

## MOCA SYSTEMS INC.

### PRIVACY POLICY

MOCA Systems Inc. (MOCA) owns and operates the website: <http://www.touchplan.io> (Site). The Site, the services available at the Site, any mobile applications that are made available by MOCA (if any) (Mobile Apps), and all updates, modifications, enhancements and improvements to any of the foregoing are collectively referred to as the Service. The following policy explains how MOCA may collect, use and disseminate information obtained from Users of the Service. Capitalized terms used herein without definition will have the same meanings as defined in the Terms of Service applicable to the Service, which are available at: <https://my.touchplan.io/legal/Service-Terms.pdf>.

#### 1. Information Collected.

MOCA collects any User Content that you upload, post, submit or otherwise distribute to or through any aspect of the Service.

When you visit the Site or use Mobile Apps, web servers collect general information about your visit (such as, for example, traffic data like time, date and the address of the website from which you entered the Site), which is stored as anonymous, aggregate data. MOCA also collects more specific information about you and your use of the Service (such as, for example, demographic data, profile data and frequency or duration of use). Collecting such data (collectively, Traffic Data) may entail the use of software programs, web beacons, pixel tags, Cookies (as defined below), IP addresses or other numeric codes used to identify a computer. Mobile Apps may also collect and transmit to MOCA information about your location which is used in connection with your use of the Service. Such information is considered Traffic Data under this Privacy Policy. At no time will MOCA's Mobile Apps access, collect or store any of the personal contacts or photographs or any other information stored on your mobile device without your permission.

When you register for the Service via the Site or through the Mobile Apps, our registration process may require you to provide your name, company name, username, password, legitimate electronic mail address and certain additional information (collectively, Registration Data). If you are using any part of the Service for which MOCA charges fees, you will also be required to provide your credit card number and billing information. If you are registering as the owner of a MOCA account, you may also be required to provide the names and email addresses of individuals to whom you would like MOCA to provide access to your account.

#### 2. EU Residents.

If you are a resident of the European Union ("EU"), United Kingdom, Lichtenstein, Norway, or Iceland, you may have additional rights under the EU General Data Protection Regulation (the "GDPR") with respect to your Personal Data, as outlined in the section below entitled "Additional Rights for EU Residents".

#### 3. Children.

MOCA will not knowingly collect any personally identifiable information from any person that is actually known to us to be under the age of 18. If MOCA becomes aware that a person under 18 has provided personally identifiable information, it will take steps to remove such information and terminate the respective account.

#### 4. Use of Information.

MOCA uses Traffic Data to help diagnose problems with its web servers, to administer the Service and to analyze User trends and behaviors. MOCA will share Traffic Data with certain third parties for the purposes of technical and customer support. In addition, MOCA will share aggregated User information and Traffic Data with certain third parties, including but not limited to, advertisers, investors and content distributors. Except as set forth below, at no time will any personally identifiable information be shared with any third party by MOCA. Your IP address is not linked to personally identifiable information, but is used to gather broad demographic data and to monitor statistics to improve the Service.

MOCA uses Registration Data to contact you with information about the Service and to respond to your inquiries. MOCA uses User Content to provide the Service to you (e.g., sharing User Content with other Users who are authorized to see such User Content) and in anonymous, aggregated form to analyze usage patterns and to customize the Service and content that Users see on the Service. MOCA may use and disclose such aggregated, anonymous measures to advertisers, partners, and other third parties in the course of MOCA's business.

## **5. Sharing of Personally Identifiable Information.**

Currently, MOCA will not share personally identifiable information with any third party for commercial purposes that are not related to the Service. MOCA may, however, disclose personally identifiable data if (1) reasonably necessary to perform the Service, (2) authorized by you, (3) permitted under this Privacy Policy or (4) MOCA is required to do so by law or regulation, or in the good faith belief that such action is necessary (i) to conform or comply with any legal, regulatory, law enforcement or similar requirement or investigation, (ii) to protect or defend the rights or property of MOCA or any other User or (iii) to enforce the Terms of Service.

## **6. Business Transfers.**

MOCA may transfer Traffic Data and Registration Data (including personally identifiable information) and User Content to any successor to all or substantially all of its business or assets that concerns the Service. In the event of such a transfer, such successor will have all of the rights and be subject to all of the obligations of this Privacy Policy, including, without limitation, the right to modify or replace this Privacy Policy, as provided herein.

## **7. Security.**

Information collected by MOCA is stored in secure operating environments that are not made generally available to the public. Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure. As a result, MOCA cannot ensure the security of any information you provide, and you do so at your own risk. Once MOCA receives your transmission, it will make reasonable efforts to ensure its security on MOCA's systems.

## **8. Third Party Sites and Mobile Applications.**

The Service may permit you to link to other websites on the Internet, and other websites and mobile applications may contain links to the Service. These other websites and mobile applications are not under MOCA's control. The privacy and security practices of websites and mobile applications linked to or from the Site are not covered by this Privacy Policy, and MOCA is not responsible for the privacy or security practices or the content of such websites and mobile applications.

## **9. IP Addresses and Cookies.**

MOCA uses your IP address to help diagnose problems with its web servers and administer the Site. Your IP address is used to help identify you and to gather demographic information. IP addresses are also used to provide an audit trail regarding use of the Service.

"Cookies" are pieces of information that a website transfers to your computer's hard disk for record-keeping purposes. Cookies in and of themselves do not personally identify users, although they do identify a user's computer. You may be able to set your web browser to refuse Cookies, which in turn may affect your ability to access and use the Service.

Third parties who provide advertising using the Service (if any) may also use Cookies for the purpose of collecting and storing information. MOCA does not have access to or control over third party advertisers' use of Cookies. You may be able to opt-out of some of these practices through the Network Advertising Initiative ([www.networkadvertising.org](http://www.networkadvertising.org)), and/or PrivacyChoice ([www.privacychoice.org](http://www.privacychoice.org)).

## **10. Termination.**

If you terminate your registration, or if your registration is terminated for any reason by MOCA, copies of your User Content may remain on MOCA's systems. MOCA may continue to use such information as permitted under this Privacy Policy even after you terminate your registration.

## **11. Changes.**

MOCA reserves the right, at its sole discretion, to modify or replace this Privacy Policy, in whole or in part, at any time. MOCA will use reasonable efforts to notify you of any material change at least 30 days in advance of the effective date of any change. Change notices may be communicated by postings at the Site or by electronic mail. In any case, you should periodically check the Privacy Policy for changes. Continued use of the Service following such notice of any change to the Privacy Policy constitutes your acceptance of those changes. Information collected by the Service is subject to the Privacy Policy in effect at the time of use.

You may correct or otherwise change your Registration Data by contacting MOCA, as provided below.

## **12. Contact.**

If you have questions about the Service or these Terms of Use, you may contact MOCA at:

**MOCA Systems, Inc., 50 Congress St., Ste. 630, Boston, MA 02109.  
info@touchplan.io**

**13. Additional Rights for EU Residents**

If you are a resident of the European Union ("EU"), United Kingdom, Lichtenstein, Norway, or Iceland, you may have additional rights under the EU General Data Protection Regulation (the "GDPR") with respect to your Personal Data, as outlined below.

For this section, we use the terms "Personal Data" and "processing" as they are defined in the GDPR, but "Personal Data" generally means information that can be used to individually identify a person, and "processing" generally covers actions that can be performed in connection with data such as collection, use, storage and disclosure. Company will be the controller of your Personal Data processed in connection with the Services.

If there are any conflicts between this section and any other provision of this Privacy Policy, the policy or portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at support@touchplan.io. Note that we may also process Personal Data of our customers' end users or employees in connection with our provision of services to customers, in which case we are the processor of Personal Data. If we are the processor of your Personal Data (i.e., not the controller), please contact the controller party in the first instance to address your rights with respect to such data.

<b>Category of Data</b>	<b>Source of Data (if not Data Subject)</b>	<b>Purpose of Processing</b>	<b>Grounds for Processing (e.g. contractual necessity, legitimate interest, consent)</b>	<b>Retention Period of Such Data</b>
Inbound Lead Contact Data (e.g. Name, Address, Email, Phone)	Data Subject	Marketing & Sales Reach Out	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.
Inbound Lead Location / IP Address	Google Analytics, Drift, HubSpot	Marketing & Sales Reach Out	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.
Lead Sourcing Contact Data (e.g., Name, Address, Email, Phone)	ZoomInfo, CMD Group, Build Central, Paid Lists	Marketing & Sales Reach Out	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.
User Registration Data (e.g., Name, Address, Email, Phone)	Data Subject	Providing Service to Customers	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.
User Location, IP Address, Device,	Intercom	Providing Service to	Legitimate Interest	As long as user has an open account

Browser Type, & Photo Image		Customers		or as otherwise necessary to provide users with the Services.
Invited User Contact Info (e.g., Name, Address, Email, Phone)	Customer	Inviting Users on Behalf of Customers	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.
Customer Account Data (e.g., Name, Address, Email, Phone)	Customer	Billing / Legal	Legitimate Interest	As long as user has an open account or as otherwise necessary to provide users with the Services.

**What Personal Data Do We Collect From You?** We collect Personal Data about you when you provide such information directly to us, when third parties such as our business partners or service providers provide us with Personal Data about you, or when Personal Data about you is automatically collected in connection with your use of our Services.

**How Do We Use Your Personal Data?** We process Personal Data to operate, improve, understand and personalize our Services, as further described in the table above.

We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our "legitimate interests" or the legitimate interest of others, as further described in the table above.

**How and With Whom Do We Share Your Data?** We share Personal Data with vendors, third party service providers and agents who work on our behalf and provide us with services related to the purposes described in this Privacy Policy or our Terms of Service. These parties include:

- Payment processors
- Analytics service providers
- Staff augmentation and contract personnel
- Hosting service providers

We also share Personal Data when necessary to complete a transaction initiated or authorized by you or provide you with a product or service you have requested. In addition to those set forth above, these parties also include:

- Other users (where you post information publicly or as otherwise necessary to effect a transaction initiated or authorized by you through the Services)
- Social media services (if you interact with them through your use of the Services)
- Third party business partners who you access through the Services
- Other parties authorized by you

We also share Personal Data when we believe it is necessary to:

- Comply with applicable law or respond to valid legal process, including from law enforcement or other government agencies
- Protect us, our business or our users, for example to enforce our terms of service, prevent spam or other unwanted communications and investigate or protect against fraud
- Maintain the security of our products and services

We also share information with third parties when you give us consent to do so.

Lastly, we share Personal Data with our affiliates or other members of our corporate family. Furthermore, if we choose to buy or sell assets, user information is typically one of the transferred business assets. Moreover, if we, or substantially all of our assets, were acquired, or if we go out of business or enter bankruptcy, user information would be one of the assets that is transferred or acquired by a third party, and we would share Personal Data with the party that is acquiring our assets. You acknowledge that such transfers may occur, and that any acquirer of us or our assets may continue to use your Personal Information as set forth in this policy.

**How Long Do We Retain Your Personal Data?** We retain Personal Data about you for the retention period described in the table above. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. Afterwards, we retain some information in a depersonalized or aggregated form but not in a way that would identify you personally.

**What Security Measures Do We Use?** We seek to protect Personal Data using appropriate technical and organizational measures based on the type of Personal Data and applicable processing activity. For example, we require SSL encryption with 2048-bit certificates for all data transfers. Project access requires a unique login by each member of the project team. Users can only access projects that they created or were invited to. There is no open or public access to our service. All users must login and authenticate.

**Personal Data of Children:** As noted earlier in this Privacy Policy, we do not knowingly collect or solicit Personal Data from anyone under the age of 16. If you are under 16, please do not attempt to register for the Services or send any Personal Data about yourself to us. If we learn that we have collected Personal Data from anyone under age 16, we will delete that information as quickly as possible. If you believe that a person under age 16 may have provided us Personal Data, please contact us at support@touchplan.io.

**What Rights Do You Have Regarding Your Personal Data?** You have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please email support@touchplan.io. Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need to you to provide us with additional information, which may include Personal Data, if necessary to verify your identity and the nature of your request.

- **Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data. You can also access certain of your Personal Data by accessing 'Account Settings' under your user profile when signed in to your user account.
- **Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data. You can correct some of this information directly by accessing 'Account Settings' under your user profile when signed in to your user account.
- **Erasure:** You can request that we erase some or all of your Personal Data from our systems.
- **Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of our Services.
- **Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.
- **Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes, such as for direct marketing purposes.
- **Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.
- **Right to File Complaint:** You have the right to lodge a complaint about Company's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State.

**Transfers of Personal Data:** The Services are hosted and operated in the United States ("U.S.") through Company and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you

reside. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to Company in the U.S. and will be hosted on U.S. servers, and you authorize Company to transfer, store and process your information to and in the U.S., and possibly other countries. You hereby consent to the transfer of your data to the U.S. pursuant to EU-U.S. or Swiss-U.S. Privacy Shield Frameworks, respectively.

Company and its subsidiary, Touchplan, complies with the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. Company and its subsidiary, Touchplan, has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

Company is committed to the Privacy Shield Principles of (1) notice, (2) consent, (3) accountability for onward transfer, (4) security, (5) data integrity and purpose limitation, (6) access and (7) recourse, enforcement and liability with respect to all Personal Data received from within the EU and Switzerland in reliance on the Privacy Shield. The Privacy Shield Principles require that we remain potentially liable if any third party processing Personal Data on our behalf fails to comply with these Privacy Shield Principles (except to the extent we are not responsible for the event giving rise to any alleged damage). Company's compliance with the Privacy Shield is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

Please contact us at [support@touchplan.io](mailto:support@touchplan.io) with any questions or concerns relating to our Privacy Shield Certification. Within the scope of this privacy notice, if a privacy complaint or dispute cannot be resolved through MOCA Systems, Inc.'s internal processes, MOCA Systems, Inc. has agreed to participate in the [VeraSafe Privacy Shield Dispute Resolution Procedure](#). Subject to the terms of the VeraSafe Privacy Shield Dispute Resolution Procedure, VeraSafe will provide appropriate recourse free of charge to you. To file a complaint with VeraSafe under the Privacy Shield Dispute Resolution Procedure, please submit the required information to VeraSafe here: <https://www.verasafe.com/privacy-services/dispute-resolution/submit-dispute/>. Under certain conditions, you may also be entitled to invoke binding arbitration for complaints not resolved by other means.

**What If You Have Questions Regarding Your Personal Data?** If you have any questions about this section or our data practices generally, please contact us using the following information:

Name: <b>MOCA Systems, Inc.</b>	
Physical address: <b>50 Congress St., Ste. 630, Boston, MA 02109</b>	Email address for contact: <b>support@touchplan.io</b>
Designated representative and contact information:  <b>VeraSafe Ireland Ltd., Unit 3D North Point House, North Point Business Park, New Mallow Road, Cork T23AT2P, Ireland</b>  <a href="https://www.verasafe.com/privacy-services/contact-article-27-representative">https://www.verasafe.com/privacy-services/contact-article-27-representative</a>  +420 228 881 031	Data Protection Officer and contact information:  <b>Mr. David Rolin</b>  <a href="mailto:dwr@touchplan.io">dwr@touchplan.io</a>  1-888-308-1404

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