

# Privacy Policy

*Last Updated: 1/28/22*

## **1. Purpose of this Privacy Policy.**

Viam, Inc. is committed to protecting your privacy. We have prepared this Privacy Policy to describe to you our practices regarding the Personal Data (as defined below) we collect from users of our website located at Viam.com and in connection with our Viam products and services (the "Products"). In addition, this Privacy Policy tells you about your privacy rights and how the law protects you.

This website and our Products are not intended for children and we do not knowingly collect data relating to children.

It is important that you read this Privacy Policy together with any other privacy notice or fair processing notice we may provide on specific occasions when we are collecting or processing Personal Data about you so that you are fully aware of how and why we are using your data. This Privacy Policy supplements the other notices and is not intended to override them.

## **2. Controller and Contact Details.**

Viam Inc. (collectively referred to as "Viam," "we," "us" or "our" in this Privacy Policy) is the controller of Personal Data submitted in accordance with this Privacy Policy and is responsible for that Personal Data. If you have any questions about this Privacy Policy, please contact us at [contact@viam.com](mailto:contact@viam.com).

## **3. Types Of Data We Collect.**

We collect Personal Data and Anonymous Data from you when you visit our site, when you send us information or communications, when you download and use our Products, and when you register for white papers, web seminars, and other events hosted by us. "Personal Data" means data that identifies, relates to, describes, can be used to contact, or could reasonably be linked directly or indirectly to you, including, for example, identifiers such as your real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol (IP) address, email address, account name, or other similar identifiers; commercial information, including records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies; Internet or other electronic network activity information,

including, but not limited to, browsing history, search history, and information regarding your interaction with an Internet website, application, or advertisement; and any other non-public information about you that is associated with or linked to any of the foregoing data. "Anonymous Data" means data that is not associated with or linked to your Personal Data; Anonymous Data does not permit the identification of individual persons. We do not collect any Special Categories of Personal Data about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). For details about the precise data points we collect and the categories of sources of such collection, please see Section 4.1 below.

### **3.1 Personal Data You Provide to Us.**

We collect Personal Data from you, such as your first and last name, e-mail and mailing addresses, professional title, and company name, and password (identifiers and professional or employment-related information) when you download and install the Products, create an account to log in to our network, or sign-up for our newsletter or other marketing material (internet/electronic activity). When you order Products on our website, we will collect all information necessary to complete the transaction, including your name, credit card information, billing information and shipping information (identifiers and financial information). We also retain information on your behalf, such as files and messages that you store using your account (Internet electronic activity). If you provide us feedback or contact us via e-mail or submit a response to an employment opportunity posted on our website, we will collect your name and e-mail address (identifiers), as well as any other content included in the e-mail, in order to send you a reply, and any information that you submit to us, such as a resume (professional or employment related information). When you participate in one of our surveys, we may collect additional profile information. When you post messages on the message boards of our website, the information contained in your posting will be stored on our servers and other users will be able to see it (Internet/electronic activity). We also collect other types of Personal Data that you provide to us voluntarily, such as operating system and version, Product version numbers, and other requested information if you contact us via e-mail regarding support for the Products (commercial information or Internet/electronic activity). We may also collect Personal Data, such as demographic information, from you via the Products or at other points in our website that state that Personal Data is being collected.

### **3.2 Personal Data Collected Via Technology.**

To make our website and Products more useful to you, our servers (which may be hosted by a third party service provider) collect Personal Data from you, including browser type, operating system, IP address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), domain name, and/or a date/time stamp for your visit (identifiers, commercial information or Internet/electronic activity).

### **3.3 Personal Data Collected Via Cookies.**

We also use Cookies (as defined below) and navigational data like Uniform Resource Locators (URL) to gather information regarding the date and time of your visit and the solutions and information for which you searched and which you viewed (Internet/electronic activity). Like most technology companies, we automatically gather this Personal Data and store it in log files each time you visit our website or access your account on our network. "Cookies" are small pieces of information that a website sends to your computer's hard drive while you are viewing a web site. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on our website. Persistent Cookies can be removed by following Internet browser help file directions. You may choose to refuse or disable Cookies via the settings on your browser, however by doing so, some areas of our website may not work properly.

### **3.4 Personal and/or Anonymous Data Collected By Third Parties.**

(a) We may receive Personal and/or Anonymous Data about you from other sources, including companies that provide our Products by way of a co-branded or private-labeled website or companies that offer their products and/or services on our website ("Third Party Companies"). Those Third Party Companies may supply us with Personal Data, such as your calendars and address book information, in order to help us establish the account. We may add this information to the information we have already collected from you via our website in order to improve the Products we provide.

(b) Our provision of a link to any other website or location is for your convenience and does not signify our endorsement of such other website or location or its contents. When you click on such a link, you will leave our site and go to another site. During this process, another entity may collect Personal Data or Anonymous Data from you.

(c) We have no control over, do not review, and cannot be responsible for, outside websites or their content. Please be aware that the terms of this Privacy Policy do not apply to these outside websites or content, or to any collection of data after you click on links to such outside websites. You may determine whether or not we are responsible for the content of a website by reviewing the URL and confirming the ownership of the applicable domain by means of a service such as DNSstuff.com.

**3.5 Personal Data That We Collect From You About Others.**

If you decide to create an account for and invite a third party to join our network, we will collect your and the third party's names and e-mail addresses (identifiers) in order to send an e-mail and follow up with the third party. You or the third party may contact us at [contact@viam.com](mailto:contact@viam.com) to request the removal of this information from our database.

**4. Use Of Your Data.**

**4.1 General Use.**

In general, Personal Data you submit to us is used either to respond to requests that you make, or to aid us in serving you better. We use your Personal Data in the ways set out in the table below where we also detail the legal bases we rely on to do so:

Purpose/Activity	Type of Data	Bases for Processing including basis of legitimate interest	Third Party Recipients (further details provided in Section 6 of this document)
To register you as a new customer and provide administration of our website and Products	(a) Identifiers (b) Financial Information	(a) Performance of a contract with you (b) Necessary for our legitimate interests	Our affiliates Service Providers Third parties

<p>To manage our relationship with you which will include:</p> <p>(a) Notifying you about changes to our terms or privacy policy</p> <p>(b) Asking you to leave a review or take a survey</p>	<p>(a) Identifiers</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Marketing and commercial Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary to comply with a legal obligation</p> <p>(c) Necessary for our legitimate interests</p>	<p>Our affiliates</p> <p>Service Providers</p> <p>Third parties</p>
<p>To enable you to partake in a prize draw, competition or complete a survey</p>	<p>(a) Identifier</p> <p>(b) Contact</p> <p>(c) Profile</p> <p>(d) Usage</p> <p>(e) Marketing and Communications</p>	<p>(a) Performance of a contract with you</p> <p>(b) Necessary for our legitimate interests</p>	<p>Our affiliates</p> <p>Service Providers</p> <p>Third parties</p>
<p>To administer and protect our business and this website (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)</p>	<p>(a) Identifier</p> <p>(b) Contact</p> <p>(c) Technical</p>	<p>(a) Necessary for our legitimate interests</p> <p>(b) Necessary to comply with a legal obligation</p>	<p>Our affiliates</p> <p>Service Providers</p> <p>Third parties</p>

To deliver relevant website content and advertisements to you and measure or understand the effectiveness of the advertising we serve to you	(a) Identifier (b) Contact (c) Profile (d) Internet or other electronic activity (e) Marketing and Commercial information (f) Technical	Necessary for our legitimate interests	Our affiliates Service Providers Third parties
To use data analytics to improve our website, products/services, marketing, customer relationships and experiences	(a) Identifier (b) Profile (c) Technical (d) Internet or other electronic network activity	Necessary for our legitimate interests	Our affiliates Service Providers Third parties
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identifier (b) Contact (c) Technical (d) Internet or other electronic network activity (e) Profile	Necessary for our legitimate interests In some contexts, we will ask for explicit consent	Our affiliates Service Providers Third parties

#### **4.2 Creation of Anonymous Data.**

We may create Anonymous Data records from Personal Data by excluding information (such as your name and IP address) that makes the data personally identifiable to you. We use this Anonymous Data to analyze request and usage patterns so that we may enhance the content of our Products and improve site navigation, and for marketing and analytics. We reserve the right to use and disclose Anonymous Data to Third Party Companies at our discretion.

#### **4.3 Feedback.**

If you provide feedback on any of our Products or our website, we may use such feedback for any purpose, provided we will not associate such feedback with your Personal Data. We will collect any information contained in such communication and will treat the Personal Data in such communication in accordance with this Privacy Policy.

## **5. Disclosure Of Your Personal Data.**

### **5.1 Disclosure to Affiliates.**

We may share some or all of your Personal Data with other companies under our common control ("Affiliates"), in which case we will require our Affiliates to honor this Privacy Policy. If another company acquires us or our assets, that company will possess the Personal Data collected by it and us and will assume the rights and obligations regarding your Personal Data as described in this Privacy Policy. We may also disclose your Personal Data to third parties in the event that we sell or buy any business or assets, in which case we may disclose your Personal Data to the prospective seller or buyer of such business or assets.

### **5.2 Disclosure to Third Party Service Providers.**

Viam does not and will not sell your Personal Data. Except as otherwise stated in this policy, we do not generally share the Personal Data that we collect with other entities. However, we may share your Personal Data -- including each category of Personal Data described above -- with third party service providers to: (a) provide you with the Products that we offer you through our website; (b) process payments; (c) conduct quality assurance testing; (d) facilitate creation and maintenance of accounts; (e) collect and analyze data; (f) provide technical support; or (g) provide specific business services, such as synchronization with other software applications and marketing services. These third party service providers are required by written agreement not to retain, use, or disclose your Personal Data other than to provide the services requested by us.

### **5.3 Disclosure to Other Third Party Companies.**

We will not disclose your Personal Data to other Third Party Companies unless you have "opted-in" by following the instructions we provide to allow such disclosure, such as by registering for an event where we have notified you that we share attendee information with third-party sponsors of the event. If you have opted-in to receive e-mail communications from a Third Party Company and later wish to discontinue receipt of these e-mails, please contact the Third Party Company directly to update your preferences. The privacy policies of our Third Party

Companies may apply to the use and disclosure of your Personal Data that we collect and disclose to such Third Party Companies. Because we do not control the privacy practices of our Third Party Companies, you should read and understand their privacy policies.

#### **5.4 Other Disclosures.**

Regardless of any choices you make regarding your Personal Data (as described below), we may disclose Personal Data if we believe in good faith that such disclosure is necessary to (a) comply with relevant laws or to respond to subpoenas or warrants served on us; (b) protect or defend our rights or property or the rights or property of users of the Products; or (c) protect against fraud and reduce credit risk.

#### **6. Your Choices Regarding Your Personal Data.**

We offer you choices regarding the collection, use, and sharing of your Personal Data. We will periodically send you free newsletters and e-mails that directly promote the use of our site or the purchase of our Products. When you receive newsletters or promotional communications from us, you may indicate a preference to stop receiving further communications from us and you will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the e-mail you receive or by contacting us directly (please see contact information above). Despite your indicated e-mail preferences, we may send you notices of any updates to our Privacy Policy.

#### **7. Your Legal Rights regarding your Personal Data.**

Under certain circumstances, you may have rights under applicable data protection laws in relation to your Personal Data.

Where applicable, you may have the right to:

Request information about how we collect, process, use and share your Personal Data (commonly known as a "right to know request").

Request access to your Personal Data (commonly known as a "data subject access request"). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.

Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request erasure of your Personal Data (commonly known as a “request to be forgotten”). This enables you to ask us to delete or remove Personal Data. You also have the right to ask us to delete or remove your Personal Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with local law. Note, however, that we may not always be able to comply in full with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Request restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of your Personal Data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Request the transfer of your Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Withdraw consent at any time where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the above rights please contact [contact@viam.com](mailto:contact@viam.com). You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights), and Viam does not discriminate based on whether you choose to exercise your choice and rights. We will not, based on your exercise of rights, deny our Products to you, charge you different rates, provide a different level or quality of Products to you, or suggest that you may receive such different treatment. However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive.

Alternatively, we may refuse to comply with your request in these circumstances. We may need to request specific information from you to help us confirm your identity and ensure your right to access your Personal Data (or to exercise any of your other rights).

This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. As part of the verification process, we match the information submitted as part of your request against information stored by Viam. In some instances, we will require additional information in order to verify your request. If an authorized third party makes a data subject request on your behalf, we will require sufficient written proof that you have designated them as your authorized agent. We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

You also have the right to lodge a complaint with a data protection authority if you consider that the processing of your personal information infringes applicable law. If you have any questions, concerns or complaints regarding our compliance with this notice and applicable data protection laws, we encourage you to email us at [contact@viam.com](mailto:contact@viam.com). We will investigate and attempt to resolve complaints and disputes and will make every reasonable effort to honour your wish to exercise your rights as quickly as possible and in any event, within the timescales provided by data protection laws.

## **8. Security Of Your Personal Data.**

Unfortunately, the transmission of information via the internet is not completely secure. Although we are committed to protecting your Personal Data, we cannot guarantee the security of your information transmitted to our site; any transmission is at your own risk. Once we have received your information, we use a variety of industry-standard security technologies and procedures to help protect your Personal Data from unauthorized access, use, or disclosure. We also require

you to enter a password to access your account information. Please do not disclose your account password to unauthorized people. We have put in place procedures to deal with any suspected Personal data breach and will notify you and any applicable regulator of a breach where required to do so.

## **9. Data Retention.**

We will only retain your Personal Data for as long as necessary to fulfill the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorised use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## **10. Dispute Resolution.**

If you believe that we have not adhered to this Privacy Policy, please contact us by e-mail at [contact@viam.com](mailto:contact@viam.com). We will do our best to address your concerns. If you feel that your complaint has been addressed incompletely, we invite you to let us know for further investigation. If we are unable to reach a resolution to the dispute, we will settle the dispute exclusively under the rules of the American Arbitration Association.

## **11. Changes To This Privacy Policy.**

This Privacy Policy is subject to occasional revision, and if we make any substantial changes in the way we use your Personal Data, we will notify you by sending you an e-mail to the last e-mail address you provided to us or by prominently posting notice of the changes on our website. Any material changes to this Privacy Policy will be effective upon the earlier of thirty (30) calendar days following our dispatch of an e-mail notice to you or thirty (30) calendar days following our posting of notice of the changes on our site. These changes will be effective immediately for new users of our website and Products. Please note that at all times you are responsible for updating your Personal Data to provide us with your most current e-mail address. In the event that the last e-mail address that you have provided us is not valid, or for any reason is not capable of delivering to you the notice described above, our dispatch of the

e-mail containing such notice will nonetheless constitute effective notice of the changes described in the notice. In any event, changes to this Privacy Policy may affect our use of Personal Data that you provided us prior to our notification to you of the changes. If you do not wish to permit changes in our use of your Personal Data, you must notify us prior to the effective date of the changes that you wish to deactivate your account with us. Continued use of our website or Products, following notice of such changes shall indicate your acknowledgement of such changes and agreement to be bound by the terms and conditions of such changes.

## **12. Transfers of Personal Data outside the EEA.**

Your personal information may be transferred and stored in countries outside the EU, that are subject to different standards of data protection. Viam will take appropriate steps to ensure that transfers of personal information are in accordance with applicable law and carefully managed to protect your privacy rights and interests, including through the use of standard contractual clauses. Additionally, Viam uses a limited number of third-party service providers to assist us in providing our services to customers. These third parties may access, process, or store Personal Data in the course of providing their services. Viam obtains contractual commitments from them to protect your Personal Data.

## **13. Accessibility.**

We are committed to making our products and services accessible to everyone. If you need help with your accessibility-related requests and other servicing needs please contact us at [contact@viam.com](mailto:contact@viam.com).

## **14. Online Tracking.**

Viam does not respond to do-not-track signals because we are not aware of a signal that demonstrates the consumer's intention to not be tracked versus a preset browser setting. Should a uniform standard be adopted, we will be open to considering how best to implement it. For more information about interest-based ads, or to opt out of having your web browsing information used for behavioral advertising purposes, please visit [www.aboutads.info/choices](http://www.aboutads.info/choices).