

# Nectar HR Privacy Notice

*Last Updated: March 20, 2024*

## Introduction

PerkCity, Inc., a Delaware corporation d/b/a Nectar HR (“Nectar HR”, “we”, “us”, or “our”) is 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 interactions.

This Privacy Policy & Notice of Collection (“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, which also serves as a notice of collection for all information we collect, before using our Services or Online Platforms.

By using or accessing our Services or Online Platforms, you agree and consent to this Privacy Notice, including our use and disclosure of information about you in the manner described below.

## About Nectar HR's Business

Nectar HR provides peer-to-peer employee recognition and other award-based services—such as internal redemption prizes, gift cards, branded items, and custom awards—to our institutional clients through our Online Platforms, doing so as a SaaS provider (our “Services”).

In this context, if you are using or requesting access to 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 Online Platforms (including our websites) to investigate our Services or conduct business transactions directly with Nectar HR as a subscriber, we may be 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 may collect information about you when you or your employer access our Services or when you visit our websites (including <https://www.perknow.com> and <https://www.nectarhr.com>) or our mobile applications (collectively, our “Online Platforms”).

### 1.1 Information collected when accessing the Services.

We may collect the following personal and non-personal information about you when you access and use our Services:

**Common Identifiers:** Your name, login credentials, birth day and birth month, and contact information (including work email address).

Professional or Employment Related Information. Information about your relationship with your employer and peers and information related to your employment and performance status (including employee ID numbers, employee photos, email address, position, hiring date, and other work-related details).

Your Contributions. Content such as messages, comments, redemption callouts and rewards, photos, videos, social media type posts, and other information submitted by you through the Services (also referred to as “Contributions”, which are more specifically detailed in our online Terms & Conditions as well).

Internet or other Network Activity. Information about the device you use to access the Services or investigate our Online Platforms, including operating system, web browser type, traffic logs, mobile network information, any referring web page you were visiting before you connected to the Services or our Online Platforms, and other information about your use of the Online Platforms, including navigation patterns, searches, page views, date and time you use the Services or access our Online Platforms, and duration of use.

Device Data. Information about the language or country configuration of the device you use to access the Services.

In general, we collect the personal and non-personal information described above from your employer (as our client and the controller of such information), entities affiliated with or related to your employer, directly from you when you choose to share the information, from your employer’s authorized administrator, or automatically from you when you use the Services or access the Online Platforms (using Tracking Technologies or our service providers). We do this to improve the quality of the Services, deliver our Services and Online Platforms, and to prevent or detect fraud.

## 1.2 Information collected when visiting the Online Platforms

We may collect the following personal information and non-personal information about you when you use or visit our Online Platforms outside of a formal Services relationship with us: common identifiers you voluntarily submit, 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 using Tracking Technologies and our service providers, when you use the Online Platforms.

You and your employer are not required to provide Information to Nectar HR. However, if you do not provide us with certain categories of personal information, you may not be able to use the full features of the Services or our Online Platforms. 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 Online Platforms. Your participation in any surveys or client feedback we request is voluntary.

We generally do not collect information that is considered sensitive under data protection laws, such as a government issued identification number, racial or ethnic origin information, biometric data, precise geolocation data, or medical 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, maintain our Online Platforms, contact potential client organizations and sales leads, pursue our legitimate interests, and perform our contractual

obligations. In furtherance of those purposes, we may use the information that we collect about you to:

Operate, maintain, and provide features of the Online Platforms and Services.

Perform research and analysis about our Services.

Perform our contractual obligations, including our processor and service provider obligations under our services agreements with our client base (including your employer).

Contact users and clients, including potential clients or sales leads.

Conduct surveys or client feedback exercises for our own marketing purposes.

Seek voluntary feedback from you or your employer organization.

Comply with legal obligations and prevent illegal activity, fraud, abuse, or misappropriation of our intellectual property rights.

Use the information as otherwise described to you in our online Terms & Conditions or other contractual arrangements with your employer organization as the controller of the information.

### 3. How and with whom we share your Information

If you have accessed our Services based on the invite or access rights acquired by your employer (with you doing so as an authorized user of such employer), we may share any information gathered through the Services with your employer, who is the ultimate controller of any such information.

We generally 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 permitted by applicable law.

We may share your personal information with others, such as our representatives, 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 law or is otherwise required to exercise or defend legal rights, take precautions against liability, protect the rights of any individual, protect the integrity and proprietary rights of the Online Platforms, protect our Services or others from fraudulent or unlawful activity, or defend against third party claims.

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 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 contractual measures taken at your (or your employer's) 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 strive to 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, and execution of data processing agreements with our clients as controllers).

## 5. Your rights and choices concerning your personal information

### 5.1 International Consumer Rights.

Pursuant to applicable data protection laws in non-U.S. jurisdictions (such as the European Union), you may contact us to request the exercise of the following rights with respect to your personal information:

- (i) erase or delete your personal information;
- (ii) access your personal information;
- (iii) restrict the processing of your personal information;
- (iv) correct or update your personal information;
- (v) receive a copy of your personal information (data portability);
- (vi) object to the processing of your personal information; and
- (vii) withdraw consent to the processing of your personal information, if we relied on your consent to collect and process any such information.

### 5.2 US Consumer Privacy Rights.

In addition, pursuant to applicable U.S. data protection and consumer privacy laws, you may contact us to request the exercise of certain rights concerning your personal information, including the right to:

- (i) request that we disclose the categories and specific pieces of personal information we have collected and disclosed about you;
- (ii) confirm and know whether we have processed or sold your personal information;
- (iii) request information about Nectar HR's disclosure of personal information to service providers (including for their subprocessing purposes);
- (iv) opt-out of Nectar HR sharing your personal information with third parties and our service providers;
- (v) request that we provide a copy of your personal information to you;
- (vi) request that we update your personal information or correct any inaccuracies you have detected through your use of the Online Platforms or our Services;

(vii) opt-out of any direct or indirect profiling or targeted advertising we may engage in based on your use of the Online Platforms and our Tracking Technologies (including those used by our service providers); or

(viii) request that we otherwise delete your personal information. You also have the right to lodge a complaint with a supervisory authority if you believe we have breached the terms of this Privacy Notice with respect to your personal information.

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 representative may contact us (as described below) to request the exercise of these rights set out 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.

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.

If you wish to opt out of certain features of the Services or opt-out of receiving communications from us about our Online Platforms, 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 or de-identify the personal information in a manner that can no longer trace back to you, unless applicable law or legal considerations necessitate a longer retention period.

#### 7. Security measures

We strive to use technical and organizational measures to protect personal information against loss, misuse, and unauthorized access. 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. Tracking Technologies

In addition to our direct collection efforts described in this Privacy Notice, Nectar HR and our service providers may use, in our reasonable discretion, various tracking technologies, collection systems, and cookies or automatic analytics (collectively, "Tracking Technologies") to collect personal information and non-personal information from your device based on your activity on our Online Platforms, doing so according to this Privacy Notice.

As you may already know, Tracking Technologies retain information about your activity on our Online Platforms and other online locations to disclose that information to us (including our service providers) or the owner of the applicable webpage. When you access our Online

Platforms, Nectar HR and our service providers may use Tracking Technologies to follow your usage of our Online Platforms and the information you review.

The information we obtain in this manner enables Nectar HR to customize the Online Platforms and to contact potential client leads. We may also allow third parties, advertising companies, and ad networks to display advertisements on our Online Platforms from time to time, some of which may include links to those third parties' respective sites. These companies may also use Tracking Technologies to collect information about users viewing or interacting with their advertisements.

These third-party sites have separate and independent privacy policies, notices of collection, and terms of use. We do not assume responsibility or liability for the content and activities of these linked sites, and we encourage you to directly review the policies and privacy practices on those sites.

You may choose to opt out of certain Tracking Technologies by modifying your browser and device settings.

If you do so, however, some of the information or content on our Online Platforms may be inaccessible.

**WE RECOMMEND YOU REVIEW YOUR DEVICE SETTINGS TO CONFIRM IF TRACKING TECHNOLOGIES, INCLUDING GEOLOCATION TRACKING, HAVE BEEN PROPERLY DISABLED OR CONFIGURED TO YOUR PREFERENCE.**

#### 9. Children's privacy

The Services and our Online Platforms 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 consumer 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.