

# Privacy Policy for eMergePay

Effective Date: 03/01/2020

This “Privacy Policy” explains how Gravity Payments, Inc., through our eMergePay platform (“**Company**” or “**we**”, “**us**”, or “**our**”) collects, uses, discloses, and otherwise processes personal information on behalf of our customers – typically, merchants (“**Merchant**”). This Privacy Policy does not apply to Gravity Payments’ privacy practices in any other context.

eMergePay’s processing of personal information in connection with our platform is governed by this Privacy Policy and our agreements with Merchants. In the event of any conflict between this Privacy Policy and a customer agreement, the customer agreement will control to the extent permitted by applicable law.

This Privacy Policy is not a substitute for any privacy policy that a Merchant may be required to provide to their customers, personnel, or other individuals.

## Information We Collect

We may collect personal information from or on behalf of Merchants. Merchants determine the scope of the personal information transferred to us or that we collect, and the information we receive may vary by Merchant. Typically, the information we collect on behalf of Merchants includes:

### *Information that we collect when a Merchant’s customers make a payment*

When a customer makes a payment, we collect information about the transaction, which may include personal information. Information about transactions includes the payment card used, name associated with the payment card, the location of the merchant’s store, date and time of the transaction, transaction amount, and information about the goods or services purchased in the transaction.

### *Additional information Merchants’ customers provide*

We may collect additional information ancillary to the payment. This information may include:

- Customers’ email address or phone number, such as when the customer chooses to receive an electronic receipt

- Customers' marketing preferences, such as whether the customer wishes to receive marketing communications or newsletters
- Information about participating customers' activity in a Merchant loyalty program
- Customers' physical address, where needed for delivery of goods or services
- Other information the customer provides, such as birthdate, interests or preferences, reviews, and feedback

### *Additional information we collect*

Merchants may provide us with additional information directly, including information about their customers such as email addresses, phone numbers, and purchase history. The types of information that Merchants may provide to us about their personnel include email addresses, phone numbers, shifts, and sales history.

We also collect non-personally identifiable information when you use eMerge Pay.

We collect information relating to your interactions with us and our platform, including encrypted token information, device ID, and internal identifiers.

### **How We Use the Information We Collect**

We use the personal information we collect for or on behalf of Merchants for any lawful purpose, including to provide our services and the functionality of our platform:

- To facilitate payment transactions between Merchants and customers; and
- To provide reporting to Merchants.

We may also use personal information for related internal purposes, including:

- To provide information about the platform, such as important updates or changes to the platform and security alerts;
- To measure performance of and improve the platform;
- To respond to inquiries, complaints, and requests for customer support; and

In addition, Company may use personal information as we believe necessary or appropriate to (a) comply with applicable laws and lawful requests and legal processes, such as to respond to subpoenas or requests from government authorities; (b) enforce the terms and conditions that govern our platform; (d) protect our rights, privacy, safety or property, and/or that of you or others; (e) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity; and (f) with your consent, or as otherwise disclosed at the time information is collected

## How We Share Information

We may share personal information that we collect with other parties in the ways that are described in this Privacy Policy, including:

- With the Merchant from whom or on whose behalf we collected the personal information;
- With applications integrated into eMergePay, including, the Clover POS. You may view Clover's Privacy Notice [here](#);
- With third parties as a Merchant may direct;
- With third party service providers that help us manage and improve the platform;
- With Company subsidiaries and corporate affiliates for the purposes described in this Privacy Policy or in our agreement with a Merchant; and
- With your consent or as otherwise disclosed at the time of data collection or sharing.

Company may disclose personal information to government or law enforcement officials or private parties as required by law, and disclose and use such information as we believe necessary or appropriate to (a) comply with applicable laws and lawful requests and legal processes, such as to respond to subpoenas or requests from government authorities; (b) enforce the terms and conditions that govern our platform; (d) protect our rights, privacy, safety or property, and/or that of you or others; and (e) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

Company may sell or transfer some or all of its business or assets, including your personal information, in connection with a business transaction (or potential business transaction) such as a merger, consolidation, acquisition, reorganization or sale of assets or in the event of bankruptcy, in which case we will make reasonable efforts to require the recipient to honor this Privacy Policy.

We may share information that has been anonymized or aggregated without limitation.

## **Third-Party Links and Tools**

Our platform may provide links to third-party websites or apps. We do not control the privacy practices of those websites or apps, and they are not covered by this privacy notice. You should review the privacy notices of other websites or apps that you use to learn about their data practices.

## **Your Rights and Choices**

### *Data Subject Rights*

To the extent that applicable law provides individuals with rights pertaining to their personal information, such as to review and request changes to their personal information, individuals should contact the Merchant with any requests pertaining to the Merchant's use of our platform. eMergePay will assist a Merchant, as applicable, in responding to such requests subject to our contract with the Merchant.

### *Complaints*

If you have a complaint about our handling of personal information, you may contact us via the contact information provided below.

## **Updates**

We reserve the right to modify this Privacy Policy at any time. We will notify you of updates by updating the date of this Privacy Policy. If we make any material changes, we will notify you by email (sent to the e-mail address specified in your account) or by means of a notice on this Privacy Policy prior to the change becoming effective. We encourage you to periodically review this Privacy Policy for the latest information on our privacy practices.

## **Contact Us**

You may contact us with any questions, comments, or complaints, about this Privacy Policy or our privacy practices via: [techsupport@gravitypayments.com](mailto:techsupport@gravitypayments.com) or 866-701-4700.