

Effective Date September 2021

## Privacy Label

### Collection and Sale of Data

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- Do we sell your personal information? No
  - Do we share or sell aggregate information? Yes
  - Do we share your data with third party API partners? Yes, with your consent
  - Do we use sensitive categories of data, like health information? Yes, with your consent
  - Do we use your contact list if you allow us access? Yes
  - Do we delete your data when you request account deletion? Yes
  - Do we retain your data for as long as we need it unless you request deletion? Yes

### Privacy Tools and Controls

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- Can you control who sees your activity and content? Yes
  - Can you control who sees your location-based activity? Yes
  - Are your activity and profile privacy controls set to “Everyone” by default? Yes
  - Can you download and delete your data? Yes
  - Do all members worldwide have the same suite of tools and controls? Yes

### Tracking

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- Do we track your device location to provide Simmer to you? Yes
  - Do we track your device location while you are not using the app? No
  - Do we use cookies? Yes
  - Do we track your browsing activities on other sites? No
  - Do we listen to you using your device microphone? No

### Communication

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- Do we give you advance notice when we make important changes to our Privacy Policy? Yes
  - Do we send you marketing communications with opt out? Yes
  - Do we send you push notifications with opt out? Yes

## **Privacy Policy**

### **Introduction**

Our privacy policy (the “Privacy Policy”) explains the information we collect, how we use and share it, how to manage your privacy controls and your rights in connection with our websites and the related mobile applications and services (collectively, the “Services”). Please also read our Terms of Service which sets out the terms governing the Services.

Simmer is headquartered in California and our Services are provided to you by Barking Dog Technologies, LLC. If you are a resident of the European Economic Area (“EEA”), Barking Dog Technologies, LLC is the controller of your personal data for the purposes of EEA data protection law.

Questions or comments about this Privacy Policy may be submitted by mail to the address below or via [simmer@barkingdog.tech](mailto:simmer@barkingdog.tech).

### **Information Simmer Collects**

Simmer collects information about you, including information that directly or indirectly identifies you, if you or your other members choose to share it with Simmer. We receive information in a few different ways, including when you upload activities using the Services. Simmer also collects information about how you use the Services. There are also several opportunities for you to share information about yourself, your friends, and your activities with Simmer. For example:

### **Account, Profile, Activity, and Use Information**

We collect **basic account information** such as your name, email address, username and password that helps secure and provide you with access to our Services.

**Profile, activity and use information** is collected about you when you choose to upload a picture, activity (including date, time and geo-location information) or post, ,, view others' activities, or otherwise use the Services.

We use your **contact information** so we can respond to your support requests and comments.

## Location Information

We collect and process **location information** when you add location information to a meal, search for nearby locations, or otherwise use the Services. We do not track your device location while you are not using Simmer, but in order to provide Simmer's core Services, it is necessary for us to track your device location while you use Simmer. If you would like to stop the device location tracking, you may do so at any time by adjusting your device settings.

## Content You Share

We gather information from the photos, posts, comments, likes, ratings, reviews, and **other content you share on the Services**.

## Contacts Information

You can choose to add your **contacts' information** by connecting your contacts from your mobile device or social networking accounts to Simmer. If you choose to share your contacts with Simmer, Simmer will, in accordance with your instructions, access and store your contacts' information in order to identify connections and help you connect with them.

## Connected Devices and Apps

Simmer collects information from **devices and apps you connect to** Simmer.

## Payment Information

When you make a payment on Simmer, you may provide **payment information** such as your payment card or other payment details. We use Payment Card Industry compliant third-party payment services and we do not store your credit card information.

## Third-Party Accounts

Simmer allows you to sign up and log in to the Services using accounts you create with third-party products and services, such as Apple (collectively, “Third-Party Accounts”). If you access the Services with **Third-Party Accounts** we will collect information that you have agreed to make available such as your name, email address, profile information and preferences. This information is collected by the Third-Party Account provider and is provided to Simmer under their privacy policies. You can generally control the information that we receive from these sources using the privacy controls in your Third-Party Account.

## Technical Information and Log Files

We collect information from your browser, computer, or mobile device, which provide us with technical information when you access or use the Services. This technical information includes device and network information, cookies, log files and analytics information.

The Services use **log files**. The information stored in those files includes IP addresses, browser type, internet service provider (ISP), referring/exit pages, platform type, date/time stamp, and number of clicks. This information is used to analyze trends, administer, protect and secure the Services, track member movement in the aggregate, and gather broad demographic information for aggregate use. IP addresses may be linked to session IDs and device identifiers.

## Other Information

We may **collect information from you through third parties**, such as when we collect your feedback through surveys.

We may also collect **information about you from other members** such as when they give you likes or comment on your activities.

## How Simmer Uses Information

Simmer uses the information we collect and receive as described below.

### To provide the Services

We use the information we collect and receive to provide the Services, including providing you with the ability to:

- **Record your activities** For example, to keep a record of meals uploaded.
- **Interact with other users.** For example, to view meals posted by friends, follow friends, and share recipes.
- **Explore new recipes or restaurants.** For example, to recommend recipes that may interest you based on your past posts.
- To **visualize your activities** in new ways. For example, by creating personal meal recommendations.

Subject to your privacy controls, your information, including parts of your profile, username, photos, users you follow and who follow you, your activities, the devices you use, and likes and comments you give and receive will be shared on Simmer so that you may be able to participate in the Services. Certain information (e.g., your name, and some profile information) is also available to non-members on the web. Your precise location information, such as where posted a meal, may also be shared on Simmer, in accordance with your privacy controls.

### To customize your experience

We use the information we collect about you, your followers, and your activities to customize your experience. For example, we may suggest meals, restaurants, and friends that may interest you or new features that you may want to try.

## **To protect you and the Services**

We use the information we collect to protect users, enforce our Terms of Service, and promote safety. For example, we find and remove content that violates our terms, such as hate speech or spam, as well as suspend or terminate accounts that share such content.

## **To improve our Services**

We also use the information we collect to analyze, develop and improve the Services. To do this, Simmer may use third-party analytics providers to gain insights into how our Services are used and to help us improve the Services.

## **To communicate with you**

We use the information we collect to provide support in response to your requests and comments.

We may also use the information we collect to market and promote the Services, activities and events on Simmer, and other commercial products or services. This includes marketing and push communications, where you have not opted out of receiving such messages and notifications.

## **To process your subscription**

We use the information we collect to process your subscription.

## **Aggregate Information**

**We do not sell your personal information.** Simmer may aggregate the information you and others make available in connection with the Services and post it publicly or share it with third parties. Examples of the type of information we may aggregate include information about equipment, usage, demographics, routes and performance. Simmer may **use, sell, license, and share** this **aggregated information** with third parties for research, business or other purposes or to help our partners understand more about users, including the people who use their products and services.

## How Information is Shared

In addition to sharing aggregated data about our members as described above, we also share personal information in accordance with your preferences, as needed to run our business and provide the Services, and where required for legal purposes, as set forth below.

## Service Providers

We may share your information with third parties who provide services to Simmer such as supporting, improving, promoting and securing the Services, processing payments, or fulfilling orders. These service providers only have access to the information necessary to perform these limited functions on our behalf and are required to protect and secure your information. We may also engage service providers to collect information about your use of the Services over time on our behalf, so that we or they may promote Simmer or display information that may be relevant to your interests on the Services or other websites or services.

## Publicly Available Information

When you join the Simmer community, your profile and your activities are set to be viewable by [everyone](#) by default. Your name and other profile information is viewable by other Simmer members and the public and, subject to your privacy controls, additional information and content you share may also be viewable. For example, your meals and recipes may be accessed by other Simmer members and non-members or viewable on publicly accessible Simmer pages or in search engine results. We provide

a variety of tools to control the sharing of your information and encourage our members to adjust their controls to align with their desired experience.

## **Sharing Information and Activities**

As a social network, we share your information with other Simmer members and the public in accordance with your privacy controls. You can change the visibility of the activities you upload to Simmer. You can also share your activities with your contacts via text, email, or on social media applications like Facebook, Instagram, and Twitter. If you share your Simmer activities to other social networks they will be viewable on such third-party platforms, including your location information. You should use caution when sharing information via third parties and you should carefully review the privacy practices of such third parties.

## **Third Party Business via API or Other Integrations**

We enable you to share your information and content with third party apps, plugins, or websites that integrate with the Services, as well as with third parties who work with Simmer to offer an integrated feature. You can choose to share your profile data and activity data (including private activities). Information collected by these third parties is subject to their terms and policies. Simmer is not responsible for the terms or policies of third parties.

## **Affiliates and Acquirors of our Business or Assets**

We may share your information with affiliates under common control with us, who are required to comply with the terms of this Privacy Policy with regard to your information. If Simmer becomes involved in a business combination, securities offering, bankruptcy, reorganization, dissolution or other similar transaction, we may share or transfer your information in connection with such transaction.

## **Legal Requirements**



We may preserve and share your information with third parties, including law enforcement, public or governmental agencies, or private litigants, within or outside your country of residence, if we determine that such disclosure is allowed by the law or reasonably necessary to comply with the law, including to respond to court orders, warrants, subpoenas, or other legal or regulatory process. We may also retain, preserve or disclose your information if we determine that this is reasonably necessary or appropriate to prevent any person from death or serious bodily injury, to address issues of national security or other issues of public importance, to prevent or detect violations of our Terms of Service or fraud or abuse of Simmer or its members, or to protect our operations or our property or other legal rights, including by disclosure to our legal counsel and other consultants and third parties in connection with actual or potential litigation.

## **DMCA Notices**

We may share your information with third parties when we forward Digital Millennium Copyright Act (DMCA) notifications, which will be forwarded as submitted to us without any deletions.

## **How We Protect Information**

We take several measures to safeguard the collection, transmission and storage of the data we collect. We employ reasonable protections for your information that are appropriate to its sensitivity. The Services use industry standard Secure Sockets Layer (SSL) technology to allow for the encryption of personal information and credit card numbers. Simmer engages providers that are industry leaders in online security, including Services verification, to strengthen the security of our Services. The Services are registered with site identification authorities so that your browser can confirm Simmer's identity before any personal information is sent. In addition, Simmer's secure servers protect this information using advanced firewall technology.

## **Managing Your Settings**

## **Privacy Controls**

Simmer offers several features and settings to help you manage your privacy and share your activities. Most privacy controls are located in your privacy controls page, but some are specific to individual activities.

## **Adjust Notification and Email Preferences**

Simmer offers various ways to manage the notifications you receive. You can choose to stop receiving certain emails and notifications by indicating your preference on the notifications page. You may also unsubscribe by following the instructions contained at the bottom of marketing or promotional emails. Any administrative or service-related emails (to confirm a purchase, or an update to this Privacy Policy or our Terms of Service, etc.) generally do not offer an option to unsubscribe as they are necessary to provide the Services you requested.

## **Updating Account Information**

You may correct, amend or update profile or account information at any time by adjusting that information in your account settings. If you need further assistance correcting inaccurate information, please contact Simmer at [simmer@bdogtech.com](mailto:simmer@bdogtech.com).

## **Deleting Information and Accounts and Downloading Your Data**

You can delete your account using our self-service tools. You can request that your account is deleted or to download your data by contacting [simmer@barkingdog.tech](mailto:simmer@barkingdog.tech).

After you make a deletion request, we permanently and irreversibly delete your personal data from our systems, including backups. Once deleted, your data, including your account, activities and place on leaderboards cannot be reinstated. Following your deletion of your account, it may take up to 90 days to delete your personal information and system logs from our systems. Additionally, we may retain information where deletion requests are made to comply with the law and take other actions permitted by law.

Note that content you have shared with others, such as photos, or that others have copied may also remain visible after you have deleted your account or deleted specific

information from your own profile. Your public profile may be displayed in search engine results until the search engine refreshes its cache.

Simmer also provides you the option to remove individual meals you have posted without deleting your account. Once removed, the activities may remain on Simmer's systems until you delete your account.

## **Your Rights and Our Legal Bases**

We provide the same suite of privacy tools and controls to all of our members worldwide. Particular rights may be available to you if you reside in certain locations, such as the EEA, Brazil or California.

### **Your Legal Rights in the EEA**

If you are habitually located in the EEA, you have the right to access, rectify, download or erase your information, as well as the right to restrict and object to certain processing of your information. Simmer's lead supervisory authority in the EEA is the Data Protection Commission of Ireland.

### **Our Legal Bases**

Simmer relies on a number of legal bases to collect, use, share, and otherwise process the information we have about you for the purposes described in this Privacy Policy, including:

- as necessary to provide the Services and fulfill our obligations pursuant to the Terms of Service. For example, we cannot provide the Services unless we collect and use your location information;
- where you have consented to the processing;
- where necessary to comply with a legal obligation, a court order, or to exercise and defend legal claims;
- to protect your vital interests, or those of others, such as in the case of emergencies; and
- where necessary for the purposes of Simmer's or a third party's legitimate interests, such as our interests in protecting our members, our partners'

interests in collaborating with our members, and our commercial interests in ensuring the sustainability of the Services.

## **Transfers**

The Services are operated from the United States. If you are located outside of the United States and choose to use the Services or provide information to us, you acknowledge and understand that your information will be transferred, processed and stored in the United States, as it is necessary to provide the Services and perform the Terms of Service. United States privacy laws may not be as protective as those in your jurisdiction.

## **Retention of Information**

We retain information as long as it is necessary to provide the Services to you and others, subject to any legal obligations to further retain such information. Information associated with your account will generally be kept until it is no longer necessary to provide the Services or until your account is deleted. In addition, you can delete some items of information (e.g., profile information) and you can remove individual activities from view on the Services without deleting your account. Following your deletion of your account, it may take up to 90 days to fully delete your personal information and system logs from our systems. Additionally, we may retain information to comply with the law, prevent fraud, collect fees, resolve disputes, troubleshoot problems, assist with investigations, enforce the Terms of Service and take other actions permitted by law. The information we retain will be handled in accordance with this Privacy Policy.

Information connected to you that is no longer necessary and relevant to provide our Services may be de-identified or aggregated with other non-personal data to provide insights which are commercially valuable to Simmer, such as statistics of the use of the Services. For example, we may retain depersonalized information to continue to improve the Services and use as aggregated information. This information will be de-associated with your name and other identifiers.

## **Privacy Policy Information**

Simmer reserves the right to modify this Privacy Policy at any time. Please review it occasionally. If Simmer makes changes to this Privacy Policy, the updated Privacy Policy will be posted on the Services in a timely manner and, if we make material changes, we will provide a prominent notice. If you object to any of the changes to this Privacy Policy, you should stop using the Services and delete your account.