

Privacy Notice
Last updated: April 2023

We at LemonPay B.V., with business name Klearly ("**LemonPay**", "**us**", "**we**", or "**our**"), recognize and respect the importance of maintaining the privacy of our customers and their end users. This Privacy Notice describes the types of information we collect from you when you use our mobile application, or the Services available thereon ("**App**"). This Privacy Notice also explains how we process, transfer, store and disclose the information collected, as well as your ability to control certain uses of the collected information. If not otherwise defined herein, capitalized terms have the meaning given to them in the Terms of Service, available within the App ("**Terms**"). "**You**" means any adult user of the Services, including on behalf of a Merchant that is our customer.

If you are an individual located in the European Union ("**EU Individual**"), some additional terms and rights may apply to you, as detailed herein. LemonPay is the data controller in respect of the processing activities outlined in this Privacy Notice. Our registered office is located at Fred. Roeskestraat 115 1076 EE Amsterdam. When we process information in the context of providing Services to Merchants, including with regard to each Merchant's customers, the applicable Merchant serves as a controller with respect to Personal Data of such customers and LemonPay serves as a processor on its behalf.

"**Personal Data**" means any information that refers, is related to, or is associated with an identified or identifiable individual or as otherwise may be defined by applicable law. This Privacy Notice details which Personal Data is collected by us in connection with provision of the Services.

Privacy Notice Key Points

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- 1. Personal Data We Collect as a Processor.** If you are a customer of one of our Merchants, we may process personal data about you that includes the last four digits of your credit card, the type of credit card you're using, the amount of your transaction, the time and date of your transaction, the location of your transaction, and may include your data in aggregated analytics data that we provide to Merchants. When we do so, we serve as a processor and the applicable Merchant serves as a controller. We process such customer

data on behalf of the relevant Merchant and according to its instructions and may share this data with the relevant Merchant. To learn more about our processing activities in this capacity or to exercise your privacy rights regarding them, please contact the applicable Merchant directly.

2. Personal Data We Collect, Uses and Legal Basis. Depending on your usage, we collect different types of data and we and any of our third-party subcontractors and service providers use the data we collect for different purposes, as specified below. You have no legal obligation to provide us with certain Personal Data, but if you refuse to provide such Personal Data we may not be able to register you to the Solution and/or provide you with all or part of the Services.

2.1. Owners – If you hold an Owner account on the Solution, we collect the following Personal Data about you.

2.1.1. Registration Data – When you register your company with our Solution, you will be required to provide us with the following Personal Data: your full name, email address, phone number (if requested), date of birth and registered address. You will also be required to provide the following information about your business: business name, legal form, business industry, business address, IBAN number and ultimate beneficial owners (if requested). We will also need to authenticate you and verify your identity. To do so, we will need you to take a picture of your photo ID as well as a selfie.

How we use this data: (1) to register you and provide you with the Services, including to contact you regarding the registration process and your use of the Services; (2) to comply with our KYC/KYB/AML obligations or other finance regulations; (3) to prevent fraud, protect the security of and address any problems with the Solution, including monitoring for prevention of money laundering or terrorism financing; and (4) to provide you with informational newsletters and promotional materials relating to our Services. For more information about our direct marketing activities and how you can control your preferences, please see the [Direct Marketing](#) section below.

Legal Basis: (1) When we process this Personal Data for the purpose of registration and to provide you with the Services, we do so in the context of performing a contract with you. (2) When we process this Personal Data for the purpose of complying with our KYC/KYB obligations or financial regulations, we do so in order to comply with a legal obligation. (3) When we process this Personal Data for the purposes of preventing fraud, protecting the security of and/or addressing problems with the Services, we do so based on our legitimate interests to maintain our Services in good working order and in a secure manner. (4) When we process this Personal Data to provide you with informational newsletters and promotional materials relating to our Services, we do so based on our legitimate interests to promote our Services.

2.1.2. Materials You Upload – When you upload inventory pictures and write descriptions of inventory items in the Solution, we collect that

information and associate it with your account.

How we use this data: To provide you with the Services.

Legal Basis: To perform a contract with you.

- 2.2. **Users** – If you hold a 'User' account (either as an Admin or as an Employee) on the Solution, we collect the following Personal Data about you.

2.2.1. Registration Data – To create your user account, your account owner will provide you with a link with an invitation to create an account. To complete the registration process, we will ask you to provide us with your name, email address and/or phone number, username, and password.

How we use this data: (1) to register you and provide you with the Services, including to contact you regarding the registration process and your use of the Services; and (2) to prevent fraud, protect the security of and address any problems with the Solution.

Legal Basis: (1) When we process this Personal Data for the purpose of registration and to provide you with the Services, we do so in the context of performing a contract with you. (2) When we process this Personal Data for the purposes of preventing fraud, protecting the security of and/or addressing problems with the Services, we do so based on our legitimate interests to maintain our Services in good working order and in a secure manner.

- 2.2.2. **Transaction Data** – When you complete a transaction using the App, we collect data about the transaction you generated, including the transaction amount, the inventory items sold, customs tags, and the GPS location where the transaction took place. We also collect your IP address and the type of device used to generate the transaction. For more information about the cookies and similar technologies we use and how to adjust your preferences, please see the section [Cookies and Similar Technologies](#) below.

How we use this data: We compile this data into analytics that allow us to (1) review usage and operations of the Solution; (2) troubleshoot issues and provide support; (3) create aggregated reports for the applicable Merchant about its general sales performance, including insights derived from the aggregate data to improve our Services; and (4) develop new products or services. Subject to your consent, we collect your GPS location to prevent fraud, protect the security of our Services, and for risk prevention.

Legal Basis: When we process this Personal Data to create reports for our Merchants and for troubleshooting and support services, we do so to perform a contract for them. When we process this Personal Data for all the other purposes mentioned above, we do so based on our legitimate interests to maintain and improve our Services. We collect GPS location based on your consent.

2.2.3. **Materials You Upload** – When you provide notes or descriptions relating to transactions you conduct through the Solution, we collect that information.

How we use this data: To provide you with the Services.

Legal Basis: To perform a contract with you.

3. Additional Uses.

3.1. Statistical Information and Analytics. We and/or our service providers use analytics tools, including Mixpanel and Firebase, to collect and analyze information about the use of the Services, such as how often users use the App, what pages they visit when they do so, and what other sites and mobile applications they used prior to visiting the App. By analyzing the information we receive, we may compile statistical information across a variety of platforms and users, which helps us improve our Services, understand trends and customer needs and consider new products and services, and tailor existing products and services to customer desires.

3.2. Direct Marketing. As described above, if you are an Owner, we may use Personal Data to let you know about our products and Services that we believe will be of interest to you. We may contact you by email, phone or via other channels. In all cases, we will respect your preferences for how you would like us to manage marketing activity with respect to you. To protect privacy rights and to ensure you have control over how we manage marketing with you:

3.2.1. We will take steps to limit direct marketing to a reasonable and proportionate level and only send you communications which we believe may be of interest or relevance to you.

3.2.2. You can ask us to stop sending email marketing by following the “unsubscribe” link you will find on all the email marketing messages we send you. Alternatively, you can contact us at support@klearly.nl.

4. **Sharing the Personal Data We Collect.** We share your information, including Personal Data, as follows:

4.1. Affiliates. We share information, including your Personal Data, with our affiliated company, LemonPay Ltd., where this is necessary to provide you with our products and Services, and to manage our business.

4.2. Merchants. We share information, including your Personal Data, with the Merchant with which your account is associated, where this is necessary to provide you and the applicable Merchant with our products and Services.

4.3. Service Providers, and Subcontractors. We disclose information, including Personal Data we collect from and/or about you, to our trusted service providers

and subcontractors, who have agreed to confidentiality restrictions and who use such information solely on our behalf in order to: (1) help us provide you with the Services; and (2) aid in their understanding of how users are using our Services.

Such service providers and subcontractors provide us with data storage, payment processing, identity verification, data analysis, and administrative services.

- 4.4. Data Controllers. When you use our Services, we also disclose your Personal Data to an additional third parties, such as business partners, which acts as an independent, separate controller with respect to the collection of your Personal Data. The details and contact information of such controllers are as set forth below.

Valitor hf.	privacy@valitor.com
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- 4.5. Business Transfers. Your Personal Data may be disclosed as part of, or during negotiations of any merger, sale, acquisition, dissolution or financing of the company or company assets (including in cases of liquidation). In such case, your Personal Data shall continue being subject to the provisions of this Privacy Notice.
- 4.6. Law Enforcement and Legal Disclosures. We may share your Personal Data with third parties: (i) if we believe in good faith that disclosure is appropriate to protect our or a third party's rights, property or safety (including the enforcement of the Terms and this Privacy Notice); (ii) when required by law, regulation subpoena, court order or other law enforcement related issues, agencies and/or authorities; or (iii) as is necessary to comply with any legal and/or regulatory obligation, for example, to comply with audit and other legal requirements.

5. International Transfer

- 5.1. We use subcontractors and service providers and have affiliates who are located in countries other than your own, such as Israel, and send them information we receive (including Personal Data). We conduct such international transfers for the purposes described above. We will ensure that these third parties will be subject to written agreements ensuring the same level of privacy and data protection as set forth in this Privacy Notice, including appropriate remedies in the event of the violation of your data protection rights in such third country.
- 5.2. Whenever we transfer your Personal Data to third parties based outside of the European Economic Area ("EEA") and when required under applicable law, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:
- 5.2.1. We will only transfer your Personal Data to countries that have been deemed to provide an adequate level of protection for Personal Data by the European Commission.
- 5.2.2. Where we use certain service providers not located in countries with an adequate level of protection as determined by the European Commission, we may use specific contracts approved by the European Commission

which give Personal Data the same protection it has in the EEA.

- 5.3. Please contact us at support@klearly.nl if you would like further information on the specific mechanism used by us when transferring your Personal Data out of the EEA.

6. Security. We have implemented and maintain appropriate technical and organizational security measures, policies and procedures designed to reduce the risk of accidental destruction or loss, or the unauthorized disclosure or access to Personal Data appropriate to the nature of such data. The measures we take include:

- 6.1. Safeguards – The physical, electronic, and procedural safeguards we employ to protect your Personal Data include secure servers, firewalls, antivirus, and SSL (Secure Sockets Layer) encryption of data.
 - 6.2. Access Control – We dedicate efforts for a proper management of system entries and limit access only to authorized personnel on a need to know basis of least privilege rules and revoke access immediately after employee termination.
 - 6.3. Personnel – We require new employees to sign non-disclosure agreements according to applicable law and industry customary practice.
 - 6.4. Encryption – We encrypt the data in transit using secure TLS 1.2 protocols.
 - 6.5. Standards and Certifications – We have built our systems on third-party infrastructure that has been certified as compliant with ISO 27001 (Information Security Management)/ ISO 27017 (Cloud Security)/ ISO 27018 (Cloud Privacy), ISO 27701 (Security Techniques), ISO 22301 (Security and Resilience), ISO 9001 (Quality Management Systems), and CSA STAR CMM v3.0.1. Our payment processor complies with the Payment Card Industry's Data Security Standards (PCI DSS 3.2).
 - 6.6. Database Backup – Our databases are backed up on a periodic basis for certain data and are verified regularly. Backups are encrypted and stored within the production environment to preserve their confidentiality and integrity, are tested regularly to ensure availability, and are accessible only by authorized personnel.
 - 6.7. However, no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Data, we cannot guarantee its absolute security.
 - 6.8. As the security of information depends in part on the security of the computer you use to communicate with us and the security you use to protect user IDs and passwords, please take appropriate measures to protect this information.
7. **Your Rights - How to Access and Limit Our Use of Certain Personal Data.** Subject to applicable law and certain exemptions, and in some cases dependent upon the processing activity we are undertaking, you have certain rights in relation to the Personal Data that we or other controllers hold about you, as detailed below. For any requests to exercise such rights with respect to information held by other controllers, please contact the applicable controller directly. If you wish for us to notify all independent controllers,

please specify that request when you contact us in order to exercise any of your rights. We will investigate and attempt to resolve complaints and disputes and make every reasonable effort to honor your wish to exercise your rights as quickly as possible and, in any event, within the timescales provided by applicable data protection laws. We reserve the right to ask for reasonable evidence to verify your identity before we provide you with any information and/or comply with any of your requests, as detailed below:

- 7.1. Right of Access. You have a right to know what Personal Data we collect about you and, in some cases, to have such Personal Data communicated to you. Subject to applicable law, we may charge you with a fee. Please note that we may not be able to provide you with all the information you request, and, in such case, we will endeavor to explain to you why.
- 7.2. Right to Data Portability. If the processing is based on your consent or performance of a contract with you *and* processing is being carried out by automated means, you may be entitled to (request that we) provide you or another party with a copy of the Personal Data you provided to us in a structured, commonly-used, and machine-readable format.
- 7.3. Right to Correct Personal Data. Subject to the limitations in applicable law, you may request that we update, complete, correct or delete inaccurate, incomplete, or outdated Personal Data.
- 7.4. Deletion of Personal Data ("Right to Be Forgotten"). If you are an EU Individual, you have a right to request that we delete your Personal Data if either: (i) it is no longer needed for the purpose for which it was collected, (ii) our processing was based on your consent and you have withdrawn your consent, (iii) you have successfully exercised your Right to Object (see below), (iv) processing was unlawful, or (v) we are required to erase it for compliance with a legal obligation. We cannot restore information once it has been deleted. Please note that to ensure that we do not collect any further Personal Data, you should also delete our App from your mobile devices, terminate your account with us, and clear our cookies from any device where you have used our App. We may retain certain Personal Data (including following your request to delete) for audit and record-keeping purposes, or as otherwise permitted and/or required under applicable law.
- 7.5. Right to Restrict Processing. If you are an EU Individual, you can ask us to limit the processing of your Personal Data if either: (i) you have contested its accuracy and wish us to limit processing until this is verified; (ii) the processing is unlawful, but you do not wish us to erase the Personal Data; (iii) it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise, or defend of a legal claim; (iv) you have exercised your Right to Object (below) and we are in the process of verifying our legitimate grounds for processing. We may continue to use your Personal Data after a restriction request under certain circumstances.
- 7.6. Direct Marketing Opt Out. You can change your mind at any time about your election to receive marketing communications from us and/or having your Personal Data processed for direct marketing purposes. If you do, please notify us by contacting us at support@klearly.nl. We will process your request as soon as

reasonably possible, however it may take a few days for us to update our records before any opt out is effective.

- 7.7. Right to Object. If you are an EU Individual, you can object to any processing of your Personal Data which has our legitimate interests as its legal basis, if you believe your fundamental rights and freedoms outweigh our legitimate interests. If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms.
- 7.8. Withdrawal of Consent. You may withdraw your consent in connection with any processing of your Personal Data based on a previously granted consent. This will not affect the lawfulness of any processing prior to such withdrawal.
- 7.9. Right to Lodge a Complaint with Your Local Supervisory Authority. If you are an EU Individual, you may have the right to submit a complaint to the relevant supervisory data protection authority if you have any concerns about how we are processing your Personal Data, though we ask that as a courtesy you please attempt to resolve any issues with us first.

8. Data Retention

- 8.1. Subject to applicable law, we retain Personal Data as necessary for the purposes set forth above. We may delete information from our systems without notice to you once we deem it is no longer necessary for these purposes. Retention by any of our processors may vary in accordance with the processor's retention policy.
- 8.2. In some circumstances, we may store your Personal Data for longer periods of time, for instance where we are required to do so in accordance with legal, regulatory, tax, audit, accounting requirements and so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your Personal Data or dealings. To determine the appropriate retention period, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data, and whether those purposes can be achieved through other means, as well as applicable legal requirements.
- 8.3. Please contact us at support@klearly.nl if you would like details regarding the retention periods for different types of your Personal Data.

9. Cookies and Similar Technologies. We use cookies and similar technologies for a number of reasons, including to help personalize your experience. When accessing the Solution, you shall be notified of the use of and placement of cookies and other similar technologies on your device as specified herein.

- 9.1. What are Cookies? A cookie is a small piece of text that is sent to a user's device and stored locally. The device provides this piece of text to the cookie's server when this user returns.
 - 9.1.1. First-party cookies are placed by us, while third-party cookies may be placed by a third party. We use both first- and third-party cookies.

9.1.2. We may use the terms "cookies" to refer to all technologies that we may use to store data in your browser or device or that collect information or help us identify you in the manner described above, such as web beacons or "pixel tags".

9.2. How We Use Cookies. We use cookies and similar technologies for a number of reasons, as specified below. We will not place any cookies on your browser that are not strictly necessary unless you have first consented to the cookie pop up.

The specific names and types of the cookies, web beacons, and other similar technologies we use may change from time to time. However, the cookies we use generally fall into one of the following categories:

Type of Cookie	Why We Use These Cookies
Performance	These cookies can help us collect information to help us understand how you use our Solution, for example whether you have viewed messages or specific pages and how long you spent on each page. This helps us improve the performance of our Solution.
Analytics	These cookies collect information regarding your activity on our Solution to help us learn more about which features are popular with our users and how our Solution can be improved.

9.3. Third Party Cookies

Mixpanel
Firebase

9.4. How to Adjust Your Preferences. Most Web browsers are initially configured to accept cookies, but you can change this setting so your browser either refuses all cookies or informs you when a cookie is being sent. In addition, you are free to delete any existing cookies at any time. Please note that some features of the Services may not function properly when cookies are disabled or removed. For example, if you delete cookies that store your account information or preferences, you will be required to input these each time you visit.

10. Third-Party Applications and Services. All use of third-party applications or services is at your own risk and subject to such third party's terms and privacy policies.

11. Communications. We reserve the right to send you service-related communications, including service announcements and administrative messages, without offering you the opportunity to opt out of receiving them. Should you not wish to receive such communications, you may cancel your account.

12. **Children.** We do not knowingly collect Personal Data from children under the age of sixteen (16). In the event that you become aware that an individual under the age of sixteen (16) has registered without parental permission, please advise us immediately.

13. **Changes to the Privacy Notice.** We may update this Privacy Notice from time to time to keep it up to date with legal requirements and the way we operate our business, and we will place any updates on this webpage. Please come back to this page every now and

then to make sure you are familiar with the latest version. If we make material changes to this Privacy Notice, we will seek to inform you by notice in our App or via email.

14. **Comments and Questions**. If you have any comments or questions about this Privacy Notice or if you wish to exercise any of your legal rights as set out herein, please contact us at support@klearly.nl.