



## Privacy Policy

Last Updated - August 23, 2018

Xeno Software Inc., a Delaware corporation and its subsidiaries (“Xeno”, “we” or “us”) provides its customers (“Customers”) with the ability to analyze how their end users (“Customer End Users”) interact with Customer physical stores(s) or website(s) or mobile application(s) and contact Customer End Users via the Xeno Service (the “Xeno Service”). Use of the Xeno Service, Xeno.in and any other Uniform Resource Locator (“URL”) provided by Xeno (the “Xeno Websites”) is subject to the terms and conditions set forth in this Privacy Policy (the “Privacy Policy”). PLEASE READ THIS PRIVACY POLICY CAREFULLY. BY ACCESSING OR USING THE Xeno SERVICE AND/OR THE Xeno WEBSITES, YOU ACKNOWLEDGE THAT YOU HAVE READ, UNDERSTAND, AND AGREE TO BE BOUND TO ALL THE TERMS OF THIS PRIVACY POLICY AND OUR TERMS OF SERVICE. IF YOU DO NOT AGREE TO SUCH TERMS, EXIT THIS PAGE AND DO NOT ACCESS OR USE THE Xeno SERVICE AND/OR THE Xeno WEBSITES. We are committed to respect and protect the privacy of both Customers and Customer End Users and the information we may obtain through the Xeno Service and/or the Xeno Websites, and we have created this Privacy Policy to inform all users about how we collect, use and share Customer personal information and that of Customer End Users, and about our privacy practices in general. We are always ready to address questions and concerns regarding this privacy policy and our privacy practices. If you would like to contact customer service, please contact us via [support@xeno.in](mailto:support@xeno.in). We continually strive to find new ways to enhance the experience of the Xeno Service and/or the Xeno Websites and We may modify this Privacy Policy from time to time to reflect changes in our privacy practices. All users, including Customers and Customer End Users, are encouraged to review this Privacy Policy periodically and to check the “Last Updated” date at the top of the Privacy Policy for the most recent version. If we make changes to this Privacy Policy, we will notify you here, by email, the Xeno Service or Xeno Websites.

1. Terms of Service. Use of the Xeno Service and the Xeno Websites is subject to the terms of our Terms of Service found at <https://www.xeno.in/merchant-terms>, which is hereby incorporated and made part of this Privacy Policy. By using the Xeno Service and/or the Xeno Websites, you agree to be bound by our Terms of Service.

2. Types and Uses of Collected Information. Xeno collects two types of information:

a. Personal Data. Personal Data is information that identifies a specific person. When you

engage in certain activities via the Xeno Service and/or the Xeno Websites, including but not limited to creating an account, sending feedback, or otherwise participating in the Xeno Service (collectively, "Identification Activities"), we may ask you to provide certain information. If you elect to engage in an Identification Activity, however, we may ask you to provide us with certain personal information, such as name, address (including zip code), email address and/or telephone number. Depending on the Identification Activity, some of the information we ask you to provide may be identified as mandatory and some identified as voluntary. If you do not provide mandatory information for a particular Identification Activity, you will not be permitted to engage in that Identification Activity with the Xeno Service. Depending on the Identification Activity, Xeno may not re-ask you for Personal Data if such are already stored with us.

As you navigate the Xeno Service, we may also collect information through the use of commonly-used information-gathering tools, such as cookies and Web beacons ("Web Site Navigational Information"). Web Site Navigational Information includes standard information from your Web browser (such as browser type and browser language), your Internet Protocol ("IP") address, and the actions you take on the Xeno Service (such as the Web pages viewed and the links clicked).

Through our ["import Customer End Users"] feature option, we may also collect information such as the name, phone number, email address, and/or IP address of Customer End Users that you choose to share with us. When you provide us with personal information about your Customer End Users, we will only use this information for the specific reason for which it is provided, such as to add new records to your Xeno account, or as agreed in the applicable agreement with Customer.

We may use Personal Data to provide products and/or services to you, collect payment for our products and/or services, administer sweepstakes and contests, enhance the operation of the Xeno Service and/or the Xeno Websites, improve our marketing and promotional efforts, analyze use of the Xeno Service and/or the Xeno Websites, improve the Xeno Service and/or the Xeno Websites, and tailor your experience with third parties as provided below in this Privacy Policy. We may also use Personal Data to troubleshoot, resolve disputes, accomplish administrative tasks, contact you, enforce our agreements with you, including our Terms of Service and this Privacy Policy, comply with applicable law, and cooperate with law enforcement activities. The Xeno Websites may include social media features such as the Facebook "like" button or other associated social media buttons and widgets and such social media features which are hosted by a third party or directly on the Xeno Websites may collect your IP address and other information. Such interactions are governed by the applicable privacy policy of such social media feature.

b. Non-Personal Data. Non-Personal Data is information that does not identify a specific person. This type of information may include things like the URL of the website you visited before coming to the Xeno Websites or otherwise participating in the Xeno Service, the URL of the website you visit after leaving the Xeno Websites, the type of browser you are using, or general

and/or aggregated location data that does constitute Personal Data. We, and/or our authorized Third Party Service Providers, may automatically collect this information when you visit or use the Xeno Websites through the use of electronic tools like Cookies and Web beacons or Pixel tags, as described below in this Privacy Policy.

We use Non-Personal Data to provide products and/or services to you, enhance the operation of the Xeno Services and/or the Xeno Websites, troubleshoot, administer the Xeno Service, analyze trends, gather demographic information, comply with applicable law, and cooperate with law enforcement activities. We may also share this information with our authorized Third Party Service Providers to measure the overall effectiveness of our products and services.

3. Sharing of Personal Data. We will not sell or share Personal Data with other parties except as provided below:

a. Authorized Third Party Service Providers. [PB1][RR2] Xeno may provide products and services through third parties. These “Third Party Service Providers” perform functions on our or your behalf. You or we may share Personal Data with such Third Party Service Providers to fulfill orders, analyze data, operate the Xeno Service and/or the Xeno Websites, collect payment for the Xeno Service, troubleshoot and provide customer service. We may also provide personal information to individuals and companies with whom we have business relationships and may share your information with Third Party Service Providers to accomplish our administrative tasks. However, the use of Personal Data by such parties is governed by the privacy policies of such parties and is not subject to our control.

b. Remarketing. Remarketing is a way for us to connect with people, based upon your past interactions with the Xeno Websites. Third-party marketing vendors may be hired by Xeno to perform remarketing services. As a result, third-party vendors, including Google, may show Xeno ads on sites on the Internet. Third-party vendors may use cookies to serve ads based on a user’s prior visits to the Xeno Websites. Users may opt out of Google’s use of cookies by visiting the Google advertising opt-out page at [http://www.google.com/privacy\\_ads.html](http://www.google.com/privacy_ads.html). Xeno will not place remarketing advertisements in the Xeno Service.

c. Acquisition. As with any other company, we could merge with, or be acquired by another company. If this occurs, the successor company would acquire the information we maintain, including Personal Data. However, Personal Data would remain subject to this Privacy Policy.

d. As Required by Law. We reserve the right to disclose Personal Data as required by law and when we believe that disclosure is necessary to protect our rights and/or comply with a judicial proceeding, court order, or legal process served on us, enforce or apply this Privacy Policy, Terms of Service or other agreements or protect the rights, property or safety of the Xeno Service and the Xeno Websites, users of the Xeno Service and the Xeno Websites or others.

e. Emergency. Other extraordinary circumstances not listed here may require disclosure: we

may also disclose information when we believe it's necessary to prevent imminent and serious bodily harm to a person; to address fraud, security, or spam; or to protect our rights or property.

f. Customer End Users. As part of the provision of the Xeno Service to Customers, Xeno collects certain information and data about Customer End Users as determined by the applicable Customer ("Customer End User Data"). Xeno does not control or otherwise approve any messages or requests for Customer End User Data made by a Customer to a Customer End User. Customer End Users should be aware that a Customer can request such Customer End User Data from them in order to use the Customer's website(s) and/or mobile application(s) and that Customer End User Data may then be included in information given to Xeno through your use of the Xeno Service. Therefore, Customer End Users should be prompted review the privacy policy of a Customer's website and/or mobile application to assess the security of any information a Customer End User discloses. To the extent that Xeno does receive any Customer End User Data, Xeno shall make reasonable efforts, consistent with the terms of this Privacy Policy, to maintain the confidentiality of such Customer End User Data. Xeno has no direct relationship to the Customer End Users whose Customer End User Data it processes and such Customer End User who seeks access, or who seeks to correct, amend, or delete inaccurate Customer End User Data should direct his or her query to the applicable Customer for removal. Once such Customer requests removal of such applicable Customer End User Data, Xeno will respond to such request within one month; provided that (i) such period may be extended by up to 2 additional months when necessary, taking into account the complexity and number of the requests and (ii) Xeno shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

4. Customer End User Data. Xeno's Customers may electronically submit Customer End User Data. Xeno will not review, share, distribute, or reference any such Customer End User Data except as provided in Xeno's applicable agreement with Customer, or as may be required by law. Xeno acknowledges that Customer End Users have the right to access their personal information. If personal information pertaining to a Customer End User has been submitted to us by a Customer and a Customer End User wishes to exercise any rights it may have to access, correct, amend, or delete such data, Customer End User should inquire with the Customer directly. Because Xeno personnel have limited ability to access data our Customers submit to the Xeno Service, if a Customer End User wishes to make a request directly to Xeno, please provide the name of the Customer who submitted your data to the Xeno Service. We will refer your request to such Customer and will support them as needed in responding to your request within one month; provided that (i) such period may be extended by up to 2 additional months when necessary, taking into account the complexity and number of the requests and (ii) Xeno shall inform you of any such extension within one month of receipt of the request, together with the reasons for the delay.

5. Data Controller and Data Processor; Data Protection Officer. We process Personal Data both as a Processor and as a Controller, each as defined in the EU Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 (the "Directive") and the General

Data Protection Regulation (“GDPR”):

(a) The Customer which Customer End Users provided Personal Data to, with the assistance of the Xeno Service, will be the Controller for Customer End User Data. We will be the Processor.

(b) For Customer Data, we will be the Controller. Xeno has a Data Protection Officer (as defined in the Directive and GDPR) who is responsible for matters relating to privacy and data protection. Our Data Protection Officer can be reached as follows:

Xeno Software Inc.  
Attn: Pranav Ahuja  
W-155 Greater Kailash - 1  
New Delhi, 110048, Delhi, India.  
Email: security@Xeno.in

For Customers and Customer End Users located in the European Data Region in the European Economic Area (EEA), all processing of Personal Data is performed in accordance with privacy rights and regulations following the Directive, and the implementations of the Directive in local legislation. From May 25th, 2018, the processing will take place in accordance with the GDPR.

All data collected by Xeno through the Xeno Service will be stored exclusively in secure hosting facilities provided by Amazon Web Services. Xeno has a data processing agreement in place with its provider, [PB5][RR6] ensuring compliance with the Directive and the GDPR. All hosting is performed in accordance with the highest security regulations. All transfers of data from the EEA is done in accordance with this data processing agreement. If you are a Customer located in the EEA, we exclusively store and process Personal Data in the EEA. [PB7][RR8]

We have adopted reasonable physical, technical and organizational safeguards which substantially mirror the EU safeguards against accidental, unauthorized or unlawful destruction, loss, alteration, disclosure, access, use or processing of data in our possession.

6. Referrals. Customers may choose to refer colleagues to use the Xeno Service by sending invitation emails via an invite feature. Upon such referral, Xeno stores the email addresses provided so that the respondents may be sent reminders of the invitations. Xeno does not sell these email addresses or use them to send any other communication besides invitations and invitation reminders. Recipients of invitations may contact Xeno to request removal of their information from our database.

7. Sharing of Non-Personal Data. We may disclose or share Non-Personal Data with Third Party Service Providers and the general public. For example, we may share aggregated demographic information (which does not include any Personal Data) or use Third Party Service Providers to track and analyze Non-Personal Data usage and volume statistical information from our Customers and Customer End Users to administer the Xeno Service. In order to administer the

Xeno Service, we collect Customer End User Data and provide analyses of anonymized aggregate Customer End User Data to the applicable Customer and, if applicable, Third Party Service Providers. We may also publish this aggregated information for promotional purposes. Notwithstanding the foregoing, Customer is the owner of its applicable Customer End User Data.

We may use Third Party Service Providers to serve ads when you use the Xeno Websites. These companies may use Non-Personal Data about your visits and use of the Xeno Service and/or the Xeno Websites, and visits to other websites or locations in order to provide, through the use of network tags, advertisements about goods and services that may be of interest to you.

8. Third Party Advertising. Advertisements appearing on the Xeno Websites may be delivered to users by Xeno or one of our advertising partners. Our advertising partners may set cookies. Doing this allows the advertising partners to recognize your computer each time they send you an advertisement. In this way, they may compile information about where you, or others who are using your computer or device, saw their advertisements and determine which advertisements are clicked. This information allows an advertising partner to deliver targeted advertisements that they believe will be of most interest to you. Xeno does not have access to or control of the cookies that may be placed by the third party advertising servers of ad partners. This privacy statement covers the use of cookies by Xeno and does not cover the use of cookies by any of its advertisers.

9. Updating Information. Customers may change any of their applicable Personal Data by logging into their account and accessing the “My Profile” section of the Xeno Service or Xeno Websites, as applicable. We encourage Customers to promptly update their Personal Data if it changes, as out-of-date Personal Data may negatively affect the quality of your Xeno Service experience.

10. Choices on Collection/Use of Information. Customers can always choose not to provide certain information, although a certain level of information may be required to engage and participate in the Xeno Service. Customers you cannot opt-out of Administrative Emails. “Administrative Emails” relate to Customer’s activity on the Xeno Service and/or the Xeno Websites, and include but are not limited to emails regarding a Customer’s account, requests or inquiries. If a Customer does not want to receive promotional emails from us, such Customer may elect to opt-out of receiving promotional emails at any time after registering by e-mailing us at [unsubscribe@Xeno.in](mailto:unsubscribe@Xeno.in) or by hitting the “unsubscribe” button at the bottom of any of our e-mails. If a Customer wants his/her data to be deleted from Xeno servers, please email us on [unsubscribe@Xeno.in](mailto:unsubscribe@Xeno.in). If a Customer wants to access/modify his/her data, please email us on [unsubscribe@Xeno.in](mailto:unsubscribe@Xeno.in)

11. Security of Information. Customers can access the Personal Data that it has provided via the Xeno Service and/or the Xeno Websites with a password and username. This password is



encrypted. We advise against sharing passwords and usernames with anyone. If a Customer's account is accessed via a third-party site or service, there may be additional or different sign-in protections via that third-party site or service. Customers need to prevent unauthorized access to their account and the Personal Data that you have provided, including without limitation any applicable Customer End User Data, by selecting and protecting your password and/or other sign-in mechanism appropriately and limiting access to your computer, browser, or mobile device by signing off after a Customer has finished accessing your account. Unauthorized entry or use, hardware or software failure, and other factors, may compromise the security of user information at any time. In the event that we believe that the security of a Customer's information may have been compromised, we may seek to notify the Customer of that development. In addition, the Personal Data that you have provided, including without limitation Customer End User Data, resides on a secure server that only selected personnel and contractors have access to. We [may] encrypt certain sensitive information using Secure Socket Layer (SSL) technology to ensure that Personal Data is safe as it is transmitted to us. However, no data transmission can be guaranteed to be 100% secure. As a result, while we employ appropriate and commercially reasonable security measures to protect data and seek to partner with companies that do the same, we cannot guarantee the security of any information transmitted to or from or via the Xeno Service and/or the Xeno Websites, and we are not responsible for the actions of any third parties that may receive any such information.

## 12. Data Tracking.

a. Cookies. To facilitate and customize your experience with the Xeno Service and/or the Xeno Websites, we may store cookies on your computer or other similar device through which you access the Xeno Service and/or the Xeno Websites. A cookie is a small text file that is stored on your computer or other device for record-keeping purposes that contains information about you. We use cookies to save you time while using the Xeno Service and/or the Xeno Websites, remind us who you are, and track and target your interests in order to provide a customized experience. Cookies also allow us to collect Non-Personal Data from you, like which pages you visited, what links you clicked on, and how you used the Xeno Service and/or the Xeno Websites. We may use Third Party Service Providers to display advertisements on the Xeno Websites. As part of their service, they may place separate cookies on your computer or similar device. We have no access to or control over these cookies. This Privacy Policy covers the use of cookies by the Xeno Websites only and does not cover the use of cookies by any Third Party Service Provider. Most browsers automatically accept cookies, however you may be able to modify your browser settings to decline cookies. Please note that if you decline or delete these cookies, some parts of the Xeno Websites may not work properly.

b. Other Tracking Devices. We may use other industry standard technologies like pixel tags and web beacons to track your use of the Xeno Websites, or we may allow our Third Party Service Providers to use these devices on our behalf. When you access the Xeno Service and/or the Xeno Websites, or open or click an email, pixel tags and web beacons generate a Non-Personally Identifiable notice of that action. Pixel tags allow us to measure and improve our

understanding of visitor traffic and behavior on the Xeno Websites, as well as give us a way to measure our promotions and performance. We may also utilize pixel tags and web beacons provided by our marketing partners for the same purposes.

c. How to Opt-Out of Third Party Tracking Technologies. Our advertising service vendors and other third parties may also use tracking technologies to serve you advertisements tailored to interests you have shown by browsing on the Xeno Websites and other sites, applications, destinations, and services you have visited, and to determine whether you have seen a particular advertisement before to avoid sending you duplicate advertisements, and for other lawful business purposes. In doing so, these third parties may collect non-personally identifiable data including for example the make, model, settings, specifications (e.g., CPU speed, connection speed, browser type, operating system, device identifier) and geographic location of your computer, mobile or other device, as well as date/time stamp, IP address, pages visited, time of visits, content viewed, ads viewed, the site(s), application(s), destination(s), and/or service(s) you arrived from, and other clickstream data. The use of tracking technologies by third parties is subject to their own privacy policies, not this Privacy Policy, and we have no responsibility or liability in connection therewith. If you do not want the services that tracking technologies provide, you may be able to opt-out by visiting <http://www.aboutads.info>.

13. Privacy Policies of Third Party Websites. This Privacy Policy only addresses the use and disclosure of information we collect via the Xeno Service and/or the Xeno Websites. Other websites or services that may be accessible through the Xeno Service and/or the Xeno Websites may have their own privacy policies and data collection, use and disclosure practices. If you use, link or visit any such website, we urge you review the website's privacy policy. We are not responsible for the policies or practices of third parties.

14. Email Choice/Opt-out. We will make commercially reasonable efforts to implement your email opt-out requests promptly, but you may still receive communications from us for up to ten (10) business days as we process your request.

15. Privacy Settings. As a user, you may have limited access to privacy settings. These settings help hide information you wish to share with other users and/or the public. It is up to you to select the appropriate privacy settings. If you don't agree with the available privacy settings, please stop using the Xeno Service and/or the Xeno Websites.

16. Public Areas. We may provide areas on the Xeno Websites where you can publicly post information about yourself or can communicate with others such as on forums. This information may be accessible by other users and companies and may appear on other websites or web searches, and therefore this information could be read, collected, and used by others. We have no control over who reads your postings or what other users may do with the information you voluntarily post, so please use caution when posting any content or providing anything that could be deemed personal information.



17. Notice of Privacy Rights to California Residents. California law requires that we provide you with a summary of your privacy rights under the California Online Privacy Protection Act (“COPPA”) and the California Business and Professions Code. As required by COPPA, we will provide you with the categories of Personal Data that we collect through the Xeno Service and/or the Xeno Websites, and the categories of third party persons or entities with whom such Personal Data may be shared for direct marketing purposes at your request. California law requires us to inform you, at your request, (1) the categories of Personal Data we collect and what third parties we share that information with; (2) the names and addresses of those third parties; and (3) examples of the products marketed by those companies. COPPA further requires us to allow you to control who you do not want us to share that information with. To obtain this information, please send a request by email or physical mail to the address found below. When contacting us, please indicate your name, address, email address, and what Personal Data you do not want us to share with our marketing partners. The request should be sent to the attention of our legal department, and labeled “California Customer Choice Notice.” Please allow 30 days for a response. Also, please note that there is no charge for controlling the sharing of your Personal Data or requesting this notice.

18. Children. If you are under the age of 18, you represent that you have the consent of a parent or legal guardian to use and access the Xeno Service and/or the Xeno Websites. If you become aware that your child has provided us with personal information without your consent, please contact us at [support@xeno.in](mailto:support@xeno.in).

19. Customer Service. For assistance or questions regarding this Privacy Policy or the Xeno Service and/or the Xeno Websites, you may contact us at [support@xeno.in](mailto:support@xeno.in).