

YELLOWHEART LLC

Privacy Policy

Last Revised: May 7th, 2021

Yellowheart LLC (“**YellowHeart**,” “**we**” or “**us**”) is committed to protecting your privacy. We have prepared this Privacy Policy to describe to you our practices regarding the Personal Information (as defined below) we collect, why we collect it, and how we use and disclose it.

Your privacy is very important to us, and in order to best protect your information, we have adopted this privacy policy (“**Privacy Policy**”), which describes the types of information we collect from registered or unregistered end users (each, a “**User**”, “**you**” or “**your**”) of the YellowHeart website, <http://www.yellowheart.io/> (the “**Site**”), and/or the YellowHeart mobile application (the “**App**”, and collectively with the Site and all services provided therein, the “**Platform**”), how such information is used, processed and in certain cases disclosed by us, and your rights and choices regarding the information you provide to us. Please read this Privacy Policy carefully prior to your use of, or creation of a registered User account (an “**Account**”) on, the Platform. If you do not agree to abide by this Privacy Policy, please do not use our Platform or create an Account.

By accessing and using the Platform and/or creating an Account, you are deemed to have read, accepted, executed and be bound by this Privacy Policy, including, without limitation, the information collection, use and disclosure practices described herein. This Privacy Policy is governed by the Platform’s Terms of Service, which includes all disclaimers of warranties and limitations of liabilities.

1. Personal Information We Collect

As used herein, “**Personal Information**” means information that identifies or is reasonably capable of identifying an individual, directly or indirectly, and information that is capable of being associated with an identified or reasonably identifiable individual.

A. Personal Information we collect from you

We may collect the following categories of Personal Information directly from you:

- **Identification Information**, such as name, email, phone number, postal address;
- **Commercial Activity**, such as trading activity, order activity, deposits, withdrawals, account balances;
- **Correspondence**, such as information you provide to us in correspondence, including account opening and customer support; and
- **Sensory Information**, such as images that you upload to your Account;

B. Personal Information we collect automatically

We may collect the following categories of Personal Information automatically through your use of our services:

- **Online Identifiers**, such as IP address, domain name;
- **Device Information**, such as hardware, operating system, browser;
- **Usage Data**, such as system activity, internal and external information related to YellowHeart pages that you visit, clickstream information; and
- **Geolocation Data**.

Our automatic collection of Personal Information may involve the use of Cookies, described in greater detail below.

C. Personal Information we collect from third parties

We may collect and/or verify the following categories of Personal Information about you from third parties:

- **Identification Information**, such as name, email, phone number, postal address
- **Transaction Information**, such as public blockchain data (bitcoin, ether, and other digital assets are not truly anonymous. We, and any others who can match your public digital asset address to other Personal Information about you, may be able to identify you from a blockchain transaction because, in some circumstances, Personal Information published on a blockchain (such as your digital asset address and IP address) can be correlated with Personal Information that we and others may have. Furthermore, by using data analysis techniques on a given blockchain, it may be possible to identify other Personal Information about you);
- **Financial Information**, such as bank account information, routing number, credit card number, debit card number; and
- **Additional Information**, at our discretion to comply with legal obligations.

D. Accuracy and retention of Personal Information

We take reasonable and practicable steps to ensure that your Personal Information held by us is (i) accurate with regard to the purposes for which it is to be used, and (ii) not kept longer than is necessary for the fulfillment of the purpose for which it is to be used.

2. How We Use Your Personal Information

We collect Personal Information about you in an attempt to provide you with the best experience possible, protect you from risks related to improper use and fraud, and help us maintain and improve the Platform. We may use your Personal Information to:

1. **Provide you with our Services.** We use your Personal Information to provide you with our services pursuant to the terms of our Terms of Service. For example, in order to facilitate fiat transfers out of your account, we need to know your financial information.
2. **Comply with legal and regulatory requirements.** We process your Personal Information as required by applicable laws and regulations.

3. **Detect and prevent fraud.** We process your Personal Information to detect and prevent fraud on your account, which is especially important given the irreversible nature of cryptocurrency transactions.
4. **Protect the security and integrity of our Platform.** We use your Personal Information, including information about your device and your activity on YellowHeart to maintain the security of your account and the YellowHeart platform.
5. **Provide you with customer support.** We process your Personal Information when you contact our support team with questions about or issues with your account.
6. **Market our products.** We may contact you with information about our Platform or services. We will only do so with your permission, which can be revoked at any time.
7. **Other business purposes.** We may use your Personal Information for additional purposes if that purpose is disclosed to you before we collect the information or if we obtain your consent.

3. How We Share Your Personal Information

We will not share your Personal Information with third parties, except as described below:

1. **Service Providers.** We may share your Personal Information with third-party service providers for business or commercial purposes, including fraud detection and prevention, security threat detection, payment processing, customer support, data analytics, Information Technology, advertising and marketing, network infrastructure, storage, transaction monitoring. We share your Personal Information with these service providers only so that they can provide us with the services, and we prohibit our service providers from using or disclosing your Personal Information for any other purpose.
 - A. You authorize us to collect and share with our payments provider **Stripe, Inc.** your Personal Information including full name, email address and financial information, and you are responsible for the accuracy and completeness of that data.
1. **Law Enforcement.** We may be compelled to share your Personal Information with law enforcement, government officials, and regulators.
2. **Corporate Transactions.** We may disclose Personal Information in the event of a proposed or consummated merger, acquisition, reorganization, asset sale, or similar corporate transaction, or in the event of a bankruptcy or dissolution.
3. **Professional Advisors.** We may share your Personal Information with our professional advisors, including legal, accounting, or other consulting services for purposes of audits or to comply with our legal obligations.
4. **Consent.** We may share your Personal Information with your consent.

If we decide to modify the purpose for which your Personal Information is collected and used, we will amend this Privacy Policy.

4. Cookies

When you access YellowHeart, we may make use of the standard practice of placing tiny data files called cookies, flash cookies, pixel tags, or other tracking tools (herein, “**Cookies**”) on your

computer or other devices used to visit YellowHeart. We use Cookies to help us recognize you as a customer, collect information about your use of YellowHeart to better customize our services and content for you, and collect information about your computer or other access devices to: (i) ensure that your account security has not been compromised by detecting irregular, suspicious, or potentially fraudulent account activities; and (ii) assess and improve our services and advertising campaigns.

You also can learn more about cookies by visiting <http://www.allaboutcookies.org>, which includes additional useful information on cookies and how to block cookies on different types of browsers and mobile devices. Please note that if you reject cookies, you will not be able to use some or all of YellowHeart. If you do not consent to the placing of Cookies on your device, please do not visit, access, or use YellowHeart.

5. Direct Marketing

Subject to applicable laws and regulations, we may from time to time send direct marketing materials promoting services, products, facilities, or activities to you using information collected from or about you. You may also opt-out of such communications by following the directions provided in any marketing communication. It is our policy to not provide your Personal Information for those third parties' direct marketing purposes without your consent.

6. Information Security

No security is foolproof, and the internet is an insecure medium. We cannot guarantee absolute security, but we work hard to protect YellowHeart and you from unauthorized access to or unauthorized alteration, disclosure, or destruction of Personal Information we collect and store. [Measures we take include encryption of the YellowHeart website communications with SSL; optional two-factor authentication; periodic review of our Personal Information collection, storage, and processing practices; and restricted access to your Personal Information on a need-to-know basis for our employees, contractors and agents who are subject to strict contractual confidentiality obligations and may be disciplined or terminated if they fail to meet these obligations.]

7. Information For Persons Subject to EU Data Protection Law

While customers who are located in the European Union (“EU”), European Economic Area (“EEA”) or the Channel Islands, or other locations subject to EU data protection law (collectively, “Europe”) are customers of our US entity, we recognize and, to the extent applicable to us, adhere to relevant EU data protection laws. For purposes of this section, “personal data” has the meaning provided in the General Data Protection Regulation (EU) 2016/679 (“GDPR”).

8. Lawful bases for processing

We process personal data subject to GDPR on one or more of the following legal bases:

- **Legal Obligation:** to conduct anti-fraud and to fulfill our retention and other legal obligations;
- **Contractual Obligation:** to satisfy our obligations to you under our Terms of Service, including to provide you with our services and customer support services, and to optimize and enhance YellowHeart;
- **Legitimate Interest:** to monitor the usage of YellowHeart, conduct automated and manual security checks of our services, to protect our rights; and
- **Consent:** to market YellowHeart and our services. You may withdraw your consent at any time without affecting the lawfulness of processing based on consent before consent is withdrawn.

9. European privacy rights

European residents have the following rights under GDPR, subject to certain exceptions provided under the law, with respect to their personal data:

- **Rights to Access and Rectification.** You may submit a request that YellowHeart disclose the personal data that we process about you and correct any inaccurate personal data.
- **Right to Erasure.** You may submit a request that YellowHeart delete the personal data that we have about you.
- **Right to Restriction of Processing.** You have the right to restrict or object to our processing of your personal data under certain circumstances.
- **Right to Data Portability.** You have the right to receive the personal data you have provided to us in an electronic format and to transmit that personal data to another data controller.

To submit a request to exercise these rights, please contact us using the methods described at the end of this Privacy Policy. When handling requests to exercise European privacy rights, we check the identity of the requesting party to ensure that he or she is the person legally entitled to make such request. While we maintain a policy to respond to these requests free of charge, should your request be repetitive or unduly onerous, we reserve the right to charge you a reasonable fee for compliance with your request.

10. Collection and transfer of data outside the EEA

YellowHeart operates with many of our systems based in the United States. As a result, we may transfer personal data from Europe to third countries outside of Europe, including the United States, under the following conditions:

- **Contractual Obligation.** Where transfers are necessary to satisfy our obligation to you under our Terms of Use, including to provide you with our business services or customer support services, and to optimize and enhance YellowHeart; and
- **Consent:** where you have consented to the transfer of your personal data to a third country.

Where transfers to a third country are based on your consent, you may withdraw your consent at any time. Please understand, however, that our services may not be available if we are unable to transfer personal data to third countries.

11. Your Rights

In certain circumstances you have the right to access the Personal Information that we collect/hold about you and to correct, update, or request deletion of your Personal Information. Prior to the fulfilment of your request concerning your Personal Information, we will ask you to verify your identity before we can act upon your request.

You have the following rights:

- The right to require free of charge (i) confirmation of whether we process your Personal Information and (ii) access to a copy of the Personal Information retained;
- The right to request proper rectification, removal or restriction of your Personal Information;
- Where processing of your Personal Information is either based on your consent or necessary for the performance of a contract with you and processing is carried out by automated means, the right to receive the Personal Information concerning you in a structured, commonly used and machine-readable format or to have your Personal Information transmitted directly to another company, where technically feasible (data portability);
- Where the processing of your Personal Information is based on your consent, the right to withdraw your consent at any time without impact to data processing activities that have taken place before such withdrawal or to any other existing legal justification of the processing activity in question;
- The right not to be subject to any automatic individual decisions which produces legal effects on you or similarly significantly affects you; and
- The right to take legal actions in relation to any breach of your rights regarding the processing of the Personal Information, as well as to lodge complaints before the competent data protection regulators.

As far as we process your Personal Information on the basis of our legitimate interests, you can object to processing at any time. You can find a detailed description of our processing activities and the legal basis in the sections above. If you object to such processing, we ask you to state the grounds of your objection in order for us to examine the processing of your Personal Information and decide whether to adjust the processing accordingly.

12. Contact Us

If you have questions or concerns regarding this policy or our processing of your Personal Information, please feel free to email us at compliance@yellowheart.io; or write to us at YellowHeart LLC, 420 East 55th Street, New York, NY 10022.