

Nectar HR Privacy Notice

Last Updated: June 4, 2021

PerkCity, Inc., a Delaware corporation d/b/a Nectar HR, and its affiliates or related entities (“**Nectar HR**”, “**we**”, “**us**”, or “**our**”) are committed to protecting the privacy of personal information and data we process as a data processor on behalf of our clients, and as a data controller in the normal course of our business services. This Privacy Notice (“**Privacy Notice**”) applies to your interaction with Nectar HR and explains what personal information we process, how we process it, and for what purposes.

PLEASE READ THIS PRIVACY NOTICE CAREFULLY BEFORE USING OUR SERVICES OR WEBSITES (DEFINED BELOW). BY USING OR ACCESSING OUR SERVICES OR WEBSITES, YOU AGREE AND CONSENT TO THIS PRIVACY NOTICE, INCLUDING OUR USE AND DISCLOSURE OF INFORMATION ABOUT YOU IN THE MANNER DESCRIBED BELOW. For residents of the European Economic Area (EEA), this Privacy Notice is provided pursuant to Article 13 of EU General Data Protection Regulation No. 2016/679 (“**GDPR**”) and in general in observance of the principle of transparency set forth in GDPR.

About Nectar HR’s Business

Nectar HR provides peer-to-peer employee recognition and other award-based services—such as gift cards, branded items, and custom awards—to our clients (the “**Services**”). In this context, if you are using or requesting our Services, your employer, organization, or your employer’s authorized administrator is generally our client, and we process your personal information on their behalf. As such, we only process personal information as instructed in writing by your employer and in accordance with this Privacy Notice. Please note that if there is a conflict between your employer’s instructions and this Privacy Notice, your employer’s instructions will generally prevail. In scenarios where you visit our Websites or conduct business transactions directly with Nectar HR, we are the controller of personal information we collect in such contexts, and we will use or process it in accordance with this Privacy Notice.

1. Information we collect and how we collect the information

The information we collect depends on the products and features of the Services that you use and how you interact with us. We collect information about you when you or your employer use the Services, visit our websites (<http://www.perknow.com> and <http://www.nectarhr.com>) or our mobile and online *PerkNow* application (collectively, the “**Websites**”), or conduct business transactions with Nectar HR.

1.1. Information collected when using the Services. We may collect the following “**Personal Information**” about you when you use our Services:

- *Identifiers*: Your name, login credentials, birth date, Internet Protocol (IP) address, company information, and contact information (including phone number, email address, work address, or home address).
- *Professional or Employment Related Information*. Information about your relationship with your employer and peers and information related to your employment status and details (including employee ID numbers, employee photos, email address, position, hiring date, and other work-related details).

- *Commercial Information:* Financial information, purchase history, submissions, and payment card information, including credit or debit card information, that you provide through the Services.
- *Characteristics and Descriptions.* Content such as messages, comments, photos, videos, social media type posts, and other information submitted through the Services (also referred to as “**User Content**”, which is more specifically detailed in our Terms of Service)
- *Internet or other Network Activity.* Information about the device you use to access the Services, including operating system, web browser type, traffic logs, mobile network information, any referring web page you were visiting before you connected to the Services, and other information about your use of the Services, including traffic data and logs, navigation patterns, searches, page views, date and time you use the Services, and duration of use.
- *Device Data.* Information about the language or country configuration of the device you use to access the Services.

We may also collect Personal Information from your employer (as our client), entities affiliated with or related to your employer, directly from you, from your employer’s authorized administrator, or automatically from you when you use the Services. We do this to improve the quality of the Services, and to prevent or detect fraud.

1.2 Information collected when using the Websites. We may collect the following Personal Information about you when you use the Websites: identifiers, internet or other network activity, and device data (as more fully detailed above). In general, we collect this information directly from you, or automatically from you, when you use the Websites.

1.3 Information collected when you conduct business transactions with Nectar HR. We may collect the following Personal Information about you when you conduct business transactions with Nectar HR: identifiers, commercial information, professional or employment related information, and payment card Information (if you voluntarily provide it to us). In general, we collect this information directly from you.

YOU ARE NOT REQUIRED TO PROVIDE PERSONAL INFORMATION TO NECTAR HR. However, if you do not provide us with Personal Information, you may not be able to use certain features of the Services, Websites, or engage in business transactions with us. We may also collect non-identifying or aggregated information in the form of marketing surveys, survey responses, demographic information, and information about your use of the Services and Websites. Your participation in any surveys we conduct is voluntary.

WE GENERALLY DO NOT COLLECT INFORMATION THAT IS CONSIDERED SENSITIVE UNDER DATA PROTECTION LAWS, such as a social security number (or other government issued identification number) or health information. If we receive such information from you or your employer, we may delete it. We ask that you not disclose sensitive information to us or otherwise transmit sensitive information through the Services. Please notify Nectar HR, at the contact information disclosed below, if you believe any of your sensitive information has been transmitted or disclosed to us.

2. Purposes for which Nectar HR may use your information

We collect, use, or process your Personal Information and non-personal Information to administer our Services to you, pursue our legitimate interests, and perform contractual obligations, including to:

- *Operate, maintain, and provide features of the Websites and Services*, including our award recognition and peer-to-peer services.
- *Perform our contractual obligations*. You or your employer may enter into certain contractual arrangements with us related to the Services. As such, we may use your Personal Information to carry out our obligations and enforce our rights arising from any such arrangements.
- *Contact users and clients*. We may use your information to respond to your questions and comments or to provide client support.
- *Conduct surveys for our own marketing purposes*. We conduct surveys to improve and understand how our clients engage with the Services.
- *Seek voluntary feedback from you or your employer*.
- *Comply with legal obligations and prevent illegal activity, fraud, or abuse*.
- *Use the information as otherwise described to you in our agreements, online submission forms, Terms of Service, or other contractual arrangements*.

3. How and with whom we share your Information

WE DO NOT RENT OR SELL YOUR PERSONAL INFORMATION. We may use aggregate information that does not identify you, such as survey responses and other statistical information for any purpose. We may share your Personal Information with others, such as our subsidiaries or affiliates, contractors, service providers, and other third parties we use to support our Services and who are bound by contractual obligations to keep your Personal Information secure and to use it only for the purposes for which we disclose it to them.

We may also share Personal Information if we believe in good faith that doing so is required by subpoena, court order, law, or is otherwise required to exercise or defend legal rights, take precautions against liability, protect the rights, property, or safety of any individual, protect the integrity of the Services and Websites, protect Nectar HR or others from fraudulent or unlawful activity, or defend Nectar HR against third party claims. In these scenarios, we will notify you or your employer (as applicable), unless prohibited from doing so under applicable law, subpoena, or order.

In the event of a merger, reorganization, or other sale of some or all of Nectar HR's assets, Personal Information may be considered one of the assets transferred to the new owner. In that context, we may share Personal Information with the new owner, potential owners, and the advisers related to the transaction or change of control of Nectar HR.

4. Storage of Personal Information and cross-border data transfers

By using the Services, you understand and consent to the collection, storage, processing, and transfer of your Personal Information to our facilities and private cloud storage solutions in the United States and to those third parties with whom we share it as described in this Privacy Notice. For clarification, we and our affiliates are located and established in the United States and, therefore, your Personal Information may be transferred to, stored, or processed in the United States at our facilities or on our private cloud storage solutions. The transfer or disclosure of your

Personal Information to such countries, including the United States, is necessary for the implementation of pre-contractual measures taken at your request and for fulfillment of the Services to you (or your employer, as our client).

Although the data protection, privacy, and other laws of such countries, including the United States, may not be as comprehensive as those in your country, we take necessary and appropriate steps to protect the security and privacy of your Personal Information in accordance with applicable law (including implementation of Standard Contractual Clauses approved by the European Commission, as updated from time to time).

5. Your Rights and choices concerning your Personal Information

5.1 Pursuant to applicable data protection laws (including GDPR), you may contact us to exercise certain rights concerning your Personal Information, including the right to:

- *Erase or delete your Personal Information.*
- *Access your Personal Information.*
- *Restrict the processing of your Personal Information.*
- *Correct, update, or rectify your Personal Information.*
- *Receive a copy of your Personal Information (data portability).*
- *Object to the processing of your Personal Information.*
- *Withdraw consent to the processing of your Personal Information, if we relied on your consent to collect and process your Personal Information.*

Please note that in most cases, we are required to forward your request to your employer (as the controller of your Personal Information), who will handle the request and provide instructions to us as to how to proceed. Further, if we process your Personal Information based on a legitimate interest, you have the right to object to this processing. If you wish to exercise your right of objection, you need only notify us in writing using the contact information that appears below

5.2 Depending on where you are located in the United States (if applicable), you may also have the right to: (i) request that we disclose the categories and specific pieces of Personal Information we have collected and disclosed about you; (ii) know whether we have sold your Personal Information (however, we reinforce that we do not sell Personal Information); and (iii) request information about Nectar HR's disclosure of Personal Information to third parties and our service providers, including for their direct marketing purposes. You also have the right to lodge a complaint with a supervisory authority. Depending on where you are located, some of these rights may not apply or may be subject to limitations. For example, we may limit the number of requests you make or charge reasonable fees as legally permitted. You will not face discrimination for exercising your rights with respect to your Personal Information.

You or your authorized administrator or agent may contact us (as described below) to exercise these rights set out in sections 5.1 and 5.2 above. Your request must provide sufficient information that allows us to reasonably verify you are the person about whom the request is made and describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

If you wish to opt out of certain features of the Services or opt-out of receiving email communications from us about new products, features, or other services, please contact us below and we will provide opt-out instructions or refer you to your employer, as applicable.

6. Data retention period

We retain Personal Information for a reasonable period to fulfill the purposes for which we collected it (as outlined in this Privacy Notice). If we no longer need Personal Information for such purposes, we delete it from our records, unless applicable law or legal considerations necessitate a longer retention period.

7. Security measures

We use technical and organizational measures, such as encryption technologies, to protect Personal Information against loss, misuse, and unauthorized access, use, or alteration. We review our security measures regularly and consider new measures as appropriate. However, we cannot guarantee the complete security of these measures, so please exercise caution when submitting Personal Information online.

8. Cookies and tracking technology

Cookies are small text files which are placed on your computer or device when you visit a website or mobile application. Pixels, clear gif's, and other tracking technologies operate similarly. The term "**cookies**" in this Privacy Notice refers to all files that collect information in this manner.

Cookies retain information about activity on a website and provide that information to the website owner. We use essential cookies to manage performance and optimize our technology to ensure the Websites and Services operate as designed. When you visit the Websites or use the Services, we may place session and persistent cookies in order to facilitate your use of the Websites or Services by recognizing you when you return or delivering content according to your language and profile. Information we collect via cookies may be linked to your Personal Information we have previously collected. You can disable cookies on your device at any time by adjusting your browser or mobile application preferences or settings. If you do so, you may be unable to access certain parts of the Websites or Services. You can also delete cookies at any time through your browser or mobile application settings.

Certain web browsers may allow you to enable a "*do not track*" option that sends signals to the websites you visit indicating that you do not want your online activities tracked. This is different than blocking cookies as browsers with the "*do not track*" option selected may still accept cookies. We currently do not honor "*do not track*" signals. If we do so in the future, we will update this Privacy Notice accordingly.

9. Children's privacy

The Services and our Websites are not directed to or intended for individuals under 18 years of age, and we do not knowingly collect information from natural persons who are not of legal age to disclose such information. If you are under the age of 18, please do not submit your e-mail address or any other Personal Information to us.

10. Updates to our Privacy Notice

We may update or change this Privacy Notice from time to time based on changes in law or internal review of our policies and procedures. When we perform an update, we will amend the “*last updated*” date above and notify you if such changes affect your rights or our obligations under this Privacy Notice.

11. How you can contact us

If you have questions, comments, or complaints about this Privacy Notice or our practices under applicable data protection and privacy laws, you may contact our data protection officer at the contact information below. We will respond as soon as possible, but no later than the period required by applicable law.

PerkCity, Inc. d/b/a Nectar HR
Attention: Data Protection Officer
815 W 1250 S #216
Orem, UT 84058

Email: privacy@nectarhr.com

Alternate Email: support@nectarhr.com

Phone: 385.213.0195

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