

# PRIVACY AND COOKIES POLICY

Last Updated: June 2, 2025

## 1 Purpose of This Policy

Upside LLC (“Upside”, “we”, “us”, or “our”) respects your privacy and is committed to protecting your personal data. Personal data means any information that relates to an identified or identifiable individual. It does not include data where the ability to identify an individual has been removed (anonymous data).

This Privacy and Cookies Policy (“Policy”) describes our practices regarding personal data and the rights and choices available to individuals. It is important that you read this Policy carefully. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact us at [dataprotection@upside.tools](mailto:dataprotection@upside.tools).

We may alter this Policy at any time as needed for certain services and to comply with local laws or regulations worldwide, including by providing supplemental information to users in certain jurisdictions. This Policy does not apply to Upside’s processing of the personal data of its personnel, such as employees and contractors.

We provide additional information, which users should read, applicable to individuals located in: (i) the European Union, European Economic Area, the United Kingdom, and Switzerland (collectively, “Europe” or “European”), (ii) Brazil, (iii) California, Colorado, Connecticut, Delaware, Montana, Nevada, Utah, Iowa, Florida, Washington, Virginia, and other U.S. states, (iv) Australia, (v) Canada, and (vi) Mexico.

Our websites may include links to third-party websites, plug-ins, and applications. Clicking on those links or enabling those connections may allow third parties to collect, use, or otherwise handle data about you. We do not control these third-party websites and are not responsible for their privacy statements. When you leave our websites, we encourage you to read the privacy policy of every website you visit.

## 2 The Personal Data We Collect

We collect personal data about individuals from various sources described below. Where applicable, we will inform you of our intended use of your data before collecting it, so you can decide whether to provide that information. We may collect, use, store, and transfer different kinds of personal data about you (“Personal Data”), grouped as follows:

- **Personal Information:** Includes any information from which you can be personally identified, such as name, surname, email address, telephone number, or mobile number. The Personal Information we collect varies depending on our relationship and interactions with you.
- **Profile Data:** Includes a username (or nickname), encrypted password, login and logout times, and a profile image that an individual may establish and upload on our websites or mobile applications, along with comments or content posted and other information entered into their account profile.
- **Financial Account Data:** Includes payment card details or bank account details.

- **Recruitment Process Data:** Includes a job applicant’s CV, covering letter, notes taken during the recruitment process, professional credentials, skills, educational and work history, and other information included in a CV or covering letter.
- **Usage Data:** Includes information about how you use our websites, such as your computer’s Internet Protocol (IP) address, browser type, browser version, operating system, pages visited, time and date of visits, time spent on pages, unique device identifiers, and other diagnostic data. For mobile devices, this may include device type, unique ID, IP address, mobile operating system, browser type, and other diagnostic data.
- **Location Data:** We may use and store information about your location if you permit us to do so, to provide, improve, and customize our services. You can enable or disable location services via your device settings.
- **Aggregated Data:** Includes statistical or demographic data derived from personal data but not considered personal data as it does not reveal your identity.

We may retain recordings of telephone voice messages left for our customer support teams. We automatically collect Usage Data, including data identifying mobile devices, device-specific settings, app crashes, and system activity. We do not collect information about race, ethnicity, religious beliefs, gender, sexual orientation, political opinions, trade union membership, health, or genetic and biometric data, except for criminal convictions and offenses during job applications.

### 3 Collection of Personal Data

We use different methods to collect data, including:

- **Direct interactions:** You may provide Personal Information, Profile Data, Financial Account Data, or Recruitment Process Data by filling in job application forms, providing an email address to register or receive newsletters, posting comments, or providing contact or payment details via registration forms.
- **Indirect interactions:** You may provide Personal Information indirectly by registering with or receiving communications from entities we partner with (“Media Partners”).
- **Automated technologies:** We automatically collect Usage Data about your equipment and browsing actions using cookies, server logs, and similar technologies.
- **Third parties or public sources:** We may partner with third parties (e.g., Google Analytics, Mixpanel, Hotjar) to improve our services and conduct analytics. These companies may collect information automatically during your visit.

Our websites can generally be accessed without registration or providing Personal Data. You may opt in to receive promotional information by subscribing to our mailing lists. You can opt out by contacting us or clicking the “unsubscribe” button in our emails. We retain copies of correspondence if you contact us. We do not share your Personal Data with third parties for marketing unless you provide express consent. You may withdraw consent by contacting Media Partners directly.

## 4 Use of Personal Data

We may use your Personal Data to:

- Provide our services, including operating, evaluating, maintaining, improving, and personalizing features; notifying you of changes; fulfilling payment transactions; communicating about your account (e.g., verification, updates, technical notices, subscription notices); administering our business; providing news and offers (unless opted out); monitoring usage; addressing technical issues; and providing support.
- Conduct research and development, including developing or improving services and creating analytics.
- Market our services, forming a view on what services may interest you, contacting you with marketing communications if you have expressed interest or not opted out, as permitted by law. You can opt out by contacting us or using opt-out links.
- Manage recruitment and process employment applications, evaluating candidates and monitoring recruitment statistics.
- Comply with applicable laws, lawful requests, and legal processes.
- Ensure compliance, fraud prevention, and safety, enforcing terms, protecting rights, and deterring fraudulent or illegal activity.
- Create anonymous data by excluding identifiable information, used for lawful business purposes.

Opting out of marketing messages does not affect other activities using your Personal Data, such as sending non-marketing messages.

## 5 To Whom Do We Provide Personal Data

We may share your Personal Data with:

- **Affiliates:** Our subsidiaries or affiliates for purposes consistent with this Policy.
- **Service providers:** Third parties providing customer support, hosting, managing, maintaining, or developing our websites, apps, and IT systems, or processing payments, using your data as directed by us.
- **Transaction processing chain:** Companies like merchants, banks, or card issuers for payment processing.
- **Business transactions:** If Upside is involved in a merger, acquisition, or asset sale, your Personal Data may be transferred.
- **Professional advisors:** Lawyers, bankers, auditors, or insurers for professional services.
- **Third parties:** Media Partners or business partners to provide services, with appropriate contracts ensuring secure, minimal data sharing. We do not sell your data.

- **Compliance and safety:** Government or law enforcement officials or private parties as required by law, to enforce terms, protect rights, or address complaints or legal actions.

Third-party data controllers have the same data protection obligations as we do. Data processors must provide sufficient safeguards to protect your data rights.

## 6 International Transfers of Data

Upside LLC operates globally, with primary offices in the United States. Your personal data may be transferred to locations outside your jurisdiction, where privacy laws may be less protective. We ensure recipients provide data security and protection per applicable law, taking steps to treat your data securely in accordance with this Policy. European users should review Section 10 for additional transfer information.

## 7 Data Security and Data Retention

We implement appropriate security measures to prevent accidental loss, unauthorized access, alteration, or disclosure of your Personal Data. Access is limited to employees, agents, contractors, and third parties with a business need, processing data on our instructions under confidentiality obligations. We have procedures to address suspected data breaches, notifying you and regulators as legally required.

While we use reasonable physical, electronic, and procedural measures to safeguard Personal Data, no internet transmission is 100% secure. We cannot guarantee absolute security.

We process and store Personal Data as necessary for the purposes outlined in this Policy or to fulfill legal, contractual, or statutory obligations, including for legal claims. Usage Data is retained for internal analysis, generally for shorter periods unless needed for security, functionality, or legal obligations. Comments posted on our websites are retained for the article's lifetime.

## 8 Your Rights and Choices

You can opt out of marketing messages by contacting us or using opt-out links, continuing to receive non-marketing messages. You are not required to provide Personal Data, but refusal may prevent us from providing services (e.g., processing transactions).

In some jurisdictions, you may have rights to access, modify, or delete your Personal Data. Contact us at [dataprotection@upside.tools](mailto:dataprotection@upside.tools) to request these actions. We may not always fulfill requests due to legal constraints.

If you have a complaint about our handling of your Personal Data, contact our data protection officer at [dataprotection@upside.tools](mailto:dataprotection@upside.tools). Provide details for investigation. We may conduct internal discussions and request clarification. We will respond and inform you of our actions. You may also file a complaint with a regulatory agency.

## 9 Payments

For paid products or services, we use third-party payment processors (e.g., Stripe, Apple Store In-App Payments, Google Play In-App Payments, Authorize.net). We do not store or collect payment card details, which are handled by processors adhering to PCI-DSS standards. Their privacy policies govern their use of your data:

- Apple: <https://www.apple.com/legal/privacy/en-ww/>
- Google: <https://policies.google.com/privacy?hl=en>
- Stripe: <https://stripe.com/us/privacy>
- Authorize.net: <https://www.authorize.net/about-us/privacy/>

## 10 Additional Information for European and Brazilian Users

Upside LLC is the data controller under the General Data Protection Regulation (“GDPR”) and other applicable data protection laws, responsible for your Personal Data and determining processing means and purposes.

We process Personal Data based on:

Processing Purpose	Legal Basis
Providing our services	Processing is necessary to perform the contract governing our provision of services.
Marketing, research and development, recruitment, compliance, fraud prevention, safety, anonymous data creation, user-generated content management	These activities constitute our legitimate interests. We balance impacts on your rights and do not process data where impacts override our interests, unless we have consent or are required by law. We may disclose data for complaints or legal actions arising from user content.
Complying with law	Processing is necessary to comply with legal obligations.
With your consent	Processing is based on your consent, which you may withdraw at any time as indicated when collected or by contacting <a href="mailto:dataprotection@upside.tools">dataprotection@upside.tools</a> .

We may use Personal Data for compatible reasons permitted by law.

We retain Personal Data as necessary for collection purposes, legal, regulatory, accounting, or reporting requirements, considering data amount, nature, sensitivity, risk, and purposes.

You have rights to:

- **Access:** Request a copy of your Personal Data and processing information.
- **Correction:** Correct incomplete or inaccurate data, with verification.
- **Erasure:** Request deletion where no reason exists for processing, including unlawful processing or exercised objection rights. In Brazil, you may request anonymization or blocking of excessive data.
- **Object:** Object to processing based on legitimate interests or for direct marketing.
- **Restriction:** Suspend processing to establish accuracy, address unlawful use, retain data for legal claims, or verify overriding grounds.
- **Transfer:** Receive or transfer your Personal Data in a machine-readable format for consented or contractual data.
- **Withdraw consent:** Withdraw consent, potentially affecting service provision.
- **Automated decision-making:** Avoid significant automated decisions unless required for a contract, consented, or authorized by law, with rights to human intervention.

Contact [dataprotection@upside.tools](mailto:dataprotection@upside.tools) to exercise rights. We may request identity verification. Legal exemptions may apply, and we will explain refusals. You may complain to a supervisory authority (e.g., UK ICO or European authorities at [https://edpb.europa.eu/about-edpb/board/members\\_en](https://edpb.europa.eu/about-edpb/board/members_en)).

We transfer Personal Data to countries like the United States, complying with adequacy decisions, standard contractual clauses, or other mechanisms for EEA, UK, or Swiss users.

## 11 Information for California Residents

Under the California Consumer Privacy Act (CCPA), California residents have:

- **Access and portability:** Request a copy of Personal Data and details on collection, use, sources, purposes, and third-party disclosures (twice per 12 months).
- **Deletion:** Request deletion, subject to CCPA exceptions.
- **Correction:** Request correction of inaccuracies.
- **Limit sensitive data:** We do not use sensitive data beyond necessary or permitted purposes.
- **Opt-out:** Request no sharing with third parties for cross-context behavioral advertising.
- **Non-discrimination:** Exercise rights without penalty, though differences in price or quality may relate to data value.

Contact [dataprotection@upside.tools](mailto:dataprotection@upside.tools). We verify identity and may require authorized agents to provide written authorization. We do not knowingly sell or share data of consumers under 16 without parental consent.

The following table summarizes data collected from California residents in the last 12 months:

Category	Data Elements	Collected?	Shared?
Identifiers	Name, alias, postal address, email, account name	Yes	No
Online Identifiers	IP address, device identifier, cookies, beacons	Yes	No
Protected Characteristics	Age (possible)	Possible	No
Commercial Information	Purchase records	No	No
Biometric Information	Physiological or behavioral characteristics	No	No
Internet/Network Information	Browsing history, interactions	Yes	Yes
Geolocation Data	Precise location	Yes	Yes
Professional Information	Job history	Possible	No
Financial Information	Payment card, bank details	Yes	Yes
Medical Information	Health data	No	No

Under the California Online Privacy Protection Act (CalOPPA), we ensure:

- Anonymous site access.
- A clear “Privacy” link on our homepage (<https://upside.tools>).
- Notification of policy changes on our Privacy Policy page.
- Ability to change personal information via [dataprotection@upside.tools](mailto:dataprotection@upside.tools).

## 12 Information for Virginia Residents

Under the Virginia Consumer Data Protection Act, Virginia residents have rights to:

- **Access:** Confirm and access personal data.
- **Portability:** Obtain a copy of provided data.
- **Correction:** Correct inaccuracies.
- **Deletion:** Delete data, subject to exceptions.
- **Opt-out:** Opt out of data sales, targeted advertising, or profiling with significant effects.
- **Appeal:** Appeal denials by responding to our denial message.

Contact [dataprotection@upside.tools](mailto:dataprotection@upside.tools).

## 13 Other U.S. States Privacy Rights

Residents of Colorado, Connecticut, Florida, Utah, Delaware, Montana, New Hampshire, New Jersey, Oregon, Tennessee, Iowa, and Washington have rights to access, correct, delete, port data, and opt out of targeted advertising or sales. Colorado and Connecticut residents may also opt out of profiling with significant effects. Nevada residents have a limited opt-out right for data sales, which we do not trigger. Exercise these rights at [dataprotection@upside.tools](mailto:dataprotection@upside.tools), with appeals for refusals as instructed in our response.

## 14 Information for Australia Residents

If your personal information is collected by an entity with an Australian link, you may complain about breaches of the Australian Privacy Principles at [dataprotection@upside.tools](mailto:dataprotection@upside.tools). We will investigate and aim to resolve issues. If unsatisfied, contact the Office of the Australian Information Commissioner. Request access, correction, or deletion of your data, subject to legal retention requirements.

## 15 Information for Canada Residents

We collect, use, and disclose Personal Data as outlined, with your consent where required. Opt out of third-party advertising via the Digital Advertising Alliance of Canada at <https://youradchoices.ca>. For complaints, contact [dataprotection@upside.tools](mailto:dataprotection@upside.tools), with escalation to the Office of the Privacy Commissioner if needed.

## 16 Information for Mexico Residents

Under Mexico’s Federal Law for the Protection of Personal Data, you have ARCO rights to access, correct, cancel, or object to data processing. Submit requests at [dataprotection@upside.tools](mailto:dataprotection@upside.tools) with “Exercise of ARCO rights/Mexico” in the subject. We may deny requests as permitted by law, informing you of partial or full refusals. Third-party data transfers comply with Mexican law. We notify you and the INAI of data breaches.

## 17 Links to Other Websites

Our websites and Media Partners’ sites may link to third-party content. We are not responsible for their privacy practices, and this Policy does not apply to them. We do not guarantee or endorse third-party content.

## 18 Cookies, Pixels, and Tracking Information

Cookies are small data files that remember browsing activity. We use cookies, pixels, and similar technologies to improve services and user experience, without typically processing personally identifiable information. By using our websites, you consent to cookie use. Manage cookies via browser settings (e.g., Chrome, Firefox, Safari) or privacy tools like Privacy Badger. Opt-out options include:



- Google: <https://adssettings.google.com>
- Facebook: <https://www.facebook.com/about/ads>
- Digital Advertising Alliance: <http://optout.aboutads.info>
- Network Advertising Initiative: <http://optout.networkadvertising.org/?c=1>

We use essential cookies for site functionality, preference cookies for customization, analytics cookies for usage insights, and third-party cookies for analytics and advertising. Common cookies include:

Cookie	Description
UPS <sub>P</sub>	First-party cookie tracking how visitors discover our websites (e.g., search, ad, direct). Stored for 1 month.
Google Analytics	Third-party cookie for site usage data (e.g., access location, pages viewed). Stored for 2 years.
Hotjar	Third-party cookie for observing user behavior without personal data.
Cloudflare	Essential cookie for security, stored for 12 months.

We use server logs and web pixels to collect interaction data, and third-party ad services like AdMob, AdButler, and Unity Ads. Opt-out via their respective privacy policies.

## 19 Behavioral Remarketing

We use remarketing to advertise on third-party sites based on your visits, using cookies. Opt-out via:

- Google Ads: <http://www.google.com/settings/ads>
- Bing Ads: <https://advertise.bingads.microsoft.com/en-us/resources/policies/personalized-ads>
- Twitter: <https://support.twitter.com/articles/20170405>
- Pinterest: <http://help.pinterest.com/en/articles/personalization-and-data>

## 20 Updates to This Policy

We may update this Policy, with the latest version available at <https://upside.tools>. This Policy was updated on June 2, 2025.