

## ONLINE SERVICES PRIVACY POLICY

Last modified: October 27, 2016

### Introduction.

CaféX Communications Inc. and its affiliates (the "Company," "We" or "Us") offers a hosted service that enables our business customers ("Customers") who subscribe to our communication technology and/or other engagement technology services ("Online Services") to better communicate and interact with, and deliver content to, visitors to their websites and other prospective customers ("Users") in real-time via co-browse, voice, video and other communication and delivery methods. This Privacy Policy describes how the Company collects, uses, and discloses "Personal Information" and other information that We acquire or that is provided to Us through our Online Services.

This Privacy Policy applies to you if you have subscribed for our Online Services, whether via a free trial or a paid subscription. This Privacy Policy also applies to you if you visit the website of one of our Customers if our Online Services have been implemented on that Customer's website. This Privacy Policy also applies to you if one of our Customers uses our Online Services to initiate a co-browse, voice or video session or other communication service with you, or otherwise engages with you while you are visiting, or after you visit, a social media website or other third party website. This Privacy Policy applies regardless of whether you are using a computer, a mobile device or other device.

This Privacy Policy does not apply to visitors to the Company's website at [www.cafex.com](http://www.cafex.com). For privacy terms applicable to those visitors, please click on <https://www.cafex.com/privacy.php>.

### Personal Information.

The Company considers "Personal Information" to include information that alone or when in combination with other information may be used to readily identify or contact you, such as: name, address, email address, or phone number. We do not consider Personal Information to include information that has been anonymized so that it does not allow a third party to easily identify a specific individual.

### Use and Acceptance.

By subscribing for our Online Services, whether via a free trial or a paid subscription, or by using the Online Services, you agree to this Privacy Policy. If you do not accept this Privacy Policy, you must not use the Online Services to communicate or engage with a Customer, or otherwise.

### What information do We Collect?

Communication Products and Services. If you engage in a communication with a Customer agent using our Online Services, you may voluntarily provide, or otherwise be asked by the Customer to provide, Personal Information such as your name, contact information and other information to facilitate service. You may also be asked by one of the Company's partners who provides chat communication products or services in connection with the Online Services (the "Chat Partner") to complete a pre- or post-interaction survey ("Survey") hosted by the Chat Partner in order to allow the Customer and/or the Chat Partner to obtain valuable feedback. The survey may ask for contact information (e.g., email address), demographic information (e.g., zip code, age or income level) and other information as determined by the Customer. By providing Personal Information and other information via the Online Services, you consent to the Customer and the Chat Partner collecting and processing such information for the purposes outlined in this Privacy Policy. This Privacy Policy does not cover the information practices of the Chat Partner, which will be

governed by its privacy policy which can be found at <http://tinyurl.com/gurncmp>. We encourage you to review the privacy policy of the Chat Partner.

Browser Information and Usage Information. We log web browser (defined in the definitions section below) information, such as Internet Protocol addresses and browser types, and other usage information, such as page view tallies, time spent on each page, geographic location information, page browsing information and operating system information, from Customers' websites. If you are using a mobile or other device to visit a Customer's website, we may collect hardware information related to the device used by you.

Your browser may be set to limit or prevent any of the browser information described above from being transmitted. If so, certain communication tools and other features and functions offered by the Customer on its website may not be available to you.

Information requested by the Customer. Depending on the Online Services subscribed to by the Customer, the Company may, on behalf of the Customer, provide feedback and run reports related to your browsing, purchasing and online behavior and activities. The Customer may provide data to the Company (including data related to visitors to the Customer's website) in order for the Company to combine such data with the Company's data for purposes of analyzing such combined data and providing feedback and running reports related to such combined data on behalf of the Customer. The Company maintains records of all such analyses, feedback and reports for as long as we believe is necessary or desirable to fulfill Our business purposes or to comply with applicable law, audit requirements, regulatory requests or orders from competent courts.

Cookies. The Online Services use cookies (defined in the definitions section below) and other technologies such as pixel tags (defined in the definitions section below) to collect and store information that is generated automatically as you use the Online Services or a Customer's website, including your preferences and anonymous usage statistics.

Browsers are usually set to accept cookies. However, if you prefer not to receive cookies, you typically have the option of setting your browser to refuse cookies. If your browser is set to refuse cookies, it is possible that some of the functionality offered by the Online Services will not be available or will not work as effectively for you.

### **How does the Company Use and Disclose Information it Collects?**

Surveys and Recordings. The Company's Chat Partner may access and use Surveys for purposes of performing or delivering a service to a Customer, providing maintenance or support services for a Customer or a User, for training and quality assurance purposes and/or for purposes of improving the Online Services. Third-party service providers retained by the Company to perform agent or operator services or other services on behalf of a Customer and/or on behalf of the Chat Partner may also have access to Surveys for purposes of performing or delivering the Online Services to Customers, providing maintenance or support services for Customers or Users and/or for training and quality assurance purposes.

Customers have access to the Surveys that they conducted with their Users. Such Customers may download, copy and use such Surveys. The Company has no control over the privacy practices of any Customer or the Chat Partner. Users are encouraged to review the privacy practices of the Chat Partner and any Customers that they interact with.

Browser Information and Cookies. The Company uses browser information, cookies and pixel tags to determine whether a co-browse, voice or video button or other communication service should be deployed on the User's browser (in order to allow the Customer to offer assistance or offers to the User or otherwise engage with the User). The Company may also use browser information, cookies and pixel tags on its own behalf and/or on behalf of a Customer to recognize whether a User is a return visitor, to help the Company improve our product and service offerings, for quality assurance and training purposes, for purposes of performing data analysis and running reports,

to help diagnose problems with its servers, to gather broad demographic information, to administer and optimize its services, to deliver marketing or other materials to the Users on behalf of Customers, and for other lawful purposes.

Aggregate Information. The Company may aggregate information so that it is not Personal Information, and we may use and share such aggregated information for training and quality assurance purposes, for purposes of delivering services to the Customers, for purposes of improving our services and for other lawful purposes.

Third Parties. The Company does not sell, trade or rent Personal Information provided by Users for direct marketing or any other purpose, except as provided in this Privacy Policy or with the User's permission. The Company will not receive the content of Surveys from the Chat Partner.

The Customers may contract with third parties to provide services that connect to or leverage the Online Services. As noted below, the Company is not responsible for the privacy practices of any Customer or any third party.

The Company uses third party data facilities, web and data analytics providers, and other third party service providers to perform services related to the Online Services that are routinely handled by such providers. Such providers may store and, if applicable, process Personal Information and other information in keeping with the service that they provide.

Legal Requirement to Disclose. The Company may disclose a User's or a Customer's information, including Personal Information, if the Company reasonably believes that disclosure: (i) is necessary in order to comply with a legal process (such as a court order, subpoena, search warrant, etc.) or other legal requirement of any governmental authority, (ii) would potentially mitigate the Company's liability in an actual or potential lawsuit, (iii) is necessary to enforce this Privacy Policy, our Terms of Service or our agreement with a Customer, (iv) is necessary to investigate and prevent unauthorized transactions or other illegal activities, or (v) is otherwise necessary or appropriate to protect our rights or property, or the rights or property of any person or entity.

### **Special Notice to Users and Customers Located in Countries other than the United States.**

If you are visiting from the European Union or other regions with laws governing data collection and use that may differ from U.S. law, including those whose privacy laws may be more restrictive than U.S. law, please note that you are transferring your personal data to the United States to the Company. By providing your personal data you consent to that transfer.

### **How Does the Company Protect Your Information?**

Security. Data transmissions over the Internet cannot be guaranteed to be fully and absolutely secure. Our website and the Online Services have security measures in place designed to protect against the loss, misuse and alteration of the information under our control. The Company and/or the Chat Partner may offer encryption functionality and data masking (defined in the definitions section below) to Customers. Users should review the privacy practices of the Customer and the Chat Partner to understand the security measures used by them.

### **Additional Terms that may Apply to your Information**

The Customers' Websites and other Third-Party Websites. The Online Services are used by Customers on such Customers' websites. The Company is not responsible for and does not control the privacy practices of any Customer. This Privacy Policy does not cover the privacy practices of Customers, which will be governed by their respective privacy statements and policies. We encourage you to review the privacy practices of each Customer with which you interact.

In addition, the Online Services operate in connection with, and may link to, websites, products and online services from third parties (including Microsoft Corporation) with different privacy practices. This Privacy Policy does not cover the privacy practices of such third-party websites, which will be governed by their respective privacy statements and policies. We encourage you to review the privacy practices of such third parties.

Further, the Company partners with the Chat Partner who provides chat communication products or services in connection with the Company Services. In connection therewith, such third party will collect and use Users' Personal Information and will maintain transcripts of chats, emails and other written communications conducted between Users and the Customer's agents using the Chat Partner's chat communication products or services. This Privacy Policy does not cover the information practices of the Chat Partner, which will be governed by its privacy policy which can be found via the link set forth in the Communication Products and Services section above. We encourage you to review the privacy policy of the Chat Partner.

Business Transfers. We may disclose information that we collect or that is provided by Customers and Users as described in this Privacy Policy (i) to our subsidiaries and affiliates, (ii) to contractors, service providers and other third parties we use to support our business, (iii) to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of the Company's assets, whether as a going concern or as part of bankruptcy, liquidation or similar proceeding, in which personal information held by the Company is among the assets transferred, (iv) to fulfill the purpose for which it was provided, and (v) for any other purpose disclosed by us when the information is provided.

Choice Regarding Personal Information. If a User elects to engage in any communication session or other engagement session using the Online Services, it is up to the User to decide what, if any, information to provide during such session. Depending on the User's request or the means of communication or engagement it may not be possible for the Company or a Customer to communicate with the User or engage with the User or address all of the User's questions without providing some information. Nevertheless, if the User does not wish to furnish certain information, then the User should not do so.

New Uses of Information. From time to time, The Company may use information for new, unanticipated uses not previously disclosed in this Privacy Policy. If the Company's information practices change regarding information previously collected, the Company will make reasonable efforts to provide notice and obtain consent to any such uses as may be required by law.

### **Children under the Age of 13.**

Our Online Services are not directed at children under 13 years of age. We do not knowingly collect or solicit information from anyone under the age of 13 or knowingly allow them to register for our products or services. No one under age 13 may provide any personal information to or on our Online Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children never to provide information on Our Online Services or otherwise without their permission.

If it comes to our attention that we have collected Personal Information from a child under age 13 without verification of parental consent, we will delete that information as quickly as possible. If you believe that we might have any information from or about a child under the age of 13, please contact us.

### **California Privacy Rights.**

Under California's "Shine the Light" law, California residents who provide "personal information" (as defined in the law) in obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the personal information we shared, if any, with other businesses for their direct marketing uses. If applicable, this information would include the categories of personal information and the

names and addresses of those businesses with which we shared such personal information for the immediately prior calendar year (e.g. requests made in 2015 will receive information about 2014). To obtain this information please write to us at the address listed below in the Contact Us section. Please include your full name and address.

### Contact Us

The Company welcomes Users' feedback on this Privacy Policy. To ask questions or comment about this Privacy Policy and our privacy practices, contact us at: [info@cafex.com](mailto:info@cafex.com), or write us at CaféX Communications Inc., 521 Fifth Avenue, Suite 822, New York, New York 10175, Attn: Chief Strategy Officer.

### Changes to this Privacy Policy

We recommend that you review this policy periodically, as the Company may update it from time to time. The date this Privacy Policy was last revised is identified at the top of the page. You are responsible for ensuring the Company has an up-to-date active and deliverable e-mail address for you, and for periodically visiting this Privacy Policy to check for any changes. Your use of any Online Services offered on the website of any Customer following a change to this Privacy Policy represents your consent to the new Privacy Policy to the fullest extent permitted by law.

### Definitions

Cookies are pieces of information that some websites transfer to a visitor's web browser accessing the website and are used for record-keeping purposes by many websites. Use of cookies makes web-surfing easier by performing certain functions such as saving passwords, lists of potential purchases and personal preferences regarding the use of the particular website, and ensuring that the user does not see the same ad repeatedly.

Data masking is the process of obscuring (masking) specific data elements within a communication or storage device. Once data is masked the masking cannot be reversed.

Encryption is the process of transforming information into unreadable text so that it is only legible to those possessing an encryption key. The process of making encrypted information readable again is referred to as decryption.

Pixel tags are small graphic images that are embedded in a web page or email for purposes of tracking activity on web pages or whether a user has opened or accessed an email. A pixel tag may be set to identify on what browser and computer it was viewed, whether that browser has cookies received from a server associated with the pixel tag, and whether the web page or email with the pixel tag was forwarded or copied.

Web browser is a software program that allows a User to access, retrieve and view information on the World Wide Web. Examples of browsers include Internet Explorer, FireFox, Google Chrome and Safari.