

## Privacy Notice

We recognize and respect the importance of maintaining the privacy of users of our website - hosted Platform. This Platform offers an interface ("**Interface**") for certain decentralized protocols which allow digital assets transactions. This Privacy Notice describes the types of information we collect from You when You visit and use the Interface, and is part and parcel of the Terms. This Privacy Notice also explains how we process, transfer, store and disclose the information collected, as well as your ability to control certain uses of the collected information. If not otherwise defined herein, capitalized terms have the meaning given to them in the Terms.

"**Company**", "**us**", "**our**", or "**we**" – means VirtuSwap Foundation.

"**Personal Data**" means any information that refers, is related to, or is associated with an identified or identifiable individual or as otherwise may be defined by applicable law. This Privacy Notice details which Personal Data is collected by us in connection with provision of the Platform and Interface.

"**Platform**" means this website and the Interface.

"**Terms**" means – the Terms of Use available at [VirtuSwap.io/tos](https://VirtuSwap.io/tos).

"**You**" means an individual accessing the Platform and/or using the Interface.

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**1. Personal Data We Collect, Uses and Legal Basis.** Depending on your usage, we collect different types of data and we and any of our third-party sub-contractors and service providers use the data we collect for different purposes, as specified below. You have no legal obligation to provide us with Personal Data, but if You refuse to provide certain Personal Data, You may not have access to the Interface or any part thereof.

- 1.1. **Wallet Data** –You may use a third-party-provided digital wallet which allows You to perform transactions registered over the blockchain ("**Wallet**"), in order to enter into or interact via smart contracts on the Platform. We will collect details relating to your Wallet that are available based on the settings of your Wallet and the terms and conditions of your Wallet's provider. We will retain such Personal Data as permitted and/or required in accordance with applicable law, including for defense against legal claims. Note that information regarding transactions involving digital assets will be stored on the applicable blockchain network, and thus is publicly available

How we use this data: We process data relating to your Wallet in order to allow You to use the Platform, access the blockchain protocols and transact with digital assets. We also may use your Wallet to prevent fraud, protect the security of and address any problems with the Platform and Interface.

Legal Basis: We process this Personal Data for the purpose of performance of a contract with You. When we process your Personal Data for the purposes of

preventing fraud, protecting the security of and/or addressing problems with the Platform and the Interface, and for the defense of legal claims, such processing is based on our legitimate interests.

- 1.2. **Automatically Collected Data** - When You visit the Platform, we automatically collect information about your computer or mobile device, including non-Personal Data such as your operating system, and Personal Data such as your Wallet address, IP address, browser metadata, device ID, as well as any information regarding your viewing, use of, and transaction history on our Platform. For more information about the cookies and similar technologies we use and how to adjust your preferences, please see the section "Cookies and Similar Technologies" below.

How we use this data. (1) to review usage and operations, including in an aggregated non-specific analytical manner, develop new products or services and improve current content, products, and Interface; (2) to prevent fraud, protect the security of our Platform and Interface, and address any problems with the Platform and/or Interface.

Legal Basis: We process this Personal Data for our legitimate interests to develop and improve our products and Interface, review usage, perform analytics, prevent fraud, for our recordkeeping and protection of our legal rights and to market our own products and services. Additional information regarding direct marketing is provided below.

## **2. Additional Uses.**

- 2.1. Statistical Information and Analytics. We and/or our service providers use analytics tools, including "Google Analytics" and "Amazon Web Services Analytics" to collect and analyze information about the use of the Platform and/or Interface, such as how often users visit the Platform, what pages they visit when they do so, and what other sites and mobile applications they used prior to visiting the Platform. By analyzing the information we receive, we may compile statistical information across a variety of platforms and users, which helps us improve our Platform and Interface, understand trends and customer needs and consider new products and services, and tailor existing products and services to customer desires. .

3. **Sharing the Personal Data We Collect.** We share your information, including Personal Data, as follows:

- 3.1. Service Providers, and Subcontractors. We disclose information, including Personal Data we collect from and/or about You, to our trusted service providers and subcontractors, who have agreed to confidentiality restrictions and who use such information solely on our behalf in order to: (1) help us provide You with the Platform and Interface, including development of the Platform and smart contracts associated with digital assets; (2) aid in their understanding of how users are using our Platform and Interface.

Such service providers and subcontractors provide us with development, IT and system administration services, data backup, security, and storage services, data analysis and help us serve advertisements and provide other marketing services.

- 3.2. **Business Transfers.** Your Personal Data may be disclosed as part of, or during negotiations of, any merger, sale of company assets or acquisition (including in cases of liquidation). In such case, your Personal Data shall continue being subject to the provisions of this Privacy Notice.
- 3.3. **Law Enforcement Related Disclosure.** We may share your Personal Data with third parties: (i) if we believe in good faith that disclosure is appropriate to protect our or a third party's rights, property or safety (including the enforcement of the Terms and this Privacy Notice); (ii) when required by law, regulation subpoena, court order or other law enforcement related issues, agencies and/or authorities; or (iii) as is necessary to comply with any legal and/or regulatory obligation.
- 3.4. **Legal Uses.** We may use your Personal Data as required or permitted by any applicable law, for example, to comply with audit and other legal requirements.
- 3.5. **Transaction History.** Please note that when You interact with the Protocol to provide liquidity in or trade any digital asset(s), certain data regarding the transaction history of the digital asset(s), including details about your transaction, is logged on the applicable blockchain and may be visible to third parties including members of the general public.
4. **Security.** We make efforts to follow generally accepted industry standards to protect the Personal Data submitted to and collected by us, both during transmission and once we receive it. However, no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Data, we cannot guarantee its absolute security. As the security of information depends in part on the security of the computer You use to communicate with us and the security You use to protect user IDs and passwords, please take appropriate measures to protect this information.
5. **Your Rights - How to Access and Limit Our Use of Certain Personal Data.** Subject to applicable law and certain exemptions, and in some cases dependent upon the processing activity we are undertaking, You have certain rights in relation to the Personal Data that we hold about You, as detailed below. Note that we may not be able to honor requests to exercise data subject rights in relation to data stored on the blockchain due to technical limitations arising from the nature of blockchain technology. We will investigate and attempt to resolve complaints and disputes and make every reasonable effort to honor your wish to exercise your rights as quickly as possible and, in any event, within the timescales provided by applicable data protection laws. We reserve the right to ask for reasonable evidence to verify your identity before we provide You with any information and/or comply with any of your requests, as detailed below:
  - 5.1. **Right of Access.** You have a right to know what Personal Data we collect about You and, in some cases, to have such Personal Data communicated to You. Subject to applicable law, we may charge You with a fee. Please note that we may not be

able to provide You with all the information You request, and, in such case, we will endeavor to explain to You why.

- 5.2. Right to Data Portability. If the processing is based on your consent or performance of a contract with You *and* processing is being carried out by automated means, You may be entitled to (request that we) provide You or another party with a copy of the Personal Data You provided to us in a structured, commonly-used, and machine-readable format.
- 5.3. Right to Correct Personal Data. Subject to the limitations in applicable law, You may request that we update, complete, correct or delete inaccurate, incomplete, or outdated Personal Data.
- 5.4. Deletion of Personal Data (aka. Right to Be Forgotten). If You are an EU Individual, You have a right to request that we delete your Personal Data if either: (i) it is no longer needed for the purpose for which it was collected, (ii) our processing was based on Your consent and You have withdrawn your consent, (iii) You have successfully exercised your Right to Object (see below), (iv) processing was unlawful, or (iv) we are required to erase it for compliance with a legal obligation. We cannot restore information once it has been deleted. Please note that to ensure that we do not collect any further Personal Data, You should and clear our cookies from any device where You have visited our Platform. We may retain certain Personal Data (including following Your request to delete) for audit and record-keeping purposes, or as otherwise permitted and/or required under applicable law.
- 5.5. Right to Restrict Processing. If You are an EU Individual, You can ask us to limit the processing of your Personal Data if either: (i) You have contested its accuracy and wish us to limit processing until this is verified; (ii) the processing is unlawful, but You do not wish us to erase the Personal Data; (iii) it is no longer needed for the purposes for which it was collected, but we still need it to establish, exercise, or defend of a legal claim; (iv) You have exercised your Right to Object (below) and we are in the process of verifying our legitimate grounds for processing. We may continue to use Your Personal Data after a restriction request under certain circumstances.
- 5.6. Right to Object. If You are an EU Individual, You can object to any processing of Your Personal Data which has our legitimate interests as its legal basis, if You believe your fundamental rights and freedoms outweigh our legitimate interests. If You raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms.
- 5.7. Withdrawal of Consent. You may withdraw your consent in connection with any processing of your Personal Data based on a previously granted consent. This will not affect the lawfulness of any processing prior to such withdrawal.
- 5.8. Right to Lodge a Complaint with your Local Supervisory Authority. If You are an EU Individual, You may have the right to submit a complaint to the relevant supervisory data protection authority if You have any concerns about how we are processing your Personal Data, though we ask that as a courtesy You please attempt to resolve any issues with us first.

## 6. **Data Retention.**

- 6.1. Subject to applicable law, we retain Personal Data as necessary for the purposes set forth above. We may delete information from our systems without notice to You once we deem it is no longer necessary for these purposes. Retention by any of our processors may vary in accordance with the processor's retention policy. Notwithstanding the foregoing, data stored on the blockchain is stored indefinitely.
- 6.2. In some circumstances, we may store your Personal Data for longer periods of time, for instance where we are required to do so in accordance with legal, regulatory, tax, audit, accounting requirements and so that we have an accurate record of your dealings with us in the event of any complaints or challenges, or if we reasonably believe there is a prospect of litigation relating to your Personal Data or dealings. To determine the appropriate retention period, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process Your Personal Data, and whether those purposes can be achieved through other means, as well as applicable legal requirements.
- 6.3. Please contact us at [contact@virtuswap.io](mailto:contact@virtuswap.io) if You would like details regarding the retention periods for different types of your Personal Data.

## 7. **Cookies and Similar Technologies.** We use cookies and similar technologies for a number of reasons, including to help personalize your experience. When visiting this Platform, You shall be notified of the use of and placement of cookies and other similar technologies on your device as specified herein.

**7.1. What are Cookies?** A cookie is a small piece of text that is sent to a user's browser or device. The browser provides this piece of text to the device of the originating user when this user returns.

**7.1.1.** A "session cookie" is temporary and will remain on your device until You leave the Platform.

**7.1.2.** A "persistent" cookie may be used to help save your settings and customizations across visits. It will remain on your device until You delete it.

**7.1.3.** First-party cookies are placed by us, while third-party cookies may be placed by a third party. We use both first- and third-party cookies.

**7.1.4.** We may use the term "cookies" to refer to all technologies that we may use to store data in your browser or device or that collect information or help us identify You in the manner described above, such as web beacons or "pixel tags".

**7.2. How We Use Cookies.** We use cookies and similar technologies for a number of reasons, as specified below. We will not place any cookies on your browser that are not strictly necessary unless You have first consented to the cookie pop up.

The specific names and types of the cookies, web beacons, and other similar technologies we use may change from time to time. However, the cookies we use

generally are of the functionality type, which remember your settings, UI theme, and preferences and the choices You make (such as language or regional preferences) in order to help us personalize your experience and offer You enhanced functionality and content. We also use "Google Analytics" to collect and analyze information about the use of the Platform, such as how often users visit the Platform, what pages they visit when they do so, and what other sites and mobile applications they used prior to visiting the Platform. By analyzing the information we receive, we may compile statistical information across a variety of platforms and users. This helps us improve our services, understand trends and customer needs, consider new products and services, and tailor existing products and services to customer desires. The information we collect is anonymous and we will not link it to any Personal Data. You can find more information about how Google collects information and how You can control such use at <https://policies.google.com/technologies/partner-sites>.

- 7.3. **How to Adjust Your Preferences.** Most Web browsers are initially configured to accept cookies, but You can change this setting so your browser either refuses all cookies or informs You when a cookie is being sent. In addition, You are free to delete any existing cookies at any time. Please note that some features of the Interface may not function properly when cookies are disabled or removed. For example, if You delete cookies that store your account information or preferences, You will be required to input these each time You visit.

**8. Third-Party Applications and Services.** All use of third-party applications or services is at your own risk and subject to such third party's terms and privacy policies.

**9. Communications.** We reserve the right to send You service-related communications, including service announcements and administrative messages, without offering You the opportunity to opt out of receiving them.

10. **Children.** We do not knowingly collect Personal Data from children under the age of eighteen (18). In the event that You become aware that an individual under the age of eighteen (18) has used our Platform without parental permission, please advise us immediately.

11. **Changes to the Privacy Notice.** We may update this Privacy Notice from time to time to keep it up to date with legal requirements and the way we operate our business, and we will place any updates on this webpage. Please come back to this page every now and then to make sure You are familiar with the latest version. If we make material changes to this Privacy Notice, we will seek to inform You by notice on our Platform or via email.

*Last updated: April, 2023*