or selling Personal Information.
 - The categories of third parties with which we share Personal Information.
 - The categories of Personal Information that we sold or disclosed for a business purpose.
 - The categories of third parties to whom the Personal Information was sold or disclosed for a business purpose.
- **Access.** You can request a copy of the Personal Information that we have collected about you during the past 12 months.
- **Deletion.** You can ask us to delete the Personal Information that we have collected from you.
- **Opt-out of sales.** You can opt-out of any sale of your Personal Information.
- **Nondiscrimination.** You are entitled to exercise the rights described above free from discrimination as prohibited by the CCPA.

Exercising your right to information, access and deletion. You may submit requests to exercise your right to information, access or deletion [here](#) or via [email](#).

Notice of right to opt-out of the “sale” of your Personal Information. Like many companies, we use services that help deliver interest-based ads to you. Our use of some of these services may be classified under California law as a “sale” of your Personal Information to the advertising partners that provide the services because they collect information from our users (e.g., device data and online activity data) to help them serve ads more likely to interest you.

You can request to opt-out out of this “sale” of your personal information here: [Do Not Sell My Personal Information](#).

We cannot process your request if you do not provide us with sufficient detail to allow us to understand and respond to it.

We will need to verify your identity to process your information, access and deletion requests and reserve the right to confirm your California residency. To verify your identity, we may require government identification, a declaration under penalty of perjury or other information.

Your authorized agent may make a request on your behalf upon our verification of the agent’s identity and our receipt of a copy of a valid power of attorney given to your authorized agent pursuant to California Probate Code Sections 4000-4465. If you have not provided your agent with such a power of attorney, you must provide your agent with written and signed permission to exercise your CCPA rights on your behalf, provide the information we request to verify your identity, and provide us with confirmation that you have given the authorized agent permission to submit the request.

Personal information that we collect, use and disclose. The chart below summarizes the Personal Information we collect by reference to the categories of Personal Information specified in the CCPA (Cal. Civ. Code §1798.140), and describes our practices currently and during the 12 months preceding the effective date of this Privacy Policy. The terms in the chart refer to the categories of information, sources, purposes and third parties described above in this Privacy Policy in more detail. Information you voluntarily provide to us, such as in free-form webforms, may contain other categories of personal information not described below.

Statutory category & personal information we collect in this category	Source of PI	Business or commercial purpose for collection	Categories of third parties to whom we “disclose” PI for a business purpose	Categories of third parties to whom we “sell” PI
<u>Identifiers</u> • Contact data • Profile data • Device data	• You • Third-party sources • Automatic collection	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Payment processors • Third parties designated by you • Professional advisors • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners

<u>California Customer Records</u> (as defined in California Civil Code §1798.80) • Contact data • Transactional data	• You • Third-party sources	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Payment processors • Third parties designated by you • Professional advisors • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners
<u>Commercial Information</u> • Transactional data • Marketing data • Online activity data	• You • Third-party sources • Automatic collection	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Payment processors • Third parties designated by you • Professional advisors • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners
<u>Financial Information</u> • Transactional data • Payment information	• You • Third-party sources	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Payment processors • Professional advisors • Authorities and others • Business transferees	None

<u>Internet or Network Information</u> • Marketing data • Device data • Online activity data	• Automatic collection	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Payment processors • Third parties designated by you • Professional advisors • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners
<u>Geolocation Data</u> • Precise geolocation data	• Automatic collection	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Advertising partners • Third parties designated by you • Professional advisors • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners
<u>Inferences</u> May be derived from: • Contact data • Profile data • Transactional data • Marketing data • Device data • Online activity data	N/A	• Service delivery • Research & development • Marketing & advertising • Compliance & protection	• Affiliates • Service providers • Advertising partners • Authorities and others • Business transferees • Business and marketing partners	• Advertising partners (to facilitate online advertising) • Business and marketing partners

<u>Protected Classification Characteristics</u> We do not intentionally collect this information but it may be revealed in identity data or other information we collect	N/A	N/A	N/A	No
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Notice to European users

The information provided in this “Notice to European users” section applies only to individuals in the United Kingdom, Switzerland, and the European Economic Area (hereafter collectively referred to as “Europe”).

Personal information. References to “personal information” in this Privacy Policy are equivalent to “personal data” governed by European data protection legislation.

Controller. Gooten is the controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation.

EU/UK Representative. Our data protection representative in the European Union/United Kingdom can be contacted via email at compliance@gooten.com.

Legal bases for processing. We use your personal information only as permitted by law. Our legal bases for processing the personal information described in this Privacy Policy are described in the table below.

Processing purpose <i>Details regarding each processing purpose listed below are provided in the section above titled “How we use your personal information”.</i>	Legal basis
For Service delivery	Processing is necessary to perform the contract governing our provision of our services or to take steps that you request prior to signing up for the services. If we have not entered into a contract with you, we process your personal information based on our legitimate interest in providing the services you access and request.
• For research and development • For marketing and advertising purposes • Compliance and protection purposes	These activities may constitute our legitimate interests, may be necessary to perform the contract governing our provision of our services or to take steps that you request prior to signing up for the services, or may be based on your consent. To the extent that these activities constitute

• Sharing your personal information as described in this Privacy Policy	our legitimate interests, we do not use your personal information for these 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).
To comply with applicable law	Processing is necessary to comply with our legal obligations.
With your consent	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the services.

Use for new purposes. We may use your personal information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your personal information for an unrelated purpose, we will notify you and explain the applicable legal basis.

Retention. We retain personal information for as long as necessary to fulfil the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for Compliance and protection purposes.

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.

When we no longer require the personal information we have collected about you, 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. If we anonymize your personal information (so that it can no longer be associated with you), we may use this information indefinitely without further notice to you.

Sensitive personal information. We ask that you not provide us with any sensitive personal information (e.g., social security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the services, or otherwise to us.

If you provide us with any sensitive personal information to us when you use the services, you must consent to our processing and use of such sensitive personal information in accordance with this Privacy Policy. If you do not consent to our processing and use of such sensitive personal information, you must not submit such sensitive personal information through our services.

Your rights. European data protection laws give you certain rights regarding your personal information. If you are located in Europe, you may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to privacy@gooten.com or our postal address provided above. We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may contact us or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

Cross-border data transfer. If we transfer your personal information from Europe to another country such that we are required to apply appropriate safeguards to your personal information under European data protection laws, we will do so. Please contact us for further information about any such transfers or the specific safeguards applied.