

Privacy Policy

(Effective June 7, 2021)

Welcome!

Welcome to Nectari! We hope you will enjoy and appreciate using our “**Services**”, which may be visiting the website at <https://www.nectari.com/> or any subdomain thereof (the “**Website**”) and using the support portal accessible from the Website (the “**Portal**”). Nectari Software Inc., the company that owns and operates the Services, wants you to know that we take your privacy and protection of personal data very seriously. We are providing this Privacy Policy (the “**Policy**”) to tell you about who we are, what personal data we collect from you and about you, and what we do with your personal data, all while you use the Services or otherwise interact with us. The Policy also explains your rights under the law, and how you can contact us and the necessary authorities to enforce those rights. We ask that you please read it carefully.

Key Elements of this Policy

Here are the key elements of this Policy so you can know the important parts right away to make an informed decision about your consent for our collection, use and disclosure of your personal data. By submitting any personal data to us via any means, you consent to such collection, use and disclosure. You can find the details in the rest of the Policy.

Personal data we collect from you but only with your consent	What we do with it	Third parties we share it with
Contact Information	Communicate with you and manage our relationship, depending on your relationship with us	Companies that provide our communications services, such as MailChimp and Courrielleur
Account Information	Manage your account, and enable logging in to the Portal	Companies that provide the infrastructure for the Services, such as Microsoft Azure and Sajy Communications Inc., d.b.a. “&CO Creative Collaborators”

Some Terms

Before we get started with the details, here are a few terms we think you should know as you read this Policy.

“**Data Protection Laws**” refers to the laws that are designed to protect your personal data and privacy in the place where you live. These include: (1) the “**GDPR**”, the European Data Protection Law which stands for “General Data Protection Regulation”, with the official name *Regulation (EU) 2016/679 of the European Parliament and of the Council*; and (2) “**PIPEDA**” (*Personal Information Protection and Electronic Documents Act*), which is the Canadian Data Protection Law that applies to our commercial activities in Canada. Nectari is committed to adhering to these Data Protection laws, and any other applicable Data Protection Laws.

“Personal data” – this is information we collect from you or about you and which is defined in the GDPR as “any information relating to an identified or identifiable natural person.” It can be as simple as your name or your email, or something more complicated like an online identifier (usually a string of letters and / or numbers) that gets attached to you. Under PIPEDA, the equivalent concept is “personal information”, which is roughly the same. Any mention of “personal data” in this Policy shall also mean personal information.

Other terms and definitions used in this Policy may be found in our [Terms of Use](#) and will have the same meaning in this Policy as they do there.

About Us and Contacting Us

Nectari Software Inc. (“**Nectari**”) is a duly-incorporated company in the Province of Quebec, Canada that owns and operates the Services. Where this Policy refers to “Nectari”, it may refer to Nectari Software Inc. and / or its shareholders, officers, directors, employees, agents, partners, principals, affiliates (including, but not limited to, Tangerine Software Inc.), representatives, successors and assigns, depending on the context.

Under the GDPR, Nectari Software Inc. is a “data controller”. That means we collect personal data directly from you and determine the purpose and means of “processing” that data. “Processing” is a broad term that means collection, use, storage, transfer or any other action related to your personal data; it is used in this Policy in that way.

If you want to ask us anything about what’s in this Policy, or anything else privacy- or data- related, or exercise any of your available privacy rights, you can email:

Nectari Privacy Officer
privacy@nectari.com

Here is the mailing address for you as well:

Nectari Privacy Officer
1120-400 Sainte-Croix Avenue
Montréal, Québec
H4N 3L4, Canada

Your Rights

You have the following rights regarding your personal data held by Nectari, and other privacy rights. Please note that not necessarily all of these rights may be available to you; this depends on the Data Protection Laws where you are located that apply to you. These rights may be exercised without affecting the price you pay for any of the Services. Notwithstanding that, exercising certain of these rights may affect your ability to use some or all of the Services.

- The right to withdraw at any time your consent for Nectari to process your personal data;
- The right to have your personal data erased from Nectari’s records;

- The right to access your personal data and any relevant information around its processing and use;
- The right to have a copy of your personal data given to you in an easy to read format so that you can transfer it to another data processor;
- The right to have your personal data corrected or updated if you believe it is inaccurate or out of date;
- The right to opt out of marketing communications we send you, at any time;
- The right to know whether Nectari sells or shares your personal data (and if so, who gets it). Please refer to that information elsewhere in this Policy, though you can contact our Privacy Officer if you need additional information or clarifications;
- The right to restrict the processing of your personal data if it is inaccurate or if our processing or use of it is against the law; and
- The right to refuse any marketing or advertising targeted at you by Nectari.

If you wish to exercise any of these rights, please contact our Privacy Officer at the contact information above or refer to certain relevant sections further in this Policy.

Personal Data Collected from You and What We Use It For

In the table below, please find all the personal data we may collect from you directly, what we use it for, and the legal basis under the GDPR for us having and processing this personal data. Under PIPEDA, the legal basis is your informed consent, and by submitting this personal data you acknowledge having granted this consent to Nectari.

Personal data category	Personal data processed	What we use it for (the “purpose” of processing)	Legal basis for processing under the GDPR
Contact Information	Name and email address (required); phone number, the company that you work for, your role at the company, your phone number, and the province or state and country where you are located (optional).	To communicate with you	Your consent in giving us this information
Account Information	Name, email address and the company that you work for	Manage your account, and enable logging in to the Portal	Your consent and performance of a contract between you and us

If you happen to share or communicate personal data with us other than as explicitly set forth in this Policy (for example, in communicating with us via the Portal), we will treat any such personal data in accordance with this Policy.

Where you have provided personal data further to the contract between you and us, if you fail to provide such data or withdraw your consent to use such data, we will no longer be able to provide certain Services to you.

Personal Data Collected About You from Third Parties and What We Use It For

Sometimes we get personal data about you from third parties. This table explains the details about this personal data – what it is, where it came from, what we do with it, and the legal basis for us having and processing this personal data under the GDPR. Under PIPEDA, the legal basis is your informed consent.

Personal data category	Personal data processed	Who we get the data from	What we use it for (the “purpose” of processing)	Legal basis for processing under the GDPR
Contact Information	Your name and email address	Feature Upvote (and more specifically, Nectari’s unique Feature Upvote site: nectari.featureupvote.com)	To communicate with you in connection with the preferences that you have communicated to us by voting on nectari.featureupvote.com	Your consent
Contact Information and Purchase History	Your name and email address; the products that you have purchased	Shopify (and more specifically, Nectari’s Shopify site: nectariacademy.myshopify.com)	To keep a record of your purchases on our Shopify site	Your consent and the performance of a contract

Sensitive Personal Data

We do not collect any of what the GDPR considers sensitive personal data from you, unless you voluntarily submit it via the Services, which we encourage you not to do.

Who We Transfer Your Personal Data To

We routinely share some of your personal data with certain types of third parties who are identified in the table below along with what they do with it. Some of those third-party recipients may be based outside your home jurisdiction. If you are in the European Economic Area, please see the “Transfer of Your Personal Data Outside of the European Economic Area” further down in this Policy for more information including on how we safeguard your personal data when this occurs.

We will share personal data with law enforcement or other public authorities if: (1) we are required by applicable law in response to lawful requests, including to meet national security or law enforcement requirements; (2) if we believe it is necessary in order to investigate, prevent, or take action regarding illegal activities, fraud, or situations involving potential threats to the safety of any person, or any violation of Nectari’s Terms of Use; or (3) if we believe it is necessary to investigate, prevent, or take

action regarding situations that involve abuse of the Services infrastructure or the Internet in general (such as voluminous spamming or denial of service attacks).

We may also share personal data: (1) with a parent company, subsidiaries, joint ventures, other companies under common control with Nectari or other companies related to Nectari, including, but not limited to, Tangerine Software Inc. (in which case we will require such entities to honour this Policy); or (2) if Nectari merges with another entity, is subject to a corporate reorganization, sells or transfers all or part of its business, assets or shares (in which case we will require such entity to assume our obligations under this Policy, or inform you that you are covered by a new privacy policy).

We will never share your personal data with other third parties except under these circumstances. We do not sell or rent your personal data to any third party for direct marketing purposes or any other purpose.

Personal data category	Who we transfer it to	What they do with it
Contact Information	Companies that provide email services, specifically Mailchimp and Courielleur, as detailed more fully in the <i>Email Communications</i> section below	Send you emails
Account Information	Companies providing technical infrastructure for the Services, specifically Microsoft Azure and Sajy Communications Inc., d.b.a. “&CO Creative Collaborators”	Control your logging in to the Portal, to enable your access thereto, and record-keeping
Advertising identifiers	Companies that provide online advertising networks like Google, and as further detailed in the <i>Nectari Advertising</i> section below	Show you ads for Nectari and the Services when you are on the internet
Analytics identifiers (including IP addresses)	Companies that provide data analytics, specifically Google Analytics	Provide us with analytics as to how the Services are used, and to trace fraudulent activities

Tracking Technology (“Cookies” and Related Technologies)

Nectari uses tracking technology (“cookies” and related technology such as tags, pixels and web beacons) in the Services and by interacting with the Services you agree to their use. Cookies are small text files placed on your computer or device when you visit a website or use an online service, in order to track use of the site or service and to improve the user experience by storing certain data on your computer or device.

Specifically, we use cookies and related technologies for the following functions:

- to enable your logging-in to the Portal;
- for the proper functioning of the Services;

- to provide general internal and user analytics on the Website and Portal and to conduct research to improve the content of the Services using Google Analytics as listed above in this Policy;
- to facilitate online advertising, as described more fully below in this Policy; and
- to assist in identifying possible fraudulent activities.

Your browser can be set to refuse cookies or delete them after they have been stored. You can refer to your browser's help section for instructions, but here are instructions for the most commonly used browsers and operating systems:

- [Google Chrome](#)
- [Mozilla Firefox](#)
- [Microsoft Edge](#)
- [Opera](#)
- [Apple Safari](#)
- [iOS](#)

Please note that deleting or blocking certain cookies may reduce your user experience by requiring you to re-enter certain information, including information required to use our Services. Furthermore, deleting certain cookies may prevent certain functions, or the entirety of the Services, from working at all.

Email Communications and Compliance with Anti-Spam Laws

Nectari uses MailChimp and Courrielleur to manage our mailing list and send out promotional emails (MailChimp and Courrielleur, collectively the “**Email Service Providers**”). Personal data is transferred to the Email Service Providers in order to manage the mailing list and for the emails to be sent out properly. Your Contact Information is only used to send out emails; the Email Service Providers do not use this personal data for any other purpose and will not transfer or sell your personal data to any other third party. For more information, please refer to [MailChimp's Privacy Policy](#) and [Courrielleur's Privacy Policy](#).

You may unsubscribe from Nectari's mailing list at any time, by following the link at the bottom of all Nectari emails. Other types of emails, such as transactional, relational, and other emails related to the Services will not have an opt-out option as they are necessary for the use of the Services.

Nectari's practices with respect to its email are designed to be compliant with anti-spam laws, specifically the law unofficially called “CASL”, or Canada's Anti-Spam Law (S.C. 2010, c. 23). If you believe you have received email in violation of these laws, please contact us using the contact information further up in this Policy.

Nectari Advertising and Opting Out

Nectari is continuously evaluating and modifying our use of various advertising networks, which may change from time to time. In this section you will find all the advertising networks that Nectari may use and instructions for opting out of them. If you wish to inquire about what advertising networks are

being used at any particular time by Nectari, please contact our Privacy Officer at the contact information above.

Nectari may use [Google AdWords and Display Network](#) and by using our Services you consent to this use. You may prevent this type of advertising by deleting the appropriate Google cookie through your browser, though this may not be permanent. For a more permanent solution, you may opt out of such Google advertising by [adjusting your Google ad settings](#) or using the [WebChoices online opt-out tool](#).

How We Protect Your Personal Data

We have implemented very strict technical and organisational procedures for ensuring that, by default, only the personal data which is necessary for each specific purpose of the processing are processed by us. These procedures prevent your personal data from being lost; or used or accessed in any unauthorised way.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable supervisory authority of a suspected data security breach where the Data Protection Laws requires us to do so, and within the time frame required by the applicable Data Protection Law.

Nectari uses only industry best practices (physical, electronic and procedural) in keeping any data collected (including personal data) secure. In addition, we use third-party vendors and hosting partners to provide the necessary hardware, software, networking, storage, and related technology required to operate the Services, and these third parties have been selected for their high standards of security, both electronic and physical. For example, Nectari uses [Microsoft Azure](#) and other vendors, recognized leaders in secure data, for hosting of the Services and related data, and storage of data including personal data.

All information, including personal data, is transferred with encryption using Secure Sockets Layer (“SSL”) or Transport Layer Security (“TLS”), robust security standards for Internet data transfer and transactions. You can use your browser to check Nectari’s valid SSL security certificate.

Transfer of Your Personal Data Outside of the European Economic Area (EEA)

For our European users, we endeavour to keep your personal data inside the EEA. However, certain of our data processors (and Nectari) are in other countries where your personal data may be transferred. However, these countries are limited to countries with particular circumstances that protect your data, specifically:

- Canada. Canada has been determined to have an “adequate level of protection” for your personal data [under European data protection law](#).
- The United States. Your personal data is only transferred to companies in the United States that: (1) have signed agreements with us or have informed us that they are GDPR-compliant; and (2) have concluded the [Standard Contractual Clauses](#) for the transfer of personal data outside the EEA.

That's it! You have the right, however, to refuse to have your data transferred outside the EEA. Please contact our Privacy Officer to make that request. Please note that making this request may prevent you from being able to use a portion or all of the Services.

Supervisory Authorities and Complaints

If you are in the EEA, under the GDPR you have the right to make a complaint to the appropriate supervisory authority. If you are not satisfied with the response received or the actions taken by our Privacy Officer, or if you would like to make a complaint directly about Nectari's data practices, we invite you to contact the supervisory authority in your country. If you are in the U.K., you should contact the Information Commissioner's Office who is the supervisory authority. You can [reach them in a variety of ways](#), including by phone (0303 123 1113 in the UK) and mail (Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF). If you are in France, you should contact the *Commission Nationale de l'Informatique et des Libertés* who is the supervisory authority there. Their contact information [can be found here](#).

The full listing of all Data Protection Authorities (the supervisory authorities) across the EEA [can be found here](#).

Data Retention

Your personal data will only be kept for as long as it is necessary for the purpose needed for that processing. For example, we will only retain your Account Information for as long as you have an account with us. We may, however, keep certain information for longer periods of time when required to by any law or regulation.

Automated Decision-Making

Nectari does not use any automated decision-making processes in providing the Services.

Children's Privacy Statement

The Services are not intended for children under the age of 18. We do not knowingly collect any personal data from a child under 18. If we become aware that we have inadvertently received personal data from a person under the age of 18 through the Services, we will delete such information from our records.

Changes to This Privacy Policy

The date at the top of this page indicates when this Policy was last updated. Every now and then, we will have to update this Policy, and we will update it no less than once every 12 months. You can always find the most updated version at this URL, and we will always post a notice on the Services if we make significant changes. If you have a Nectari account, we will also email you to tell you the Policy has been updated, and what the important changes are.