

Topaz Privacy Notice

Last Updated: **October 17, 2022**

This Privacy Notice is designed to help you understand how Boosted Tree Labs Inc. (“**Topaz**,” “**we**,” “**us**,” or “**our**”) collects, uses, processes, and shares your personal information, and to help you understand and exercise your privacy rights.

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1. SCOPE AND UPDATES TO THIS PRIVACY NOTICE

This Privacy Notice applies to personal information processed by us when providing our NFT launchpad and marketplace, including on our websites, mobile applications, and other online or offline offerings (the “**Topaz Services**”).

Changes to our Privacy Notice. We may revise this Privacy Notice from time to time in our sole discretion. If there are any material changes to this Privacy Notice, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Notice if you continue to use our Topaz Services after the new Privacy Notice takes effect.

2. PERSONAL INFORMATION WE COLLECT

The categories of personal information we collect depend on how you interact with us, our Topaz Services, and the requirements of applicable law. We collect information that you provide to us,

information we obtain automatically when you use our Topaz Services, and information from other sources such as third-party services and organizations, as described below.

A. **Personal Information You Provide to Us Directly**

We may collect personal information that you provide to us.

- **Account Creation.** We may collect personal information when you create an account, such as wallet address, name, and account name.
- **Protocol Payloads, Wallet and other Output Information.** In order to utilize some of the Topaz Services, you may need to provide us with information about your wallet including the types and amounts of digital assets on the blockchain you possess and details about Protocol payloads into which you have entered. We will never ask you for or collect your private keys.
- **Your Communications with Us.** We may collect personal information, such as email address, phone number, or mailing address when you request information about our Topaz Services, register for our newsletter, request customer or technical support, or otherwise communicate with us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, we may collect personal information from you in connection with the survey.
- **Interactive Features.** We and others who use our Topaz Services may collect personal information that you submit or make available through our interactive features. Any information you provide using the public sharing features of the Topaz Services will be considered “public,” unless otherwise required by applicable law, and is not subject to the privacy protections referenced herein.

B. **Personal Information Collected Automatically**

We may collect personal information automatically when you use our Topaz Services.

- **Automatic Collection of Personal Information.** We may collect certain information automatically when you use our Topaz Services, such as your Internet protocol (IP) address, user settings, MAC address, browser or device information, location information (including approximate location derived from IP address, and Internet service provider. We may also automatically collect information regarding your use of our Topaz Services, such as pages that you visit before, during and after using our Topaz Services, information about the links you click, the types of content you interact with, the frequency and duration of your activities, and other information about how you use our Topaz Services.
 - **Crash Reports.** If you provide crash reports, we may collect personal information related to such crash reports, including detailed diagnostic information about your device and the activities that led to the crash.
- **Cookie Policy (and Other Technologies).** We, as well as third parties that provide content, advertising, or other functionality on the Topaz Services, may use cookies, pixel tags, and other technologies (“**Technologies**”) to automatically collect information through your use of the Topaz Services.

- **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.
- **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in the Topaz Services that collects information about engagement on the Topaz Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Our uses of these Technologies fall into the following general categories:

- **Operationally Necessary.** This includes Technologies that allow you access to the Topaz Services, applications, and tools that are required to identify irregular website behavior, prevent fraudulent activity, improve security, or allow you to make use of our functionality;
- **Performance-Related.** We may use Technologies to assess the performance of the Topaz Services, including as part of our analytic practices to help us understand how individuals use the Topaz Services (*see Analytics below*);
- **Functionality-Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using the Topaz Services. This may include identifying you when you sign into our Services or keeping track of your specified preferences, interests, or past items viewed;
- **Advertising- or Targeting-Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on the Topaz Services or on third-party digital properties.

See [“Your Privacy Choices and Rights”](#) below to understand your choices regarding these Technologies.

- **Analytics.** We may use Technologies and other third-party tools to process analytics information on the Topaz Services. These Technologies allow us to better understand how our digital Topaz Services are used and to continually improve and personalize the Topaz Services. Some of our analytics partners include:
 - **Google Analytics.** For more information about how Google uses your personal information (including for its own purposes, e.g., for profiling or linking it to other data), please visit [Google Analytics’ Privacy Policy](#). To learn more about how to opt-out of Google Analytics’ use of your information, please click [here](#).

C. Personal Information Collected from Other Sources

Third-Party Services and Sources. We may obtain personal information about you from other sources, including through third-party services and organizations. For example, if you access our Topaz Services through a third-party application, such as an app store, a third-party login service, or a social networking site, we may collect personal information about you from that third-party application that you have made available via your privacy settings.

Blockchain Networks. We may independently collect personal information from blockchain networks that we have access to. This personal information may include public wallet addresses and details about transactions carried out on the applicable blockchain network.

3. HOW WE USE YOUR PERSONAL INFORMATION

We use your personal information for a variety of business purposes, including to provide our Topaz Services, for administrative purposes, and to market our products and Topaz Services, as described below.

A. Provide Our Topaz Services

We use your information to fulfil our contract with you and provide you with our Topaz Services, such as:

- Managing your information and accounts;
- Providing access to certain areas, functionalities, and features of our Topaz Services;
- Answering requests for customer or technical support;
- Communicating with you about your account, activities on our Topaz Services, and policy changes; and
- Processing your financial information and other payment methods to facilitate purchases and transfers via the Topaz Services.

Administrative Purposes

We use your information for various administrative purposes, such as:

- Pursuing our legitimate interests such as direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Measuring interest and engagement in our Topaz Services;
- Improving, upgrading, or enhancing our Topaz Services;
- Developing new products and services;
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this Privacy Notice;
- Debugging to identify and repair errors with our Topaz Services;
- Auditing relating to interactions, transactions, and other compliance activities;
- Sharing personal information with third parties as needed to provide the Topaz Services;
- Enforcing our agreements and policies; and
- Carrying out activities that are required to comply with our legal obligations.

B. Marketing and Advertising our Products and Topaz Services

We may use personal information to tailor and provide you with content. We may provide you with these materials as permitted by applicable law.

Some of the ways we may market to you include email campaigns, text messages, custom audiences advertising, and “interest-based” or “personalized advertising,” including through cross-device tracking.

If you have any questions about our marketing practices or if you would like to opt out of the use of your personal information for marketing purposes, you may contact us at any time as set forth in [“Contact Us”](#) below.

C. **With Your Consent**

We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.

D. **Other Purposes**

We also use your personal information for other purposes as requested by you or as permitted by applicable law.

- **De-identified and Aggregated Information.** We may use personal information to create de-identified and/or aggregated information, such as demographic information, information about the device from which you access our Topaz Services, or other analyses we create.

4. **HOW WE DISCLOSE YOUR PERSONAL INFORMATION**

We disclose your personal information to third parties for a variety of business purposes, including to provide our Topaz Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

A. **Disclosures to Provide our Topaz Services**

The categories of third parties with whom we may share your personal information are described below.

- **Notice Regarding Use of Blockchain Networks.** Information about transactions you enter into via the Topaz Services will be recorded on the blockchain and may be accessible to third parties due to the public nature of the blockchain. Because entries to the blockchain are, by their nature, public, and because it may be possible for someone to identify you through your pseudonymous, public wallet address using external sources of information, any transaction you enter onto the blockchain could possibly be used to identify you, or information about you.
- **Other Users of the Topaz Services and Parties You Transact With.** Some of your personal information may be visible to other users of the Topaz Services (e.g., information featured on generally accessible parts of the contracts or on a user profile). In addition, to complete transfers via the Topaz Services, we will need to share some of your personal information with the party that you are transacting with.
- **Service Providers.** We may share your personal information with our third-party service providers and vendors that assist us with the provision of our Topaz Services. This includes service providers and vendors that provide us with IT support, third party Protocol participants, services that provide compliance risk assessments, hosting, payment processing, customer service, and related services.

- **Third-Party Services You Share or Interact With.** Certain features and functionalities of the Topaz Services may link to or allow you to interface, interact, or share information with, access and/or use third-party websites, services, products, and technology (collectively, “**Third-Party Services**”). Any information shared with or otherwise collected by a Third-Party Service may be subject to the Third-Party Service’s privacy policy. We are not responsible for the processing of personal information by Third-Party Services.
- **Business Partners.** We may share your personal information with business partners to provide you with a product or service you have requested. We may also share your personal information with business partners with whom we jointly offer products or services.
- **Affiliates.** We may share your personal information with our company affiliates.
- **Advertising Partners.** We may share your personal information with third-party advertising partners. These third-party advertising partners may set Technologies and other tracking tools on the Topaz Services to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other services) for purposes of delivering personalized advertisements to you when you visit digital properties within their networks. This practice is commonly referred to as “interest-based advertising” or “personalized advertising.”
- **APIs/SDKs.** We may use third-party application program interfaces (“**APIs**”) and software development kits (“**SDKs**”) as part of the functionality of our Topaz Services. For more information about our use of APIs and SDKs, please contact us as set forth in “Contact Us” below.

B. Disclosures to Protect Us or Others

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; protect your, our, or others’ rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

5. YOUR PRIVACY CHOICES AND RIGHTS

Your Privacy Choices. The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails regarding products or Topaz Services you have requested. We may also send you certain non-promotional communications regarding us and our Topaz Services, and you will not be able to opt out of those communications (e.g., communications regarding our Topaz Services or updates to our Terms or this Privacy Notice).

- **Text Messages.** If you receive an unwanted text message from us, you may opt out of receiving future text messages from us by following the instructions in the text message you have received from us or by otherwise contacting us as set forth in “Contact Us” below.
- **Mobile Devices.** We may send you push notifications through our mobile application. You may opt out from receiving these push notifications by changing the settings on your mobile device. With your consent, we may also collect precise location-based information via our mobile application. You may opt out of this collection by changing the settings on your mobile device.
- **“Do Not Track.”** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies and Personalized Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, the Topaz Services may not work properly. Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt-out of personalized advertisements on some mobile applications by following the instructions for [Android](#), [iOS](#), and [others](#).

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

Your Privacy Rights. In accordance with applicable law, you may have the right to:

- **Access to and Portability of Your Personal Information**, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information; and (iii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company in a structured, commonly used, and machine readable format (also known as the “right of data portability”);
- **Request Correction** of your personal information where it is inaccurate or incomplete. In some cases, we may provide self-service tools that enable you to update your personal information;
- **Request Deletion** of your personal information;
- **Request Restriction of or Object to** our processing of your personal information; and
- **Withdraw your Consent** to our processing of your personal information. Please note that your withdrawal will only take effect for future processing, and will not affect the lawfulness of processing before the withdrawal.

If you would like to exercise any of these rights, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

6. SECURITY OF YOUR INFORMATION

We take steps to ensure that your information is treated securely and in accordance with this Privacy Notice. Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized access, use, disclosure, or loss of personal information.

By using our Topaz Services or providing personal information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of our Topaz Services. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on our Topaz Services, by mail, or by sending an email to you.

7. INTERNATIONAL DATA TRANSFERS

All information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live. We endeavor to safeguard your information consistent with the requirements of applicable laws.

If we transfer personal information which originates in the European Economic Area, Switzerland, and/or the United Kingdom to a country that has not been found to provide an adequate level of protection under applicable data protection laws, one of the safeguards we may use to support such transfer is the [EU Standard Contractual Clauses](#).

For more information about the safeguards we use for international transfers of your personal information, please contact us as set forth below.

8. RETENTION OF PERSONAL INFORMATION

We store the personal information we collect as described in this Privacy Notice for as long as you use our Topaz Services, or as necessary to fulfill the purpose(s) for which it was collected, provide our Topaz Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

9. SUPPLEMENTAL NOTICE FOR CALIFORNIA RESIDENTS

This Supplemental Notice for California Residents only applies to our processing of personal information that is subject to the California Consumer Privacy Act of 2018 ("**CCPA**"). The CCPA provides California residents with the right to know what categories of personal information Topaz has collected about them, and whether Topaz disclosed that personal information for a business purpose (e.g., to a service provider) in the preceding twelve months. California residents can find this information below:

Category of Personal Information Collected by Topaz	Category of Third Parties Personal Information is Disclosed to for a Business Purpose
Identifiers	<ul style="list-style-type: none"> • Blockchain Networks • Other Users of the Topaz Services and Parties You Transact With • Service Providers • Third Party Services You Share or Interact With • Business Partners • Affiliates • Advertising Partners
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e))	<ul style="list-style-type: none"> • Blockchain Networks • Other Users of the Topaz Services and Parties You Transact With • Service Providers • Third Party Services You Share or Interact With • Business Partners • Affiliates • Advertising Partners
Commercial information	<ul style="list-style-type: none"> • Blockchain Networks • Other Users of the Topaz Services and Parties You Transact With • Service Providers • Business Partners • Affiliates • Advertising Partners
Internet or other electronic network activity	<ul style="list-style-type: none"> • Blockchain Networks • Other Users of the Topaz Services and Parties You Transact With • Service Providers • Third Party Services You Share or Interact With • Business Partners • Affiliates • Advertising Partners

The categories of sources from which we collect personal information and our business and commercial purposes for using personal information are set forth in [“Personal Information We Collect”](#) and [“How We Use Your Personal Information”](#) above, respectively.

Additional Privacy Rights for California Residents

“Sales” of Personal Information under the CCPA. For purposes of the CCPA, Topaz does not “sell” personal information, nor do we have actual knowledge of any “sale” of personal information of minors under 16 years of age.

Non-Discrimination. California residents have the right not to receive discriminatory treatment by us for the exercise of their rights conferred by the CCPA.

Authorized Agent. Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. To authorize an agent, provide written authorization signed by you and your designated agent and contact us as set forth in "[Contact Us](#)" below for additional instructions.

Verification. To protect your privacy, we will take steps to reasonably verify your identity before fulfilling your request. These steps may involve asking you to provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, or to answer questions regarding your account and use of our Topaz Services.

If you are a California resident and would like to exercise any of your rights under the CCPA, please contact us as set forth in "[Contact Us](#)" below. We will process such requests in accordance with applicable laws.

De-Identified Information. If we create or receive de-identified information, we will not attempt to reidentify such information, except to comply with applicable law.

10. SUPPLEMENTAL NOTICE FOR NEVADA RESIDENTS

If you are a resident of Nevada, you have the right to opt-out of the sale of certain personal information to third parties who intend to license or sell that personal information. To the extent applicable, you can exercise this right by contacting us at the email address listed in [Contact Us](#) below with the subject line "Nevada Do Not Sell Request" and providing us with your name and the email address associated with your account. Please note that we do not currently sell your personal information as sales are defined in Nevada Revised Statutes Chapter 603A. If you have any questions, please contact us as set forth in [Contact Us](#) below.

11. CHILDREN'S INFORMATION

The Topaz Services are not directed to children under 16 (or other age as required by local law), and we do not knowingly collect personal information from children.

If you are a parent or guardian and believe your child has uploaded personal information to our site without your consent, you may contact us as described in "[Contact Us](#)" below. If we become aware that a child has provided us with personal information in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it, and terminate the child's account, if applicable.

12. OTHER PROVISIONS

Third-Party Websites/Applications. The Topaz Services may contain links to other websites/applications and other websites/applications may reference or link to our Topaz Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen, or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

Supervisory Authority. If your personal information is subject to the applicable data protection laws of the European Economic Area, Switzerland, or the United Kingdom, you have the right to lodge a

complaint with the competent supervisory authority if you believe our processing of your personal information violates applicable law.

- [EEA Data Protection Authorities \(DPAs\)](#)
- [Swiss Federal Data Protection and Information Commissioner \(FDPIC\)](#)
- [UK Information Commissioner's Office \(ICO\)](#)

13. CONTACT US

Topaz is the controller of the personal information we process under this Privacy Notice.

If you have any questions about our privacy practices or this Privacy Notice, or to exercise your rights as detailed in this Privacy Notice, please contact us at: help@topaz.so.