

## Contrast Privacy Policy

September 2020

This Privacy Policy (this “**Privacy Policy**”) describes the ways in which MAHKO, CORP. d/b/a Contrast (“**Contrast**,” “**we**,” “**our**,” and “**us**”) collect and use your information, including Personal Information, in relation to Contrast’s handoff tools and system and our website located at <https://www.contrast.app/> (our “**Website**”), and other experiences that reference this Privacy Policy (collectively, the “**Contrast System**”). We use the term “**Personal Information**” to mean any information that identifies you as an individual or is otherwise defined as personal information (or similar) under applicable law.

### 1. This Privacy Policy.

**1.1. Application of this Privacy Policy.** Except as set out in Section 1.3 (Exclusions from this Privacy Policy), this Privacy Policy applies to users of the Contrast System and our Website. We use the term “**you**” to refer to (a) users with a Contrast account, (b) their guests (where permitted under our Legal Terms), and (c) visitors to our Website. If you are an employee of an entity that uses the Contrast System, then this Privacy Policy applies to you in your capacity as a representative of such entity.

**1.2. Additional Terms Applicable to Certain System Features.** If any features of the Contrast System have additional or different terms from this Privacy Policy on how we collect or use your information, then, to the extent applicable, we will provide you with a privacy notice setting out additional data or privacy information prior to your access or use of such features.

**1.3. Exclusions from this Privacy Policy.** The Contrast System integrates with third party applications (such as those offered by Figma, Inc.) (each a “**Provider**”). This Privacy Policy does not Personal Information or other information you provide to such Providers, via their applications.

**1.4. Your Consent.** You consent to this Privacy Policy by using the Contrast System, or by otherwise indicating your consent via a click-through or similar method. Visitors to our Website do not interact with the Contrast System, and provide little in the way of Personal Information. If you are simply a Website visitor, you consent to this Privacy Policy by accessing our Website.

**1.5. Changes to this Privacy Policy.** We reserve the right to revise this Privacy Policy (including any additional privacy notices provided pursuant to Section 1.2 (Additional Terms Applicable to Certain System Features)) from time to time, and will revise this Privacy Policy, for example, to comply with changes in applicable law. If we make material revisions to this Privacy Policy, we will notify you by email, by the method we used to notify you of any additional or different terms applicable to your use of the Contrast System, or by another appropriate method. Your continued use of the Contrast System will constitute your acceptance of the revised Privacy Policy.

### 2. Collection of Information. We collect your information, including Personal Information, in the course of providing Contrast System functions available to you . Here are the three ways that we collect your information:

**2.1. Information that You Provide.** We collect information that you provide to us in connection with your use of the Contrast System, including when you make a purchase, set up an account with us, provide Submitted Content (as such term is

defined in Section 2.5 (Submitted Content), , directly communicate or interact with us (i.e. by electronic mail, telephone, or other means), or otherwise use the Contrast System.

**2.2. Automatically Collected Information via Our Website.** We may automatically collect certain information from our Website, including geolocation data and certain technical information from your computer or mobile device when you use the Website, such as your Internet Protocol address, your web browser type and version, the name and version of your operating system, the pages you view on the Website, the pages you view immediately before and after you access the Website, and the search terms you enter on the Website. This information allows us to recognize you and personalize your experience if you return to the Website using the same computer or mobile device, and to improve the Website.

**2.3. Cookies.** We may collect certain information using “cookies,” which are small text files that the Website saves on your computer or mobile device, or similar technologies that allow us to recognize your computer or mobile device. You can disable cookies in your browser settings, but doing so may affect the functionality of the Website. For further information, see the Cookie Privacy Policy in Section 6 (Cookie Privacy Policy) below.

**2.4. Web Beacons.** We may also collect information using “web beacons,” which are clear electronic images that can recognize certain types of information on your computer, such as cookies, when you viewed a particular website tied to the web beacon, and a description of a website tied to the web beacon or using unique links that can distinguish when individual users click the link. Web beacons and unique links, alone or in conjunction with cookies, may help us compile information about your interactions with electronic mail sent to you in connection with the Website or the Contrast System.

**2.5. Submitted Content.** To use the Contrast System, you designate web pages and other content, and then provide comments and exchange information and task lists with other users on your team with respect to that content (collectively, “**Submitted Content**”). Although we encourage our users to limit Submitted Content, and to include “dummy data” in their Submitted Content, there may be occasions where you might include in Submitted Content your Personal Information, Personal Information of others, or other sensitive information. If you include third party Personal Information, or other sensitive information in Submitted Content, you represent that you have full permission and authority to do so.

**2.6. User-Generated Content via our Website.** The Website may provide you with the ability (either directly or through a third party service) to engage with us and others in public exchanges, and these may include opportunities for you to provide comments, reviews, recommendations, information related to the Website, and other input (collectively, “**User-Generated Content**”). Please understand that anything you supply as User-Generated Content will be accessible to others to read, collect, republish, and otherwise freely used. We are not responsible for anything you decide to include in User-Generated Content, and we will only take down, remove, or edit User-Generated Content in our sole discretion, except as required by applicable law. If you include any information relating to others in your User-Generated Content, then you represent that you have full permission and authority to do so.

**3. Use of Information.** We use your Personal Information to provide, operate, and improve the Contrast System and our Website, including, for the following purposes:

**3.1. Provide the Contrast System.** We use your Personal Information to provide you with and deliver the Contrast System and its features.

**3.2. Analysis and Improvement.** We use your Personal Information for improving, measuring use of, analyzing performance of, fixing errors in, providing support for, and developing the Contrast System and our Website, including by (i) combining or aggregating any of the information collected through the Contrast System or elsewhere for generating and analyzing statistics about your use of the Contrast System and user demographics and traffic patterns and (ii) using anonymized data that may or may not be derived from Personal Information but does not personally identify you.

**3.3. Marketing and Notices.** We may provide you with information about the Contrast System or required notices. In addition, we may use collected information for delivering marketing communications that may be of interest to you. We do not sell or share your Personal Information with other companies for purposes of their marketing goods or services to you that are unrelated to Contrast. You have the right to request that we do not share your Personal Information with, or sell your Personal Information to, third parties, and we will honor such requests in accordance with applicable law. Please note that such a request may prevent you from benefitting from core features of the Contrast System or Website. You also have the right to ask a Provider not to process your Personal Information for marketing purposes. If you do so, then we will cooperate with such Provider to accommodate your request.

**3.4. Security.** We may use your Personal Information for safety and security purposes, including sharing of your information for such purposes, when it is necessary to pursue our legitimate interests in ensuring the security of the Contrast System or our Website, including detecting, preventing and responding to fraud, intellectual property infringement, violations of agreements with Contrast or Providers, violations of law or other misuse of the Contrast System or Website. We may also share your Personal Information when we believe, in good faith, that disclosure is necessary to protect our rights, the rights of other users of the Contrast System, the integrity of the Contrast System, or the safety of you or others.

**3.5. Comply with Legal Obligations.** We may have a legal obligations to collect, use, retain, or process your Person Information. If those obligations exists, then we will use your Personal Information to satisfy such obligations.

**3.6. Communicating with You.** We use your Personal Information to respond to your request and to communicate with you about regarding the Contrast System through various channels (such as email, phone, and chat).

**3.7. Other Purposes for Which we Seek Your Consent.** We may seek for your consent to use your Personal Information for a purpose that we communicate to you.

**4. Sharing Information.** Although your information is important to our business, we are not in the business of selling your Personal Information. We share Personal Information as described below. In all cases, we take reasonable efforts to ensure that any entity that we share your Personal Information with has privacy practices at least as protective as those in this Privacy Policy and applicable law.

**4.1. Third Party Service Providers.** We may engage third party service providers to perform functions on our behalf, and these may include maintaining the Contrast System, collecting information, responding to and sending email or other messages,

data analysis, and other functions useful to our business. Such third party service providers will have access to Personal Information to the extent needed to perform their function, but will not be permitted to use Personal Information for other purposes.

**4.2. Consultants.** We may engage attorneys, accountants, and other consultants and subject matter experts to advise and assist it in connection with the Contrast System and our Website. We does not permit these consultants to use your Personal Information for purposes unrelated to their engagement with us.

**4.3. Business Transfer.** We may also transfer your Personal Information to an affiliate, a subsidiary or a third party in the event of any reorganization, merger, acquisition or sale, joint venture, assignment, transfer or other disposition of all or any portion of Contrast's business, assets or stock, including, without limitation, in connection with any bankruptcy or similar proceeding, provided that any such entity to which we transfer Personal Information will not be permitted to process your Personal Information other than as described in this Privacy Policy without providing you notice and, if required by applicable laws, obtaining your consent.

**4.4. Other Disclosure.** Contrast may disclose Personal Information about you to others: (i) if we have your valid consent to do so; (ii) to comply with a valid subpoena, legal order, court order, legal process, or other legal obligation; (iii) to enforce any of the Contrast Legal Terms or policies; or (iv) as necessary to pursue available legal remedies or defend legal claims.

## **5. Storage.**

**5.1. Jurisdiction.** Information collected will be stored in, processed in and subject to the laws of the United States, which may not provide the same level of protection for your information as your home country, and may be available to the United States government or its agencies under a lawful order made in the United States. By accepting this Privacy Policy, you consent to such transfer to, storage in and processing within the United States.

**5.2. Security.** We have implemented reasonable measures to protect your information from unauthorized access, use or disclosure. The Contrast System and its operators maintain administrative, technical and physical safeguards designed to protect the collected information. However, no information or communication system can be 100% secure, so Contrast cannot guarantee the absolute security of your information. In addition, you are responsible for implementing commercially reasonable security safeguards consistent with customary industry practices to prevent unauthorized access to, or use of your account with Contrast. We are not responsible for the security of information that you transmit over networks that we do not control, including the Internet and wireless networks.

**5.3. Retention; Reviewing or Correcting Information.** Contrast retains information (including associated Personal Information) in accordance with applicable law and its data retention policies. If you believe that we have incorrect information about you (including incorrect Personal Information), you have the right to request access to this information and to correct inaccuracies by sending a written request to us using the contact information provided in Section 12 (Contact Information). Please understand that we will not change or delete information if the information is necessary for the Contrast System, or necessary for compliance with applicable law. Please note that we may be unable to collect or delete information that is controlled by a Provider.

6. **Cookie Privacy Policy.** This section provides Contrast’s cookie policy (“**Cookie Privacy Policy**”) and describes how Contrast uses Cookies (as defined below) and similar technologies.

**6.1. Cookies.** Cookies are small pieces of data that are stored on your computer, mobile phone, or other device when you first visit a page. Contrast uses cookies, web beacons and similar technologies (“**Cookies**”) to enhance your user experience, understand your usage of the Website and to perform analytics. Cookies may also be set by other websites or services that run content on the page you are visiting. The provision of your data via Cookies is voluntary except for those Cookies that we place on your device that are necessary for the performance of the Website or the Contrast System. We use “session cookies” and “persistent cookies.” Session Cookies are temporary Cookies that remain on your device until you leave the Website. A persistent Cookie may remain on your device for much longer until you manually delete it.

**6.2. Use.** Cookies can contain the following information about you and your use of the Website: browser type, search preferences, data relating to which pages of the Website that you have visited and the date and time of your use. We use Cookies for the following purposes:

- To enable and support security features, prevent fraud, and protect your data from unauthorized access.
- To enable features and help us provide you with personalized content.
- To analyze how you use the Website and to monitor site performance. These Cookies help us to identify and fix errors, understand and improve services, research and test out different features, and monitor how you reached the Website.

**6.3. Third-Party Cookies.** We use the following third-party Cookies on the Website:

- [Please provide a list of cookies used on the Website].

**6.4. Opting Out.** You can control and/or delete cookies as you wish - for details, see <http://www.aboutcookies.org>. You can delete all cookies that are already on your computer and you can set most browsers to prevent them from being placed. If you do this, however, you may have to manually adjust some preferences every time you visit a site and some services and functionalities may not work as intended by Contrast.

7. **GDPR.** We will process your Personal Information in compliance with the EU General Data Protection Regulation (“**GDPR**”) if you are a resident of the European Union and if the GDPR applies to our relationship with you (each an “**EU data subject**”). For information collected by Contrast (that is not collected on behalf of a Provider), Contrast is the data controller, as defined under GDPR, for all other information, including information submitted to or collected by the Provider or via any Provider Services, Contrast is the data processor, also as defined under GDPR. In accordance with GDPR, we will provide EU data subjects with applicable rights, which may include the following:

- Right of confirmation;
- Right of access;
- Right to rectification;

- Right to erasure;
- Right of restriction of processing;
- Right to data portability;
- Right to object;
- Right to withdraw data protection consent; and
- Right to lodge a complaint with a supervisory authority.

**8. Notice of Privacy Rights to California Residents.** The following provisions of this Section 8 (Notice of Privacy Rights to California Residents) apply if you are a California resident and if Contrast is (or becomes) subject to applicable California law. If you submit a request to a Provider that is related to your privacy rights as a California resident, then we will cooperate with such Provider in accommodating your request.

**8.1. Shine the Light Law.** California law requires certain businesses to respond to requests from California users who ask about business practices related to disclosing Personal Information to third parties for direct marketing purposes. The California “Shine the Light” law further requires us to allow California residents to opt out of certain disclosures of Personal Information to third parties for their direct marketing purposes.

**8.2. California Consumer Privacy Act Disclosure.** Contrast is not obligated presently to comply with the California Consumer Privacy Act (the “CCPA”). The CCPA provides various rights to individuals and households with respect to the collection and use of Personal Information that we have collected about California residents. We use the term “resident” to refer to a California resident to whom the CCPA applies. Among other rights under the CCPA, as further set out in this Section, a resident has the right to request that we (assuming the CCPA were to apply to Contrast): (i) disclose to the resident Personal Information that we have about such resident (including Personal Information about such resident that is sold), and (ii) subject to certain exceptions, delete Personal Information that we have about such resident. A resident may request a copy of the following using the mechanism set out in Section 8.3 (Submission of a Consumer Request): (a) the categories of Personal Information we collected about such resident; (b) the categories of sources from which the Personal Information is collected; (c) the business or commercial purpose for collecting or selling the Personal Information; (d) the categories of third parties with whom we share Personal Information; and (e) the specific pieces of Personal Information we have collected about such resident. A resident may submit a request for such information no more than twice in any twelve (12) month period, and our disclosure of such requested information shall only cover the twelve (12) month period preceding our receipt of such request. Additionally, a resident may request that we delete such resident’s Personal Information using the mechanism set out in Section 8.3 (Submission of a Consumer Request). A resident’s rights as to such deletion requests are set out in Section 5.3 (Retention).

**8.3. Submission of a Consumer Request.** If and when the CCPA applies to us, we will implement a web-based form and toll-free number for residents to submit requests to us to access or delete their Personal Information. In the interim, please submit such requests to the email address provided in Section 12 (Contact Information). If the CCPA applies to us at the time you submit your request, We will respond to your request within forty-five (45) days or as otherwise permitted by applicable law. If the CCPA does not apply to us at the time of your request, we will notify you, and provide you with the same access and deletion rights as those set out in Section 5.3 (Retention; Reviewing or Correcting Information).

9. **Feedback.** We want to encourage your feedback. If you have a suggestion or concerns you would like us to address, please contact us using the contact information provided in Section 12 (Contact Information). Certain states may provide you with additional avenues for lodging complaints. Please check with your state's consumer protection authority.
10. **Third-Party Websites.** Communications from us may contain links to websites operated by third parties. You acknowledge and agree that we are not responsible for the collection and use of your information by such websites that are not under our control. We encourage you to review the privacy policies of each website you visit.
11. **Children's Information.** The Contrast System and our Website are not directed to, nor does Contrast knowingly collect information from, children under the age of 13 in connection with the Contrast System or our Website. If you become aware that your child or any child under your care has provided information without your consent, please contact Contrast immediately using the contact information provided in Section 12 (Contact Information).
12. **Contact Information.** If you have any questions about this Privacy Policy or the collection or use of information about you, please contact us using the following information: [redacted].
13. **Further Resources.** If you wish further information concerning privacy policies in general, you should visit the following site: <http://www.ftc.gov/privacy/index.html>.
14. **Effective Date.** The effective date of this Privacy Policy is September [redacted], 2020.

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