

Privacy Policy

Imburse is now Duck Creek Payments.

Duck Creek Payments AG, Stockerstrasse 44, 8002 Zurich, Switzerland (“**Duck Creek Payments**”, “**we**”, “**our**” or “**us**”) provides a software-as-a-service platform (the “**Platform**”) that provides integration free access to payment providers and technologies across the global payments ecosystem through our single API connection (“**Services**”).

We further operate the Duck Creek Payments website (“**Site**”, available at www.duckcreek.com).

We respect the privacy of our Site visitors (“**Visitors**”), our merchants (“**Merchants**”), and the personnel of our infrastructure partners and service providers (“**Service Providers**”) as well as the Merchant’s and Service Provider’s end-users (collectively “**End-Users**”, and together with Visitors, Merchants and Service Providers, “**you**”), and are strongly committed to making our practices regarding their personal data transparent and fair.

This privacy policy (the “**Privacy Policy**”) describes how we collect, store, use and disclose such personal data, as well as our roles as “Data Controller” or “Processor” of such data. It applies whenever you visit, interact with us or otherwise access or use any of our Services.

Specifically, this Privacy Policy describes our practices regarding:

1. Data Collection
2. Data Uses
3. Data Location and Retention
4. Data Sharing
5. Plugins, Cookies and Tracking Technologies
6. Communications
7. Data Security
8. Data Subject Rights
9. Children's Privacy
10. Data Controller/Processor
11. Additional Notices

Please read this Privacy Policy carefully and make sure that you fully understand and agree to it. If you do not agree to this Privacy Policy, please discontinue and avoid using our Services.

You are not legally required to provide us with any Personal Data (defined below), but without it we will not be able to provide you with the full range of Services or with the best user experience when using our Services.

1. Data Collection

We may collect Personal Data regarding our Visitors, End-Users, Service Providers and Merchants. We may also collect Personal Data of individuals on Merchants' or Service Providers' behalf as they and their End-Users use our Services through various Service Providers. Such data may be collected and generated through the End-User's interaction with our Services, through automatic means, directly from such Merchant, Service Provider or End-User, or from other third parties depending on the nature of the product and Service Provider activated on the portal.

Specifically, we collect the following categories of data (which, to the extent it relates to an identified or identifiable individual, will be deemed "**Personal Data**"):

1.1 Data Automatically Collected Or Generated

When you visit, interact with, or use our Services, we may collect or generate certain technical data about you. We collect or generate such data either independently or with the help of third-party services (as detailed in Section 4 below), including through the use of "cookies" and other tracking technologies (as further detailed in Section 5 below).

Such data mainly consists of connectivity, technical and aggregated usage data, such as IP addresses, non-identifying data regarding a device, operating system, browser type, locale and language settings, the cookies and pixels installed on such device, session logging, heatmaps and scrolls, screen resolution, ISP, referring or exit pages, and date/time stamps, and the activity (clicks, browsing, zooms and other interactions) of Visitors, Service Providers, Merchants and End-Users in connection with our Services. Such activity data may include technical information and aggregated usage data, including usage length, country, screens visited in the Merchant's application or service, touch gestures performed in the mobile application, scrolling activity and any other actions the End-User may have performed during their use of the relevant application or service.

1.2 Data Received From You

You may provide us with Personal Data such as your name, workplace and position, contact details (such as e-mail, phone and address), and account login credentials (usernames and hashed passwords) (collectively, "**Account Data**"), as well as any other data you choose to provide when you use our Services, create a user account or contact us.

You may provide us with additional Personal Data such as billing details, business needs and preferences, as well as

financial and personal identification documentation and credentials.

1.3 Referred End-User Data Received From Merchants And Service Providers

Merchants and Service Providers may also use Duck Creek Payments' Services to upload End-User data to our cloud servers, and analyze and process such data via our Services. This includes:

End-User's first and last name, email address, home address, date of birth, (mobile) phone number, bank and billing account details, credit card information, ID number (with image), Passport number (with image), driver's license number (with image), a frontal facial picture and IP address.

Except for the foregoing, Merchants or Service Providers are not to provide Duck Creek Payments with any extra Personal Data regarding their End-Users.

The End-User data will be available to Duck Creek Payments for the duration of the determined retention period. If you as a Merchant or Service Provider (when acting as a Controller, see below section 10) choose to provide us with any Personal Data regarding your End-Users, you must

ensure that you have the right for us to process such data on your behalf in accordance with all applicable laws.

1.4 Data Received From Third Parties

We may receive your Personal Data from other sources. For example, if you participate in an event or webinar that we sponsor or participate in, we may receive your Personal Data from the event organizers. We may also receive your contact and professional details (e.g., your name, company, position, contact details and professional experience, preferences and interests) from business partners or services providers, and through the use of tools and channels commonly used to connect between companies and individuals in order to explore potential business and employment opportunities, such as LinkedIn.

2. Data Uses

We use Personal Data as necessary for the performance of our Services; to comply with applicable law; and to support our legitimate interests in maintaining and improving our Services and sales offerings, understanding how our Services are used, optimizing our marketing and advertising activities, customer service and support operations, and protecting

and securing our Visitors, End-Users, Merchants, Service Providers, ourselves and our Services.

Specifically, we may use Personal Data for the following purposes:

- to facilitate, operate, and provide our Services;
- to further develop, customize and improve the Services and your user experience, based on common or personal preferences, experiences and difficulties;
- to authenticate the identity of Merchants, Service Providers and End-Users, and to allow them access to our Services;
- to comply with any applicable laws and regulations, including by performing KYC/KYB inquiries and compliance checks.
- to provide our Visitors, Merchants and Service Providers with assistance and support;
- to manage and deliver advertisements more effectively, including contextual, behavioral, and interests-based advertising based on your and others' activity, preferences or other data available to us or to our business partners, including for retargeting purposes;
- to create audience-related insights for optimizing ad performance;
- to contact our Visitors, Service Providers and Merchants with general or personalized messages and

communications, as further described under Section 6 below; and to facilitate, sponsor and offer certain events and promotions;

- to support and enhance our data security measures, including for the purposes of preventing and mitigating the risks of fraud, error or any illegal or prohibited activity; and
- to create aggregated statistical data, inferred non-personal data or anonymized or pseudonymized data (rendered non-personal), which we or our business partners may use to provide and improve our respective services.

3. Data Location And Retention

3.1 Data Location

Given the global nature of our Services, your Personal Data may be maintained, processed and stored by our affiliates and Suppliers (defined below) in other jurisdictions as necessary for the proper delivery of our Services, or as may be required by law.

While privacy laws may vary between jurisdictions, Duck Creek Payments and its affiliates and Suppliers are each

committed to protect Personal Data in accordance with this Privacy Policy or customary industry standards, regardless of any lesser legal requirements that may apply in their jurisdiction.

3.2 Data Retention

We will retain your Personal Data for as long as is required in order to comply with our legal and contractual obligations, or to protect ourselves from any potential disputes (i.e. as required by laws applicable to log-keeping, records and bookkeeping, and to have proof and evidence concerning our relationship, should any legal issues arise following your discontinuance of use), in accordance with our data retention policy.

We retain a Merchant and Service Provider personnel's Account Data in accordance with the instructions of their organization (i.e. the Merchant or Service Provider, respectively), or for as long as their account is active, and we have not been notified otherwise, or as long as we consider necessary for the purposes described herein.

We retain Visitors' Personal Data for as long as reasonably necessary in order to maintain and expand our relationship with them and to provide them with our Services.

Please note that except as required by applicable law, we will not be obligated to retain your Personal Data for any

particular period, and we are free to securely delete it for any reason and at any time, with or without notice to you. If you have any questions about our data retention policy, please contact us by email at privacy@duckcreek.com .

4. Data Sharing

4.1 Legal Compliance

We may disclose or allow government and law enforcement officials access to your Personal Data, in response to a subpoena, search warrant or court order (or similar requirement), or in compliance with applicable laws and regulations. Such disclosure or access may occur if we believe in good faith that we are legally compelled to do so, or that it is appropriate in connection with efforts to investigate, prevent, or take action regarding actual or suspected illegal activity, fraud, or other wrongdoing.

4.2 Suppliers

We may engage selected third party companies and individuals to perform services complementary to our own, namely - hosting, data analytics, consulting, support, marketing and advertising, data and cyber security, user engagement, instant messaging; as well as our business, financial, compliance and legal advisors (collectively,

“Suppliers”). These Suppliers may have access to your Personal Data, depending on each of their specific roles and purposes in facilitating and enhancing our Services, and may only use it for such purposes. Where Suppliers are used as subprocessors, Duck Creek Payments will enter into respective subprocessing agreements with such Suppliers, as provided by applicable law.

4.3 Sharing Personal Data With Merchants And Service Providers

We may share the Personal Data of a Merchant and/or its End-Users with such Merchant and the Service Providers involved in their transactions, as well as a Service Provider’s End-User. Duck Creek Payments is not responsible for and does not control any further disclosure, use or monitoring by or on behalf of the Merchant or Service Provider, that themselves may act as the “Data Controller” of such data (as further described in Section 10 below).

4.4 Protecting Rights And Safety

We may share your Personal Data with others if we believe in good faith that this will help protect the rights, property or personal safety of Duck Creek Payments, any of the

Merchants, Service Providers, End-Users, or any members of the general public.

4.5 Duck Creek Payments Subsidiaries And Affiliated Companies

We may share Personal Data internally within Duck Creek Payments' group of subsidiaries and affiliates for the purposes described in this Privacy Policy. In addition, should Duck Creek Payments or any of its subsidiaries or affiliates undergo any change in control or ownership, including by means of merger, acquisition or purchase of all or part of its assets, your Personal Data may be shared with the parties involved in such event. If we believe that such change in control might materially affect your Personal Data then stored with us, we will notify you of this event and the choices you may have via e-mail or prominent notice on our Services.

For the avoidance of doubt, Duck Creek Payments may share your Personal Data in additional manners, such as pursuant to your explicit approval, if we are legally obligated to do so, or if we have successfully rendered such data non-personal and anonymous. We may transfer, share or otherwise use

non-personal data at our sole discretion and without the need for further approval.

5. Cookies And Tracking Technologies

Our Services and some of our Suppliers utilize “cookies”, anonymous identifiers and other tracking technologies which help us provide, secure and improve our Services, personalize your experience and monitor the performance of our activities and campaigns.

A cookie is a small text file that is placed, for example, to collect data about activity on our Site. Some cookies and other similar technologies serve to recall Personal Data, such as an IP address, that was previously indicated by the Visitor.

While we do not change our practices in response to a “Do Not Track” signal in the HTTP header from a browser and recommend the use of cookies for an optimal user experience of our Services, most browsers allow you to control cookies, including whether to accept them or to remove them. You may set most browsers to notify you if you receive a cookie, or you may choose to block cookies with your browser.

6. Communications

6.1 Service Communications

We may contact you with important information regarding our Services. For example, we may notify you (through any of the means available to us) of changes or updates to our Services, billing issues, service changes, password-reset notices, etc. We may also send you notifications, messages and other updates. Typically, you will not be able to opt-out of receiving such service communications while using our Services, as they are integral to such use.

6.2 Notifications And Promotional Communications

We may also contact you with promotional messages (such as newsletters, special offers and sales, new product announcements, etc.) or any other information we think you will find valuable. We may provide such notices through any of the contact means available to us (e.g. phone or e-mail), through the Services, or through our marketing campaigns on any other sites.

If you do not wish to receive such promotional communications, you may notify us at any time by sending

an email to privacy@duckcreek.com , changing your communications preferences in your account, or by following the “unsubscribe”, “stop”, “opt-out” or “change e-mail preferences” instructions contained in the promotional communications you receive.

7. Data Security

In order to protect your Personal Data held with us and our Suppliers, we use industry-standard physical, procedural and electronic security measures. However, please be aware that regardless of any security measures used, we cannot and do not guarantee the absolute protection and security of any Personal Data stored with us or with any third parties as described in Section 4 above.

8. Data Subject Rights

If you wish to exercise your rights under any applicable law, including the EU General Data Protection Regulation (GDPR), to request access to, or rectification or erasure of your Personal Data held with Duck Creek Payments, or to restrict or object to such Personal Data’s processing, or to port such Personal Data – please contact us by email at privacy@duckcreek.com .

Duck Creek Payments requests that all Merchants and Service Providers provide adequate notice (for example

through a privacy policy) to their End-Users of their use of Duck Creek Payments' Services and of their and our processing of Personal Data for such purposes, and that such notice comply with all applicable laws. Duck Creek Payments provides all Merchants with the ability to publish on their website or through their mobile application an option for their End-Users to exclude themselves from tracking by the Services. For more information on the Merchant's or Service Provider's privacy practices please visit their respective website and privacy policy.

If you would like to make any requests or queries regarding Personal Data which we process on a Service Provider or Merchant's behalf, please contact such Merchant or Service Provider directly also.

Please note that once you contact us by e-mail regarding your data subject rights, we may require additional information and documents, including certain Personal Data, in order to authenticate and validate your identity and to process your request. Such additional data will be then retained by us for legal purposes (e.g. as proof of the identity of the person submitting the request), in accordance with Section 3 above.

9. Children's Privacy

Our Services are not designed to attract children under the age of 16. We do not knowingly collect Personal Data from children and do not wish to do so. If we learn that a person under the age of 16 is using the Services, we will prohibit and block such use and will make all efforts to promptly delete any Personal Data stored with us with regard to such child. If you believe that we might have any such data, please contact us by email at privacy@duckcreek.com .

10. Data

Controller/Processor

Certain data protection laws and regulations, such as the GDPR, typically distinguish between two main roles for parties processing Personal Data: the “Data Controller”, who determines the purposes and means of processing; and the “Data Processor”, who processes the data on behalf of the Data Controller. Below we explain how these roles apply to our Services, to the extent that such laws and regulations apply.

Duck Creek Payments is the “Data Controller” of its Visitors, Merchants and Service Provider’s Personal Data and with respect to which, assumes the responsibilities of Data Controller (solely to the extent applicable under law), as set forth in this Privacy Policy. Duck Creek Payments

furthermore acts as Data Controller with regard to Account Data as submitted within the creation of a Merchant or Service Provider account on the Platform.

Personal Data relating to the transactions performed by Merchants, Service Providers and their End-User is processed by Duck Creek Payments as “Data Processor” of a Merchant and/or Service Provider. Such Merchant and/or Service Provider shall also be deemed the “Data Controller” of its End-Users’ Personal Data and Duck Creek Payments will process such data as a “Data Processor”. The Merchant and/or Service Provider will be responsible for meeting any legal requirements applicable to Data Controllers (such as establishing a legal basis for processing and responding to Data Subject Rights requests concerning the data they control).

If you would like to make any requests or queries regarding your Personal Data (see Section 8), we encourage you to also contact such Merchants and Service Providers involved in your transaction(s) directly and independently from your contacting of Duck Creek Payments. Duck Creek Payments will forward your requests or queries to such Merchants and Service Providers we believe to be the respective “Data Controller”.

11. Additional Notices

11.1 Updates And Amendments

We may update and amend this Privacy Policy from time to time by posting an amended version on our Services. The amended version will be effective as of the date it is so published. We will provide a 10-day prior notice if we believe any substantial changes are involved via any of the communication means available to us or via the Services. After such notice period, all amendments shall be deemed accepted by you.

11.2 External Links

While our Services may contain links to other websites or services, we are not responsible for their privacy practices, and encourage you to pay attention when you leave our Services for the website or application of such third parties and to read the privacy policies of each and every website or service you visit. This Privacy Policy applies only to our Services.

11.3 Questions, Concerns Or Complaints

If you have any comments or questions about this Policy or if you have any concerns regarding your Personal Data, please

contact us by email by sending a message
to privacy@duckcreek.com .