

## DATA HANDLING POLICY

### OBJECTIVE

Bloomreach (“Bloomreach,” “we,” or “us”) is committed to privacy. This Data Handling Policy (“**Policy**”) describes our standards and procedures for handling Personal Information of California residents, in accordance with the California Consumer Privacy Act (“**CCPA**”).

### DEFINITIONS

For the purposes of this Policy, the following definitions apply. All capitalized terms herein shall have the same meaning as set forth in the CCPA. To the extent there is any discrepancy between a definition herein and the term as defined in the CCPA, the CCPA controls.

“**Business Purpose**” means the use of Personal Information for our own or a Service Provider’s operational purposes, or other notified purposes, provided that the use of Personal Information shall be reasonably necessary and proportionate to achieve the operational purpose for which the Personal Information was collected or processed or for another operational purpose that is compatible with the context in which the Personal Information was Collected. Business Purposes are:

- (1) Auditing related to a current interaction with the Consumer and concurrent transactions, including, but not limited to, counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards;
- (2) Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity;
- (3) Debugging to identify and repair errors that impair existing intended functionality;
- (4) Short-term, transient use, provided the Personal Information is not disclosed to another third party and is not used to build a profile about a Consumer or otherwise alter an individual Consumer’s experience outside the current interaction, including, but not limited to, the contextual customization of ads shown as part of the same interaction;
- (5) Performing services on behalf of Bloomreach or Service Provider, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing advertising or marketing services, providing analytic services, or providing similar services on behalf of Bloomreach or Service Provider;
- (6) Undertaking internal research for technological development and demonstration; and
- (7) Undertaking activities to verify or maintain the quality or safety of a service or Device that is owned, manufactured, manufactured for, or controlled by Bloomreach, and to improve, upgrade, or enhance such services or Devices.

“**Collects,**” “**Collected,**” or “**Collection**” means buying, renting, gathering, obtaining, receiving, or accessing any Personal Information (defined below) pertaining to a Consumer by any means. This includes receiving information from the Consumer, either actively or passively, or by observing the Consumer’s behavior.

“**Consumer**” means a natural person who is a California resident, as defined in Section 17014 of Title 18 of the California Code of Regulations, as that section read on September 1, 2017, however identified, including by any Unique Identifier (defined below).

“**Commercial Purposes**” means to advance a person’s commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a commercial transaction. Commercial

Purposes do not include the purpose of engaging in speech that state or federal courts have recognized as noncommercial speech, including political speech and journalism.

**“Device”** means any physical object that is capable of connecting to the Internet, directly or indirectly, or to another device.

**“Family”** means a custodial parent or guardian and any minor children over which the parent or guardian has custody.

**“Personal Information”** means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular Consumer or household. The CCPA provides examples of information that fall within this definition, including:

- (1) Identifiers such as a real name, alias, postal address, Unique Personal Identifier, online identifier, Internet Protocol address, email address, account name, social security number, driver’s license number, passport number, signature, physical characteristics or description, telephone number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, health insurance information, or other similar identifiers;
- (2) Characteristics of protected classifications under California or federal law, for example, race, color, religion (includes religious dress and grooming practices), sex/gender (includes pregnancy, childbirth, breastfeeding and/ or related medical conditions), gender identity, gender expression, sexual orientation, marital status, medical condition (genetic characteristics, cancer, or a record or history of cancer), military or veteran status, national origin (includes language use and possession of a driver’s license issued to persons unable to provide their presence in the United States as authorized under federal law), ancestry, disability (mental and physical including HIV/AIDS, cancer, and genetic characteristics), genetic information, request for family care leave, request for leave for an employee’s own serious health condition, request for Pregnancy Disability Leave, retaliation for reporting patient abuse in tax-supported institutions, and age (40 and over).
- (3) Commercial information, including records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies;
- (4) Biometric Information, meaning an individual’s physiological, biological or behavioral characteristics, including an individual’s deoxyribonucleic acid (DNA), that can be used, singly or in combination with each other or with other identifying data, to establish individual identity. Biometric information includes, but is not limited to, imagery of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted, and keystroke patterns or rhythms, gait patterns or rhythms, and sleep, health, or exercise data that contain identifying information;
- (5) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a Consumer’s interaction with an Internet Web site, application, or advertisement.
- (6) Geolocation data;
- (7) Audio, electronic, visual, thermal, olfactory, or similar information;
- (8) Professional or employment-related information;
- (9) Education Information, defined as information that is not publicly available personally identifiable information under the Family Educational Rights and Privacy Act (20 U.S.C. section 1232g, 34 C.F.R. Part 99); and
- (10) Inferences drawn from any of this information to create a profile about a Consumer reflecting the Consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes, where **“Infer”** or **“Inference”** means the derivation of information, data, assumptions, or conclusions from facts, evidence, or another source of information or data.

Personal Information does not include publicly available information or some other categories of information that may be excepted or exempted by the CCPA.

**“Probabilistic identifier”** means the identification of a Consumer or a Device to a degree of certainty of more probable than not based on any categories of Personal Information included in, or similar to, the categories enumerated in the definition of Personal Information.

**“Sell,” “Selling,” “Sale,” or “Sold”** means selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a Consumer’s Personal Information to another Business or a Third party for monetary or other valuable consideration. Selling does not include when a Consumer uses or directs Bloomreach to intentionally disclose Personal Information or uses Bloomreach to intentionally interact with a Third Party, provided the Third Party does not also Sell the Personal Information, unless that disclosure would be consistent with the provisions of the CCPA. An intentional interaction occurs when the Consumer intends to interact with the third party, via one or more deliberate interactions. Hovering over, muting, pausing, or closing a given piece of content does not constitute a Consumer’s intent to interact with a Third Party. Selling also does not include when an identifier for a Consumer is used to alert Third Parties that the Consumer has opted out of the sale of their Personal Information. Selling further does not include when Bloomreach shares Personal Information with a Service Provider to perform a Business Purpose.

**“Service Provider”** means a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that is organized or operated for the profit or financial benefit of its shareholders or other owners, that processes information on behalf of a business and to which the business discloses a Consumer’s Personal Information for a Business Purpose pursuant to a written contract, provided that the contract prohibits the entity receiving the information from retaining, using, or disclosing the Personal Information for any purpose other than for the specific purpose of performing the services specified in the contract for the business, or as otherwise permitted by the CCPA, including retaining, using, or disclosing the Personal Information for a Commercial Purpose other than providing the services specified in the contract with the business.

**“Unique Identifier” or “Unique Personal Identifier”** means a persistent identifier that can be used to recognize a Consumer, a Family, or a Device that is linked to a Consumer or Family, over time and across different services, including, but not limited to, a device identifier; an Internet Protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or Probabilistic Identifiers that can be used to identify a particular Consumer or Device.

## SCOPE

This Policy applies to the Collection, use, sale, and disclosure of Personal Information that relates to Consumers and to everyone handling Personal Information at Bloomreach including all directors, employees, interns, consultants, and contractors (hereinafter referred to as **“Personnel,” “you” or “your”**). This Policy does not apply to Personal Information of natural persons who are not residents of California.

There may be additional policies that supplement or amend this Policy for your particular group. Please consult your group’s intranet resources or contact your manager for more information.

## QUESTIONS

If you have any questions regarding this Policy, please contact BloomReach’s General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) or your manager.

## DATA HANDLING POLICY

## 1. PURPOSE LIMITATION

Personnel may only use Personal Information in accordance with the purposes for which the Personal Information was Collected or as otherwise permitted by law. Personnel may not Collect additional Personal Information from Consumers or use Personal Information in a manner that is incompatible with those purposes.

Personal Information that is Collected or used by us on behalf of a Business may only be used in compliance with applicable contract.

Any new Collection of Personal Information or use of Personal Information for a new Business Purpose or Commercial Purpose requires prior approval by Bloomreach. If you are not sure whether a Collection or use for a particular purpose of Personal Information is new, please contact BloomReach's General at [privacy@bloomreach.com](mailto:privacy@bloomreach.com).

## 2. DOCUMENTATION OF BUSINESS OR COMMERCIAL PURPOSES

In order to respond to any requests from Consumers about the Business Purpose or Commercial Purpose for which we Collect, disclose, or Sell their Personal Information, Personnel should document the specific Business Purpose or Commercial Purposes for which we Collect, disclose, or Sell Personal Information.

## 3. NOTICE

Bloomreach provides and updates its privacy notices in accordance with the CCPA, available here [www.bloomreach.com/about/privacy](http://www.bloomreach.com/about/privacy).

## 3. INFORMATION SECURITY AND CONFIDENTIALITY

Personnel will access, use, disclose, and safeguard all Personal Information in accordance with our information security procedures and practices.

Personnel must take all reasonable and appropriate actions in their conduct at Bloomreach to maintain the confidentiality of Personal Information, including by not disclosing any Personal Information without appropriate Executive or Legal approval. In addition, you should consult with Legal regarding any opt-out choices that you should provide to Consumers before disclosing their Personal Information to third parties.

Any accidental or unauthorized access to Personal Information must be reported promptly to the Bloomreach Information Security Team [atcanary@bloomreach.com](mailto:atcanary@bloomreach.com) and will be handled in accordance with our incident response plan and related procedures.

## 4. CONTRACTS WITH THIRD PARTIES

All contracts with Third Parties, such as vendors and Businesses who may access, receive, or otherwise use Personal Information, should include appropriate privacy and information security requirements.

## 5. THIRD-PARTY INQUIRIES, REQUESTS AND NOTIFICATIONS

**Requests from Consumers:** Personnel who receive an inquiry, claim, or request from a Consumer regarding their Personal Information must promptly communicate the inquiry to BloomReach's General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) with the subject line "Consumer Information Request [Last Name]". The CCPA may require Bloomreach to respond within a short time frame. Please see Appendix 1 to this Data Handling Policy for information on the rights that Consumers may have with regard to their Personal Information.

**Requests from Bloomreach Customers:** Personnel who receive an inquiry, claim, or request from a BloomReach Customer regarding Personal Information of a Consumer must promptly communicate the inquiry to BloomReach's General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) with the subject line "Customer

Information Request [Customer Name]. The CCPA may require the Bloomreach to respond within a short time frame. Please see Appendix 1 to this Data Handling Policy for information on the rights that Consumers may have with regard to their Personal Information.

**Notifications from Service Providers:** Personnel who receive a notification from a service provider regarding the Personal Information that the service provider accesses, receives, or uses on our behalf must promptly forward such notification to BloomReach’s General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) and the Information Security Team at [canary@bloomreach.com](mailto:canary@bloomreach.com) with the subject line “Vendor Data Notification / [Vendor]”. If the notification relates to an actual or suspected data breach, please include “BREACH” in the subject line.

**Inquiries from Regulators:** Personnel who receive an inquiry from a government agency or regulator, including the California Attorney General, regarding the Personal Information we Collect, use, or disclose must promptly forward such request to BloomReach’s General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) with the subject line “Government Inquiry / [Regulator]”.

## 6. TRAINING AND AWARENESS

All Personnel responsible for handling Consumer inquiries about our privacy practices or Consumer requests to exercise their California privacy rights will be informed of the CCPA’s requirements.

## 7. AUDIT

All Personnel will cooperate with any internal audit of our facilities or any other internal audit.

## 8. FAILURE TO COMPLY

Failure to comply with this Policy may result in disciplinary actions against you, up to and including termination of employment, in accordance with the applicable employment agreement, collective bargaining agreement, work rules, labor laws, or any other applicable rules or regulations, and/or civil or criminal penalties.

## 9. QUESTIONS

If you have any questions regarding this Data Handling Policy, please contact BloomReach’s General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) or your manager.

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## Appendix 1 – Consumers’ Rights

Under the CCPA, Consumers have a number of rights to their Personal Information. Below is a general description of these rights. Please note that each right is subject to exceptions and limitations, and any Consumer inquiry related to these rights should be communicated to BloomReach’s General Counsel at [privacy@bloomreach.com](mailto:privacy@bloomreach.com) to be handled in accordance with Bloomreach policy.

§ **Right to know:** Consumers may submit a request that we disclose:

- (1) The categories of Personal Information we have Collected about that Consumer in the preceding 12 months.
- (2) The specific pieces of Personal Information we have Collected about that Consumer in the preceding 12 months.
- (3) The categories of sources from which we Collected the Consumer’s Personal Information in the preceding 12 months.

- (4) Our Business Purpose or Commercial Purpose for Collecting, disclosing, or Selling the Consumer's Personal Information in the preceding 12 months.
- (5) The categories of Third Parties to which we disclosed or Sold the Consumer's Personal Information in the preceding 12 months.
- (6) The categories of Personal Information that we disclosed about that Consumer for a Business Purpose in the preceding 12 months, or the fact that we have not disclosed the Consumer's Personal Information.
- (7) The categories of Personal Information that we Sold about that Consumer, by category or categories of Personal Information for each Third Party to whom the information was Sold in the preceding 12 months, or the fact that we have not Sold the Consumer's Personal Information.

We should aim to provide a timely response to the Consumer via the same method by which the Consumer makes the request. A consumer should not be required to create an account with us to make this request.

§ **Right to access:** Consumers may submit a request to access their Personal Information that we retain and have Collected in the preceding 12 months about them. To the extent that any such information is provided as a result of such a request, we should normally when practicable provide a copy of the Personal Information requested by the Consumer, free of charge, and sent in a structured, commonly used, electronic, and machine-readable format. We may delay our response to certain requests, charge a reasonable fee, or refuse to respond to certain requests in some circumstances.

§ **Right to deletion:** Consumers may ask us to delete the Personal Information we hold about them. There are some circumstances when we are not required to delete the Personal Information, such as when we are required to keep the Personal Information by law or are engaged in an ongoing transaction. We also should direct any Service Providers to delete the Consumer's Personal Information from their records.

§ **Right to opt-out of the Sale of Personal Information:** Consumers may direct us to refrain from Selling their Personal Information, unless and until the Consumer provides express authorization for the Sale of the Consumer's Personal Information. Consumer may authorize another individual to exercise the Consumer's right to opt-out. We will comply with the request to refrain from Selling the Consumer's Personal Information going forward and this will not affect the legality of any Sale of the Consumer's Personal Information before the Consumer exercised their right to opt-out.

§ **Right to not be discriminated against:** Consumers may exercise the above rights, without facing discrimination for exercising their rights, except where directly related to the difference in value recognized through an approved financial incentive program, including by:

- (1) Denying goods or services to the Consumer, although it is not necessarily discrimination if certain services require the Consumer's Personal Information in order to function properly.
- (2) Charging different prices or rates of levels of services for goods or services, unless that different level or quality of service is reasonably related to the value provided by the Consumer's Personal Information or the Consumer is involved in a financial incentive program.