

## FLUIDSTACK CLOUD USER PRIVACY POLICY

### 1. OUR APPROACH TO PRIVACY

- 1.1 FluidStack ("**FluidStack**", "**we**", "**our**" or "**us**") is committed to protecting and respecting your privacy. This Privacy Policy sets out how we collect, store, process, transfer, share and use data that identifies or is associated with you ("**personal information**") and information regarding our use of cookies and similar technologies.
- 1.2 FluidStack operates a cloud hosting platform, which uses unused or idle computers that have downloaded and installed FluidStack's software as nodes in a network of distributed cloud servers (collectively, the "**FluidStack Service**").
- 1.3 This Privacy Policy applies to you when you sign up and use the cloud hosting capacity of the FluidStack Service. Please ensure that you have read this Privacy Policy and understood how we collect, store, use and disclose your personal information before subscribing or accessing the FluidStack Service.

### 2. WHO IS RESPONSIBLE FOR THE USE OF YOUR PERSONAL INFORMATION

- 2.1 FluidStack Ltd will be the controller of the personal information you provide to us when you sign up to the FluidStack Service and certain information you provide to us when you use the FluidStack Service. This means that we determine and are responsible for how this personal information is used.

### 3. PERSONAL INFORMATION WE COLLECT FROM YOU AND HOW WE USE IT

- 3.1 We collect personal information that you voluntarily submit directly to us when you use the FluidStack Service. This can include information you provide to us when you sign up to the FluidStack Service, correspond with us by phone, e-mail or otherwise in relation to the FluidStack Service, or when you subscribe to our mailing lists, newsletters or other forms of marketing communications.
- 3.2 We will indicate to you where the provision of certain personal information is required in order for us to process your request, respond to your query or otherwise provide you with a functionality of the FluidStack Service. If you choose not to provide such personal information, we may not be able to process your request to sign up to the FluidStack Service, provide support or respond to your other requests.
- 3.3 The categories of information we collect may include:
  - (a) your contact details, such as your name, email address and phone number;
  - (b) payment details, such as the details of the payment method you use to pay us and your billing address;

- (c) your preferences as to how we communicate with you; and
- (d) the content of any queries or requests you submit to us.

We use this information to provide you with access to the FluidStack Service, to address your questions and concerns, to contact you and to help us develop new products and services.

3.4 The table at **Annex 1** sets out further detail about the categories of personal information we collect about you and how we use that information when you sign up to and use the FluidStack Service, as well as the legal basis which we rely on to process that personal information.

#### **4. PERSONAL INFORMATION WE COLLECT FROM YOU AUTOMATICALLY WHEN YOU USE THE FLUIDSTACK SERVICE**

4.1 We also automatically collect personal information about how you access and use the FluidStack Service and our website, and information about the device you use to access the FluidStack Service and our website.

4.2 We may link or combine the personal information we collect from you and the information we collect about you automatically. This allows us to calculate any amounts owed by you to us or by us to you, and to provide you with a personalised experience regardless of how you interact with us.

4.3 We may anonymise and aggregate any of the personal information we collect (so that it does not directly identify you). We may use anonymised information for purposes that include testing our IT systems, research, data analysis, improving the FluidStack Service and developing new products and features. We may also share such anonymised and aggregated information with others.

4.4 The categories of information we collect in this way may include:

- (a) information about the location from which you access and use the FluidStack Service;
- (b) information about how often you, or anyone to whom you give access to the FluidStack Service, accesses and uses the FluidStack Service.

We use this information to operate the FluidStack Service, to monitor and improve the FluidStack Service, to calculate the amounts you owe us for using the FluidStack Service and to develop new products and services.

4.5 The table at **Annex 2** sets out further information about the categories of personal information we collect about you automatically when you use the FluidStack Service and

how we use that information. The table also lists the legal basis which we rely on to process that personal information.

## **5. PERSONAL INFORMATION WE COLLECT WHEN YOU USE OUR WEBSITE**

5.1 When you browse our website, fluidstack.io, the categories of information we collect in this way may include:

- (a) information about the features you use and the pages you view on the website;
- (b) information about your device (such as your IP address, device identifier, device type, model and manufacturer); and
- (c) information about your usage (such as how often you use the website).

We use this information to provide you the features and functionality of the website, to monitor and improve the website and to develop new products and services.

5.2 The table at **Annex 3** sets out further information about the categories of personal information we collect about you automatically when you use our website and how we use that information. The table also lists the legal basis which we rely on to process that personal information.

## **6. HOW LONG WILL WE STORE YOUR PERSONAL INFORMATION**

6.1 We will usually store the personal information we collect about you for no longer than necessary for the purposes set out in Annexes 1, 2 and 3, in accordance with our legal obligations and legitimate business interests.

6.2 We may, however, need to retain your personal information for longer if we are required to do so by law.

## **7. RECIPIENTS OF PERSONAL INFORMATION**

7.1 We may also share your personal information with the following (as required in accordance with the uses set out in Annexes 1, 2 and 3):

- (a) **Service providers and advisors:** we may share your personal information with third party vendors and other service providers that perform services for us or on our behalf, which may include providing professional services, such as legal and accounting services, processing payments, mailing, email or chat services, fraud prevention, or providing analytic services.
- (b) **Purchasers and third parties in connection with a business transaction:** your personal information may be disclosed to third parties in connection with a

transaction, such as a merger, sale of assets or shares, reorganisation, financing, change of control or acquisition of all or a portion of our business.

- (c) **Law enforcement, regulators and other parties for legal reasons:** we may share your personal information with third parties as required by law or if we reasonably believe that such action is necessary to (i) comply with the law and the reasonable requests of law enforcement; (ii) detect and investigate illegal activities and breaches of agreements, including our Terms of Service; and/or (iii) exercise or protect the rights, property, or personal safety of FluidStack, its users or others.

## **8. MARKETING AND ADVERTISING**

- 8.1 From time to time we may contact you with information about our products and services, including sending you marketing messages and asking for your feedback on our products and services.
- 8.2 Most marketing messages we send will be by email. For some marketing messages, we may use personal information we collect about you to help us determine the most relevant marketing information to share with you.
- 8.3 We will only send you marketing messages if you have given us your consent to do so. You can withdraw your consent at a later date by clicking on the unsubscribe link at the bottom of our marketing emails.

## **9. STORING AND TRANSFERRING YOUR PERSONAL INFORMATION**

- 9.1 **Security.** We implement appropriate technical and organisational measures to protect your personal information against accidental or unlawful destruction, loss, change or damage. All personal information we collect will be stored on secure servers. We will never send you unsolicited emails or contact you by phone requesting your account ID, password, credit or debit card information or national identification numbers.
- 9.2 **International Transfers of your Personal Information.** The personal information we collect may be transferred to and stored in countries outside of the jurisdiction you are in where we and our third party service providers have operations. If you are located in the European Economic Area ("**EEA**"), your personal information may be processed outside of the EEA including in the United States.
- 9.3 In the instance of such a transfer, we ensure that:
  - (a) the personal information is transferred to countries recognised as offering an equivalent level of protection; or
  - (b) the personal information is transferred to certified entities under the EU-U.S. Privacy Shield; or

- (c) the transfer is made pursuant to appropriate safeguards, such as standard data protection clauses adopted by the European Commission or UK Information Commissioner.

If you wish to enquire further about these safeguards used, please contact us using the details set out at the end of this Privacy Policy.

## **10. YOUR RIGHTS IN RESPECT OF YOUR PERSONAL INFORMATION**

10.1 In accordance with applicable privacy law, you have the following rights in respect of your personal information that we hold:

- (a) **Right of access.** You have the right to obtain:
  - (i) confirmation of whether, and where, we are processing your personal information;
  - (ii) information about the categories of personal information we are processing, the purposes for which we process your personal information and information as to how we determine applicable retention periods;
  - (iii) information about the categories of recipients with whom we may share your personal information; and
  - (iv) a copy of the personal information we hold about you.
- (b) **Right of portability.** You have the right, in certain circumstances, to receive a copy of the personal information you have provided to us in a structured, commonly used, machine-readable format that supports re-use, or to request the transfer of your personal data to another person.
- (c) **Right to rectification.** You have the right to obtain rectification of any inaccurate or incomplete personal information we hold about you without undue delay.
- (d) **Right to erasure.** You have the right, in some circumstances, to require us to erase your personal information without undue delay if the continued processing of that personal information is not justified.
- (e) **Right to restriction.** You have the right, in some circumstances, to require us to limit the purposes for which we process your personal information if the continued processing of the personal information in this way is not justified, such as where the accuracy of the personal information is contested by you.

**10.2 You also have the right to object to any processing based on our legitimate interests where there are grounds relating to your particular situation. There may be compelling reasons for continuing to process your personal information, and**

**we will assess and inform you if that is the case. You can object to marketing activities for any reason.**

- 10.3 If you wish to exercise one of these rights, please contact us using the contact details at the end of this Privacy Policy.
- 10.4 You may also review and edit some of the personal information you have submitted to us through the appropriate functionality on the FluidStack Service.
- 10.5 Due to the confidential nature of data processing we may ask you to provide proof of identity when exercising the above rights. This can be done by providing a scanned copy of a valid identity document or a signed photocopy of a valid identity document.
- 10.6 We will seek to respond to any request relating to your rights within one month of receipt of such request.
- 10.7 Where, given the complexity of the claim or the number of requests received, the above deadline cannot be met, we will inform you of the extended deadline in which we will respond to your request. Such extension may not be more than two months from the date on which we notify you that an extension is required.
- 10.8 Where we do not follow up on your request, we will inform you within the one month deadline of the grounds on which we have based our decision and of your right to refer a complaint to your national data protection authority.

## **11. COOKIES AND SIMILAR TECHNOLOGIES USED ON OUR WEBSITE**

- 11.1 Our website, FluidStack.io, uses cookies and similar technologies (such as pixels) to distinguish you from other users of our website.
- 11.2 A cookie is a small data file that we transfer to your computer's hard disk for record-keeping purposes.
- 11.3 Cookies help us to provide our website to you in accordance with your preference, and to monitor and analyse how you use and interact with our website so that we can continue to improve it. It also helps our advertising partners to determine products and services that may be of interest to you, in order to serve you targeted advertisements.
- 11.4 We use the following types of cookies:
  - (a) **Strictly necessary cookies.** These are cookies that are required for the operation of our website. They include, for example, cookies that enable you to stay logged in to the FluidStack Service.
  - (b) **Analytical/performance cookies.** They allow us to recognise and count the number of visitors and to see how visitors move around our website when they are using it. This helps us to improve the way our website works, for example, by

ensuring that users are finding what they are looking for easily. We may use third-party analytics tools such as Google Analytics and Intercom to help us measure traffic and usage trends for the website and to understand more about the demographics of our users. You can learn more about Google's practices at <http://www.google.com/policies/privacy/partners>, and view its currently available opt-out options at <https://tools.google.com/dlpage/gaoptout>.

- (c) **Functionality cookies.** These are used to recognise you when you return to our website. This enables us to personalise our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- (d) **Third party cookies.** Please be aware that advertisers and other third parties may use their own cookies tags when you click on an advertisement or link on our website. These third parties are responsible for setting out their own cookie and privacy policies.

11.5 Please see **Annex 4** for more information about the cookies we use on the website.

11.6 The cookies we use are designed to help you get the most from our website but if you do not wish to receive cookies, most browsers allow you to change your cookie settings. Please note that if you choose to refuse all cookies you may not be able to use the full functionality of our website. These settings will typically be found in the "options" or "preferences" menu of your browser. In order to understand these settings, the following links may be helpful, otherwise you should use the "Help" option in your browser for more details.

(a) [Cookie settings in Internet Explorer](#)

(b) [Cookie settings in Firefox](#)

(c) [Cookie settings in Chrome](#)

(d) Cookie settings in Safari web and iOS.

11.7 If you would like to find out more about cookies and other similar technologies, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org) or the Network Advertising Initiative's online sources at [www.networkadvertising.org](http://www.networkadvertising.org).

11.8 Please note that deleting or blocking cookies may not be effective for all types of tracking technologies, such as Local Storage Objects (LSOs) like HTML5.

## **12. TRACKING TECHNOLOGIES USED IN OUR EMAILS**

12.1 Our emails may contain tracking technologies that provide us with information about your interactions with our emails, including identifying if and when you have opened an email that we have sent you, how many times you have read it and whether you have clicked

on any links in that email. This helps us measure the effectiveness of our marketing email campaigns, make the emails we send to you more relevant to your interests and to understand if you have opened and read any important administrative emails we might send you.

- 12.2 Most popular email clients will allow you to block these technologies by disabling certain external images in emails. You can do this through the settings on your email client – these generally give you the option of choosing whether emails will display "remote images", "remote content" or "images" by default.
- 12.3 Some browsers also give you the option of downloading and installing extensions that block tracking technologies.

### **13. INTEREST BASED ADVERTISING**

- 13.1 We participate in interest-based advertising and use third party advertising companies to serve you targeted advertisements based on your browsing history and use of our website. We may share, or we may permit third party online advertising networks, social media companies and other third party services to collect information about your use of our website over time so that they may play or display ads of our website, our products and services and similar products and services, on other websites, apps or services you may use (including Google).
- 13.2 Typically, but not always, this information is collected through cookies and similar tracking technologies. These third parties may collect mobile identifiers, such as the ID for Advertising for iOS (IDFA), Google Advertising ID, as well as your device's IP address, information about other applications on your device, your location, information about your use of our website and information about which adverts you have seen or clicked on.
- 13.3 We and our third party partners use this information to make the advertisements you see online more relevant to your interests, as well as to provide advertising-related services such as reporting, attribution, analytics and market research.
- 13.4 We may also use certain forms of display advertising and other advanced features through Google Universal Analytics, such as Remarketing with Google Analytics, Google Display Network Impression Reporting, the DoubleClick Campaign Manager Integration, and Google Analytics Demographics and Interest Reporting. These features enable us to use first-party cookies (such as the Google Analytics cookie) and third-party cookies (such as the Doubleclick advertising cookie) or other third party cookies together to inform, optimize, and display ads based on your past visits to our website. You may control your advertising preferences or opt-out of certain Google advertising products by visiting the Google Ads Preferences Manager, currently available at <https://google.com/ads/preferences> or by visiting NAI's online resources at <http://www.networkadvertising.org/choices>.

- 13.5 You may be able to limit the use of these identifiers for interest-based advertising on a particular device through the settings on your device by selecting "limit ad tracking" (iOS) or "opt out of interest based ads" (Android). You may also be able to opt-out of some, but not all, interest-based ads served by mobile ad networks by visiting <http://youradchoices.com/appchoices> and downloading the mobile AppChoices app.
- 13.6 To learn more about interest-based advertising and how you may be able to opt-out of some of this advertising, you may wish to visit:
- (a) the Network Advertising Initiative's online resources, at <http://www.networkadvertising.org/choices>;
  - (b) the DAA's resources at [www.aboutads.info/choices](http://www.aboutads.info/choices); and/or
  - (c) Your Online Choices at [www.youronlinechoices.eu](http://www.youronlinechoices.eu).
- 13.7 Please note that opting-out of receiving interest-based advertising through the NAI's and DAA's or Your Online Choices online resources will only opt you out from receiving interest-based ads on that specific browser or device, but you may still receive interest-based ads on your other devices. You would need to perform the opt-out on each browser or device you use.
- 13.8 Some of these opt-outs may not be effective unless your browser is set to accept cookies. If you delete cookies, change your browser settings, switch browsers or devices, or use another operating system, you will need to opt-out again.
- 13.9 Please note that opting out of interest-based advertising does not mean you will no longer see advertising on your device – it just means that adverts may no longer be tailored to your interests.

#### **14. LINKS TO THIRD PARTY SITES**

- 14.1 The FluidStack Service may, from time to time, contain links to and from third party websites, including those of our partner networks, advertisers, partner merchants, news publications, and retailers. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for their policies. Please check the individual policies before you submit any information to those websites.

#### **15. OUR POLICY TOWARDS CHILDREN**

- 15.1 Our FluidStack Service are not directed at persons under 18 and we do not knowingly collect personal information from any persons under 18. If you become aware that your child has provided us with personal information, without your consent, then please contact us using the details below so that we can take steps to remove such information and terminate any account your child has created with us.

## **16. CHANGES TO THIS POLICY**

- 16.1 We may update this Privacy Policy from time to time and so you should review this page periodically. When we change this Privacy Policy in a material way, we will update the "last modified" date at the end of this Privacy Policy. Changes to this Privacy Policy are effective when they are posted on this page.

## **17. NOTICE TO YOU**

- 17.1 If we need to provide you with information about something, whether for legal, marketing or other business related purposes, we will select what we believe is the best way to get in contact with you. We will usually do this through email or by placing a notice on the FluidStack Service. The fact that we may send notices to you will not stop you from being able to opt out of certain types of contact as described in this Privacy Policy.

## **18. CONTACTING US**

- 18.1 Please contact [hi@fluidstack.io](mailto:hi@fluidstack.io) if you have any questions, comments and requests regarding this Privacy Policy.
- 18.2 If we are unable to deal with any issues you raise with us, you also have the right to lodge a complaint with your national data protection authority. Further information about how to contact your local data protection authority is available at [http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm).
- 18.3 This Privacy Policy was last modified on **17 July 2019**.

**ANNEX 1 – PERSONAL INFORMATION YOU PROVIDE TO US WHEN YOU USE THE  
FLUIDSTACK SERVICE AS A CLOUD USER**

Category of personal information	How we may use it	Legal basis for the processing
<p><b>Contact information</b> such as your name and e-mail address.</p>	<p>We may use this information to communicate with you, including sending service-related communications.</p>	<p>The processing is necessary for the performance of a contract with you.</p>
	<p>We may use this information to deal with any enquiries, support requests or complaints made by you relating to the FluidStack Service.</p>	<p>The processing is necessary for our legitimate interests, namely administering the FluidStack Service, and for communicating with you effectively to respond to your queries, support requests or complaints.</p>
	<p>We may use this information to send you surveys or requests for feedback about your experience of the FluidStack Service.</p>	<p>We will only use your personal information in this way to the extent you have given us consent to do so.</p>
	<p>We may use this information to send you unsolicited marketing communications in accordance with your preferences.</p>	<p>We will only use your personal information in this way to the extent you have given us consent to do so.</p>
<p><b>Payment details</b>, such as details of the payment method you use to pay for your use of the FluidStack Service.</p>	<p>We may use this information to process your payments.</p>	<p>The processing is necessary for the performance of a contract.</p>
	<p>We may use this information to identify and prevent fraud.</p>	<p>The processing is necessary for our legitimate interests, namely identifying and preventing fraud.</p>
<p><b>Correspondence, comments and opinions.</b> When you contact us directly, e.g. by email, phone, through our social media channels or when you complete an online form, we will record your comments and opinions.</p>	<p>We may use this information to address your questions, issues and concerns.</p>	<p>The processing is necessary for our legitimate interests, namely communicating with users and responding to queries, complaints and concerns.</p>
	<p>We may use this information to develop new products and features available on the FluidStack Service or otherwise improve the FluidStack Service.</p>	<p>The processing is necessary for our legitimate interests, namely developing and improving the FluidStack Service.</p>

	<p>We may use this information to determine products and services that may be of interest to you.</p>	<p>The processing is necessary for our legitimate interests, namely marketing.</p>
	<p>We may use this information to send you solicited marketing communications and other information in response to your enquiries.</p>	<p>The processing is necessary for the performance of a contract and to take steps prior to entering into a contract.</p>
	<p>We may use this information to send you unsolicited marketing communications in accordance with your marketing preferences.</p>	<p>We will process your personal information for this purpose to the extent that you have given us consent to do so.</p>
<p><b>Your preferences and subscriptions</b>, such as whether you have subscribed to any newsletters and your preferences set for notifications and marketing communications.</p>	<p>We use this information to provide notifications, send news, alerts and marketing communications where you have asked us to do so, or where you have consented.</p>	<p>The processing is necessary for our legitimate interest, namely ensuring the user receives the correct marketing and other communications.</p>
	<p>We use this information to ensure that we comply with our legal obligation to send only those marketing communications which you have requested or to which you have consented.</p>	<p>The processing is necessary for compliance with a legal obligation to which we are subject.</p>
<p><b>All personal information set out above.</b></p>	<p>We may use all the personal information we collect to operate, maintain and provide to you the features and functionality of the FluidStack Service, to communicate with you, to monitor and improve the FluidStack Service and our business, and to help us develop new products and services.</p>	<p>The processing is necessary for our legitimate interests, namely to administer and improve the FluidStack Service.</p>

**ANNEX 2 – PERSONAL INFORMATION COLLECTED AUTOMATICALLY WHEN YOU ACT  
AS A CLOUD USER ON THE FLUIDSTACK SERVICE**

<b>Category of personal information</b>	<b>How we may use it</b>	<b>Legal basis for the processing</b>
<b>Information about your use of the FluidStack Service</b> , such as the amount of data used, or the capacity requested from to the FluidStack Service.	We may use this information to calculate the amounts we charge you for using the FluidStack Service.	The processing is necessary for the performance of a contract.

**ANNEX 3 – PERSONAL INFORMATION COLLECTED AUTOMATICALLY WHEN YOU USE  
THE WEBSITE**

Category of personal information	How we may use it	Legal basis for the processing
<p><b>Information about how you access and use the website.</b> For example, how frequently you access the website, the time you access the website and how long you use it for, the approximate location that you access the website from, whether you access the website from multiple devices, and other actions you take on the website.</p>	<p>We may use information about how you use and access the website to present the website to you on your device.</p>	<p>The processing is necessary for our legitimate interests, namely to tailor the website to the user.</p>
	<p>We may use this information to determine products and services that may be of interest to you for marketing purposes.</p>	<p>The processing is necessary for our legitimate interests, namely to inform our direct marketing.</p>
	<p>We may use this information to monitor and improve the website and/or our business, to resolve issues and to inform the development of new products and services.</p>	<p>The processing is necessary for our legitimate interests, namely to monitor and resolve issues with the website and to improve the website generally.</p>
<p><b>Log files and information about your device.</b> We also collect information about the computer, tablet, smartphone or other electronic device you use to access the website. This information can include details about the type of device, unique device identifying numbers, operating systems, browsers and applications that you use to access the website on your device, your mobile network, your IP address and your device’s telephone number (if it has one).</p>	<p>We may use information about how you use and access the website to present the website to you on your device.</p>	<p>The processing is necessary for our legitimate interests, namely to tailor the website to the user.</p>
	<p>We may use this information to determine products and services that may be of interest to you for marketing purposes.</p>	<p>The processing is necessary for our legitimate interests, namely to inform our direct marketing.</p>
	<p>We may use this information to monitor and improve the website and/or our business, to resolve issues and to inform the development of new products and services.</p>	<p>The processing is necessary for our legitimate interests, namely to monitor and resolve issues with the website and to improve the website generally.</p>

**ANNEX 4 – COOKIES AND SIMILAR TECHNOLOGIES USED ON OUR WEBSITE**

Cookie Name	Type of cookie	When is the cookie set?	How long does the cookie stay on my device?	Purpose of the cookie
JWT Login Token	Functional	When you first visit log in to the FluidStack Service through our website	1 month	We use this cookie to keep you logged in to the FluidStack Service so you do not need to keep logging in each time you wish to access the FluidStack Service.
Google Tag Manager	Functional and third party targeting	When you first visit our website	Until you navigate away from the Site	These cookies are associated with Google Universal Analytics. They are used to calculate visitor, session and campaign data in order to generate reports and information about how the visitor uses the Site.
Google Analytics	Functional	When you first visit our website	Until you navigate away from the Site	<p>They are also used to support Google Advertising. To learn more about how Google collects and uses information for online advertising, please visit <a href="http://www.google.com/intl/en/privacy.html">http://www.google.com/intl/en/privacy.html</a>.</p> <p>Please visit <a href="https://tools.google.com/dlpage/gaoptout">https://tools.google.com/dlpage/gaoptout</a> to see how you can opt out of receiving these cookies.</p>