

SPLIT SOFTWARE PRIVACY POLICY

Last Revised: November 10, 2021

Split Software, Inc. ("Split", "we", "us") respects your right to privacy. This Privacy Policy explains who we are, how we collect, share and use personal information about you, and how you can exercise your privacy rights. This Privacy Policy applies to personal information that we collect through our corporate website at www.split.io and application app.split.io (together, the "Website") and when you use or interact with our Services. This Privacy Policy does not apply to third party products or Services that you may choose to integrate with Split's product or Services. You should always review the policies of third party products and services to make sure you are comfortable with the ways in which they collect and use your information. By using or accessing our website in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.

Remember that your use of Split services is at all times subject to our [Terms of Service](#) which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms of Service.

You may print a copy of this Privacy Policy by clicking [here](#). If you have a disability, you may access this Privacy Policy in an alternative format by contacting privacy@split.io

If you have any questions or concerns about our use of your personal information, then please contact us using the contact details provided at the bottom of this Privacy Policy.

Quick links

We recommend that you read this Privacy Policy in full to ensure you are fully informed. However, if you only want to access a particular section of this Privacy Policy, then you can click on the relevant link below to jump to that section.

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What does Split do?

Split is the leading platform for feature experimentation, empowering businesses of all sizes to make smarter product decisions. The Split platform is a unified solution for continuous delivery and full-stack experimentation. Split unifies DevOps and product management, helping agile engineering and product teams accelerate the pace of product delivery and make data-driven decisions, through our robust feature flagging and extensive experimentation capabilities. With Split, organizations can now accelerate time to value, mitigate risk, and drive better outcomes, all in a unified platform.

For more information about Split, please see the “About Us” section of our Website at <https://www.split.io/company/>.

What personal information does Split collect?

The personal information that we may collect about you broadly falls into the following categories:

<u>Category of Personal Data</u>	<u>Examples of Personal Data We Collect</u>	<u>Categories of Third Parties With Whom We Share this Personal Data:</u>
Profile or Contact Data	<ul style="list-style-type: none"> • First and last name • Email • Phone number • Unique identifiers 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Device/IP Data	<ul style="list-style-type: none"> • IP address • Device ID • Type of device/operating system/browser used to access the Services 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Web Analytics	<ul style="list-style-type: none"> • Web page interactions • Referring webpage/source through which you accessed the Services • Non-identifiable request IDs • Statistics associated with the interaction between device or browser and the Services 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Social Network Data	<ul style="list-style-type: none"> • Email • Phone number • User name • IP address • Device ID 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Professional or Employment-Related Data	<ul style="list-style-type: none"> • Resume • Job title • Job history • Performance evaluations 	<ul style="list-style-type: none"> • Service Providers • Business Partners • Parties You Authorize, Access or Authenticate
Geolocation Data	<ul style="list-style-type: none"> • IP-address-based location information • Points of Presence (POPs) location 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Sensory Data	<ul style="list-style-type: none"> • Recordings of your environment 	<ul style="list-style-type: none"> • Service Providers
Other Identifying Information that You	<ul style="list-style-type: none"> • Identifying information in emails or letters you send us 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners

Voluntarily Choose to Provide		<ul style="list-style-type: none"> • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
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Categories of Sources of Personal Data

- **You**
 - **When you provide such information directly to us:**
 - When you create an account or use our interactive tools and Services.
 - When you voluntarily provide information in free-form text boxes through the Services or through responses to surveys or questionnaires.
 - When you subscribe to marketing communications from us
 - When you send us an email or otherwise contact us.
 - The personal information that you are asked to provide, and the reasons why you are asked to provide it, will be made clear to you at the point we ask you to provide your personal information.
 - **When you use Services and such information is collected automatically:**
 - Through Cookies (defined in the “Tracking Tools, Ads, Advertising and Opt-Out” section below).
 - If you visit or use our Website, we may receive information about your location via your IP address, and may receive and collect information transmitted from your computing device for the purpose of providing you the relevant Services, such as information regarding when you are logged on and available to receive updates or alert notices.

- **Administrators.** In some cases another user (such as an administrator) may create an account on your behalf and may provide your information, including personal information (most commonly when your company requests that you use our products). We collect Information under the direction of our customers and often have no direct relationship with the individuals whose personal data we process. If you are an employee of one of our customers and would no longer like us to process your information, please contact your employer. If you are providing information (including personal information) about someone else, you must have the authority to act for them and to consent to the collection and use of their personal information as described in this Privacy Policy.

- **Business Customers.** Our customers can send to us data about their users. Split’s Service allows our customers to submit details about their end-users to enrich their experiences through our platform. Our customers have a responsibility to understand the data they send to us and to take the appropriate disclosures, precautions, and responsibilities regarding the content of the Service data they provide to us. We utilize this data for no purpose except to deliver the functionality that the Split platform provides to our customers. In general, we will use the personal information we collect from you only for the purposes described in this Privacy Policy or for purposes that we explain to you at the time we collect your personal information.

- **Other Third Parties.** Information from third party services. From time to time, we may receive personal information about you from third party sources (e.g. sales and marketing database and data enrichment platforms), but only where we have checked that these third parties either have your consent or are otherwise legally permitted or required to disclose your personal information to us. The types of information we collect from third parties include account and/or contact information and we use the information we receive from these third parties to, including but not limited to, market and sell to you, and/or maintain and improve the accuracy of the records we hold about you, etc.

Who does Split share my personal information with?

We may disclose your personal information to the following categories of recipients:

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf. They include:
 - Hosting, technology and communication providers.
 - Security and fraud prevention consultants.
 - Support and customer service vendors.
 - Product fulfillment and delivery providers.
 - Payment processors.
 - Our credit card payment processing partner Stripe, Inc. (“Stripe”) collects your voluntarily-provided payment card information necessary to process your payment.
 - Please see Stripe’s terms of service and privacy policy for information on its use and storage of your personal data.
- **Advertising Partners.** These parties help us market our services and provide you with other offers that may be of interest to you. They include:
 - Ad networks.
 - Data brokers.
 - Marketing providers.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Services. They include:
 - Companies that track how users found or were referred to the Services.
 - Companies that track how users interact with the Services.
- **Business Partners.** These parties partner with us in offering various services. They include:
 - Businesses that you have a relationship with.
 - Companies that we partner with to offer joint promotional offers or opportunities.
- **Parties You Authorize, Access or Authenticate**
 - Third parties you access through the services.
 - Social media services.
 - Other users.

Split does not sell personal data to any third parties.

In addition, we may disclose information about you for the following purposes:

Legal Obligations

We may share any personal data that we collect with third parties in conjunction with any of the activities set forth under “Meeting Legal Requirements and Enforcing Legal Terms” in the “Our Commercial or Business Purposes for Collecting Personal Data” section above.

Business Transfers

All of your personal data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

Data that is Not Personal Data

We may create aggregated, de-identified or anonymized data from the personal data we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful business purposes, including to analyze, build and improve the Services and promote our business, provided that we will not share such data in a manner that could identify you.

Our Commercial or Business Purposes for Collecting Personal Data

This section describes how we may use your Personal Data.

- **Providing, Customizing and Improving the Services**
 - Creating and managing your account or other user profiles.
 - Processing orders or other transactions; billing.

- Providing you with the products, services or information you request.
- Meeting or fulfilling the reason you provided the information to us.
- Providing support and assistance for the Services.
- Improving the Services, including testing, research, internal analytics and product development.
- Personalizing the Services, website content and communications based on your preferences.
- Doing fraud protection, security and debugging.
- Carrying out other business purposes stated when collecting your personal data or as otherwise set forth in applicable data privacy laws, such as the California Consumer Privacy Act (the “CCPA”).
- **Marketing the Services**
 - Marketing and selling the Services.
 - Showing you advertisements, including interest-based or online behavioral advertising.
- **Corresponding with You**
 - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Split or our Services.
 - Sending emails and other communications according to your preferences or that display content that we think will interest you.
- **Meeting Legal Requirements and Enforcing Legal Terms**
 - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
 - Protecting the rights, property or safety of you, Split or another party.
 - Enforcing any agreements with you.
 - Responding to claims that any posting or other content violates third-party rights.
 - Resolving disputes.

We will not collect additional categories of personal data or use the personal data we collected for materially different, unrelated or incompatible purposes without providing you notice.

Personal Data Use and Processing Grounds (EEA Users)

This section describes our lawful bases for processing your personal data. The “Our Commercial or Business Purposes for Collecting Personal Data” section above explains how we use your personal data.

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 below.

- **Contractual Necessity**: We process the following categories of personal data as a matter of “contractual necessity”, meaning that we need to process the data to perform under our Terms of Use with you, which enables us to provide you with the Services. When we process data due to contractual necessity, failure to provide such personal data will result in your inability to use some or all portions of the Services that require such data.
 - Certain Profile or Contact Data
 - Certain Device/IP Data
- **Legitimate Interest**: We process the following categories of personal data when we believe it furthers the legitimate interest of us or third parties:
 - Certain Profile or Contact Data
 - Web Analytics
 - Social Network Data
 - Professional or Employment-Related Data
 - Geolocation Data
 - Sensory Data
 - Other Identifying Information that You Voluntarily Choose to Provide

Examples of these legitimate interests include (as described in more detail above):

 - Providing, customizing and improving the Services.

- Marketing the Services.
- Corresponding with you.
- Meeting legal requirements and enforcing legal terms.
- Completing corporate transactions.
- **Consent:** In some cases, we process personal data based on the consent you expressly grant to us at the time we collect such data. When we process personal data based on your consent, it will be expressly indicated to you at the point and time of collection.
- **Other Processing Grounds:** From time to time we may also need to process personal data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

Tracking Tools, Advertising, and Opt-Out

As mentioned above, the Services use cookies and similar technologies such as pixel tags, web beacons, clear GIFs and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser, tell us how and when you visit and use our Services, analyze trends, learn about our user base and operate and improve our Services. Cookies are small pieces of data— usually text files – placed on your computer, tablet, phone or similar device when you use that device to access our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). More information on the Cookies we collect and ways to opt-out can be found in our Cookie Policy at <https://www.split.io/legal/cookie-policy>. Please note that “Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and services that you do not wish such operators to track certain of your online activities over time and across different websites. Our Services do not support Do Not Track requests at this time. To find out more about “Do Not Track,” you can visit www.allaboutdnt.com. “

Information about Interest-Based Advertisements:

You may see advertisements for our Services on third party websites. These advertisements may be targeted to users who fit certain general profile categories or display certain preferences or behaviors (“Interest-Based Ads”). Information for Interest-Based Ads (including personal data) may be provided to us or third-parties by you, or derived from the usage patterns of particular users on the Services and/or services of third parties. Such information may be gathered through tracking users’ activities across time and unaffiliated properties, including when you leave the Services. To accomplish this, we or our service providers may deliver Cookies, including a file (known as a “web beacon”) from an ad network to you through the Services. Web beacons allow ad networks to provide anonymized, aggregated auditing, research and reporting for us and for advertisers. Web beacons also enable ad networks to serve targeted advertisements to you when you visit other websites. Web beacons allow ad networks to view, edit or set their own Cookies on your browser, just as if you had requested a web page from their site.

How does Split keep my personal information secure?

We seek to protect your personal data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of personal data and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure. More details about Split’s Security program can be found [here](#). If you have reason to believe that your data or someone else’s data is no longer secure, please contact security@split.io.

In the event of a security breach, we will take necessary measures to ensure the continued safety of data and contact affected parties and relevant regulators within a reasonable amount of time about the scope and scale of the unauthorized disclosure, as required by applicable laws.

Data retention

We retain personal information we collect from you where we have an ongoing legitimate business need to do so (for example, to provide you with a service you have requested or to comply with applicable legal, tax or accounting requirements).

When we have no ongoing legitimate business need to process your personal information, we will either delete or anonymise it or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible.

Personal Data of Children As noted in the Terms of Service, we do not knowingly collect or solicit personal data about children under 16 years of age; if you are a child under the age of 16, please do not attempt to register for or otherwise use the Services or send us any personal data. If we are informed that we have collected personal data from a child under 16 years of age, we will delete that information as quickly as possible. If you believe that a child under 16 years of age may have provided personal data to us, please contact us at privacy@split.io.

International data transfers

Your personal information may be transferred to, and processed in, countries other than the country in which you are resident. These countries may have data protection laws that are different to the laws of your country.

Specifically, our Website servers are located in the United States and our third party service providers and partners operate around the world but with our data stored in the United States.

We have taken appropriate safeguards to require that your personal information will remain protected in accordance with this Privacy Policy. These include implementing the European Commission’s Standard Contractual Clauses for transfers of personal information with our third party service providers and partners and further details can be provided upon request. These include implementing the European Commission’s Standard Contractual Clauses for transfers of personal information with our third party service providers and partners, further details of which can be provided upon request. We also participate and comply with the EU-US and Swiss-US Privacy Shield Frameworks. Please see our Privacy Shield Notice below.

Privacy Shield Notice

Split Software, Inc. participates in and complies with the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks and the Privacy Shield Principles regarding the collection, use, and retention of personal information that is transferred from the European Union, the United Kingdom or Switzerland (as applicable) to the U.S. We ensure that the Privacy Shield Principles apply to all personal information that is subject to this privacy policy and is received from the European Union, the United Kingdom and Switzerland. To learn more about the Privacy Shield Framework, and to view our certification, please visit the U.S. Department of Commerce’s Privacy Shield website: <https://www.privacyshield.gov/welcome>. A list of Privacy Shield participants is maintained by the Department of Commerce and is available at: <https://www.privacyshield.gov/list>.

Under the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks, we are responsible for the processing of personal information we receive from the EU, the United Kingdom and Switzerland and onward transfers to a third party acting as an agent on our behalf. We comply with the Privacy Shield Principles for all onward transfers of personal information from the European Union, the United Kingdom and Switzerland, including the onward transfer of liability provisions.

You can direct any questions or complaints about the use of disclosure of your personal information to us at legal@split.io. We will investigate and resolve any complaints or disputes regarding the use of personal information within forty-five (45) days of receiving your complaint.

We encourage you to contact us as provided above should you have a Privacy Shield-related (or general privacy-related) complaint. However if you have an unresolved privacy or data use concern that we have not addressed satisfactorily, you may contact JAMS, a U.S. based independent third-party dispute resolution body that will assist you free of charge. A binding arbitration option may also be available to you in order to resolve complaints not resolved by other means. You can file a claim on their website (<https://www.jamsadr.com/eu-us-privacy-shield>).

Under certain conditions, more fully described on the Privacy Shield website, <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may invoke binding arbitration when other dispute resolution procedures have been exhausted as per Annex I of Privacy Shield, <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>.

With respect to personal information received or transferred pursuant to the Privacy Shield Framework, we are subject to the regulatory and enforcement powers of the US Federal Trade Commission (“FTC”). In certain situations, we may be required to disclose personal information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

California Resident Rights

If you are a California resident, you have the rights set forth in this section. Please see the “Exercising Your Rights” section below for instructions regarding how to exercise these rights. Please note that we may process personal data of our customers’ end users or employees in connection with our provision of certain services to our customers. If we are processing your personal data as a service provider, you should contact the entity that collected your Personal Data in the first instance to address your rights with respect to such data.

If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the 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 rights apply to you, please contact us at privacy@split.io.

Access

You have the right to request certain information about our collection and use of your personal data over the past 12 months. In response, we will provide you with the following information:

- The categories of personal data that we have collected about you.
- The categories of sources from which that personal data was collected.
- The business or commercial purpose for collecting or selling your personal data.
- The categories of third parties with whom we have shared your personal data.
- The specific pieces of personal data that we have collected about you.

If we have disclosed your personal data to any third parties for a business purpose over the past 12 months, we will identify the categories of personal data shared with each category of third party recipient. We do not and have not sold your personal data in the last 12 months.

Deletion

You have the right to request that we delete the Personal Data that we have collected about you. Under the CCPA, this right is subject to certain exceptions: for example, we may need to retain your Personal Data to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

Exercising Your Rights

To exercise the rights described above, you or your Authorized Agent (defined below) must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected Personal Data, and (2) describes your request in sufficient detail to allow us to understand, evaluate and respond to it. Each request that meets both of these criteria will be considered a "Valid Request." We may not respond to requests that do not meet these criteria. We will only use Personal Data provided in a Valid Request to verify your identity and complete your request. You do not need an account to submit a Valid Request.

We will work to respond to your Valid Request within 45 days of receipt. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request using the following methods:

- Email us at: privacy@split.io
- Submit a form at this address: <https://www.split.io/legal/ccpa-request/>

You may also authorize an agent (an "Authorized Agent") to exercise your rights on your behalf. To do this, you must provide your Authorized Agent with written permission to exercise your rights on your behalf, and we may request a copy of this written permission from your Authorized Agent when they make a request on your behalf.

We Will Not Discriminate Against You for Exercising Your Rights Under the CCPA

We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may offer different tiers of our Services as allowed by

applicable data privacy laws (including the CCPA) with varying prices, rates or levels of quality of the goods or services you receive related to the value of personal data that we receive from you.

Other State Law Privacy Rights

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of personal data to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at privacy@split.io.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain personal data to third parties who intend to license or sell that personal data. You can exercise this right by contacting us at privacy@split.io 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 data as sales are defined in Nevada Revised Statutes Chapter 603A. Please note that we do not and have not sold your personal data.

European Union Data Subject Rights

You have the following data protection rights:

Access, correct update or request deletion. If you wish to access, correct, update or request deletion of your personal information, you can do so at any time by contacting us using the contact details provided under the "How to contact us" heading below.

Object to processing, restrict processing, or request portability. In addition, if you are a resident of the European Union, you can object to processing of your personal information, ask us to restrict processing of your personal information or request portability of your personal information. Again, you can exercise these rights by contacting us using the contact details provided under the "How to contact us" heading below.

Opt-out. You have the right to **opt-out of marketing communications** we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), then please contact us using the contact details provided under the "How to contact us" heading below.

Withdraw consent. Similarly, if we have collected and processed your personal information with your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.

Right to complain. You have the right to complain to a data protection authority about our collection and use of your personal information. For more information, please contact your local data protection authority. (Contact details for data protection authorities in the European Economic Area are available [here](#).)

We respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

Updates to this Privacy Policy

We may update this Privacy Policy from time to time in response to changing legal, technical or business developments. When we update our Privacy Policy, we will take appropriate measures to inform you, consistent with the significance of the changes we make. We will obtain your consent to any material Privacy Policy changes if and where this is required by applicable data protection laws.

You can see when this Privacy Policy was last updated by checking the "last updated" date displayed at the top of this Privacy Policy.

How to contact us

If you have any questions or concerns about this Privacy Policy, your rights, our use of your personal information, please contact privacy@split.io.

If you are located in the European Union, you may use the following information to contact our European Union-Based and United Kingdom-based Member Representative:

DP-Dock GmbH, Attn: Split Software, Inc., Ballindamm 39, 20095 Hamburg, Germany

UK: DP Data Protection Services UK Ltd., Attn: Split Software, Inc., 16 Great Queen Street, Covent Garden, London, WC2B 5AH, United Kingdom

www.dp-dock.com

split@gdpr-rep.com