

Privacy Policy

This policy describes how Ai Software, LLC, and its subsidiaries and affiliates, doing business as Capacity, collects, uses, and shares personal information.

In our policy, “you” means the person or entity accessing this Site and/or using the Capacity services or platform. As applicable, “you” may mean a business which has an enterprise agreement with Capacity and may mean the users authorized by that business to use Capacity. If you are connected to Capacity as a result of your employer, please also review your employer’s privacy policy which may be applicable. Under this policy, “you” may also refer to a person who is an employee or contractor of Capacity or an applicant for employment with Capacity.

Certain elements of this privacy policy apply in instances where Capacity is acting as a “controller” (or a similar term under applicable law). In this context, we are collecting personal information from you for our own business purposes or for potential employment opportunities with Capacity. Other elements of this privacy policy apply to instances where Capacity is acting as a “processor” or “service provider” (or a similar term under applicable law) where we are processing personal information on behalf of a third party (typically our customer) in the provision of services to that third party. We will distinguish where an element of the privacy policy only applies to one of these contexts.

Types of Information We Collect

The following provides examples of the type of information that we collect from you and how we use that information. Please note that the categories of information noted below reflect our data collection practices as a controller, unless otherwise noted:

In addition to the information that we collect from you directly, we may also receive information about you from other sources, including third parties, business partners or publicly available sources.

Context	Types of Data	Primary Purpose for Collection and Use of Data
Account Information	We collect your name, username and email address when you are using an account with Capacity. We also collect information relating to the actions that you perform while logged into your account.	We have a legitimate interest in providing account-related functionalities to our users. Account information is used to provide the Capacity platform and services and to calculate fees due to Capacity. Account information is used to save your preferences and transaction history.

Customer Information	We collect the name and contact information of our customers and their authorized users to whom we provide our services and platform.	We have a legitimate interest in contacting our customers and communicating with them concerning normal business administration such as services and billing.
Cookies and First Party Tracking	We use cookies, pixel tags, and clear GIFs. "Cookies" are small pieces of information that a website sends to a computer's hard drive while a web site is viewed. See our Cookies Section for more information.	We have a legitimate interest in making our website operate efficiently, improving our services and targeting outreach.
Information from Customers	We as a processor or service provider, may receive information from our customers. This information includes, for example, any information you provide our customers in connection with the services they are providing you.	Capacity acts as a processor or service provider to the customer providing the information. Accordingly, the customer's privacy policy governs our use of the information. Typically, Capacity processes this information at the direction of the customer in order to aid in providing services to you.
Inquiries and Leads	Capacity collects name, company, and contract information from people who inquire about our services or about possible leads who may be interested in our services.	We have a legitimate interest in responding to inquiries regarding our services in order to increase business. Additionally, you may also consent to these communications by requesting them.

<p>Cookies and Third Party Tracking</p>	<p>We participate in behavior-based advertising, which means that a third party uses technology (e.g., a cookie) to collect information about your use of our website and other websites, so that they can provide advertising about products and services tailored to your interests on our website or on other websites. See our Cookies Section for more information.</p>	<p>We have a legitimate interest in engaging in behavior-based advertising.</p>
<p>Demographic Information</p>	<p>We collect personal information, such as your job function or location.</p>	<p>We have a legitimate interest in understanding our users, improving our services and providing tailored services. Some information is also collected as part of the employment process to comply with applicable law. Location information may also be collected to build a more complete candidate profile.</p>
<p>Location Information</p>	<p>We may collect your location from the GPS, Wi-Fi, and/or cellular technology in your device to determine your location and distance from our offices and sales team members.</p>	<p>We have a legitimate interest in understanding our users, improving our services and providing tailored services. In some contexts, our use is also based upon your consent to provide us with geolocation information.</p>
<p>Email Interconnectivity</p>	<p>If you receive email from us, we use certain tools to capture data related to when you open our message, click on any links or banners it contains and make purchases.</p>	<p>We have a legitimate interest in understanding how you interact with our communications to you.</p>

<p>Employment</p>	<p>We may collect information necessary to process your application or to retain you as an employee. Similarly, we collect certain information related to independent contractors of the company. We engage third parties to conduct background checks.</p>	<p>We use information about current employees to perform our obligations related to your employment, or the anticipation of an employment relationship with you. In some contexts, we are also required by law to collect information about our employees. We also have a legitimate interest in using this information for staffing purposes.</p>
<p>Feedback/Support</p>	<p>If you provide us feedback or contact us for support, we will collect your name and email address, as well as any other content that you send to us, in order to reply.</p>	<p>We have a legitimate interest in receiving, and acting upon, your feedback or issues.</p>
<p>Capacity Demonstration Information</p>	<p>When you use the Capacity demonstration on our website, we collect all the information you enter into the text input box. If Capacity cannot find an answer, we will collect your email in order to send you the answer at a later date.</p>	<p>We have a legitimate interest in demonstrating and developing our products and platform and/or services.</p>
<p>Mailing List</p>	<p>When you sign up for one of our mailing lists, we collect your email address and/or postal address.</p>	<p>We have a legitimate interest in sharing information about our products, platform and/or services.</p>
<p>Mobile Devices</p>	<p>We collect information from your mobile device such as unique identifying information broadcast from your device when visiting our website.</p>	<p>We have a legitimate interest in identifying unique visitors, and in understanding how users interact with us on their mobile devices.</p>

Request a Demo	When you request a demo, we collect your name, email, job title and company, phone number, and country. If this will be an in-person demo, we will also collect your business address.	We have a legitimate interest in demonstrating our products, platform and/or services, and in following up afterwards.
Surveys	When you participate in a survey from us, we collect information that you provide through the survey. If the survey is provided by a third party service provider, then the third party's privacy policy applies to the collection, use, and disclosure of your information.	We have a legitimate interest in understanding your opinions and in collecting information relevant to Capacity.
Sweepstakes or contests	When you participate in a sweepstakes or contest, we collect information about you which includes contact information to notify you if you are selected.	We have a legitimate interest in operating the sweepstakes. In some contexts, we are also required by law to collect information about those that enter into our sweepstakes, and we have a legitimate interest in complying with those laws.
Website interactions	We use technology to monitor how you interact with our website. This may include which links you click on or which information that you type into our online forms. This may also include information about your device or browser.	We have a legitimate interest in understanding how you interact with our website to better improve it, and to understand your preferences and interests in order to select offerings that you might find interesting. We also have a legitimate interest

		in detecting and preventing fraud.
Weblogs	We collect information, including your browser type, operating system, Internet Protocol (IP) address (a number that is automatically assigned to a computer when the Internet is used), domain name, click-activity, referring website, and/or a date/time stamp for visitors.	We have a legitimate interest in monitoring our networks and visitors to our websites. Among other things, it helps us understand the usage of our website and services.

Use and Processing of Information

In addition to the purposes and uses described above, we use information in the following ways:

- To identify you when you visit our website or use our services.
- To provide our platform, products and services.
- To improve our platform, services and product offerings.
- For training, including training our employees and customers on using the services.
- To conduct analytics.
- For billing and payment purposes.
- To respond to inquiries related to support, employment opportunities, or other requests.
- To send marketing and promotional materials, including information relating to our products, services, sales, or promotions.
- For internal administrative purposes, as well as to manage our relationships.

Although the sections above describe our primary purposes in collecting your information, in many situations we have more than one purpose. For example, we may collect your information to perform our contract with you, but we also collect your information after your transaction is complete as we have a legitimate interest in maintaining your information so that we can quickly and easily respond to any questions or continue to work with you in the future. In sum, our collection and processing of your information is based in different contexts such as upon your consent, our need to perform a contract, our obligations under law, and/or our legitimate interest in conducting our business.

Sharing of Information

In addition to the specific situations discussed elsewhere in this policy, we disclose information in the following situations:

1. **Affiliates and Acquisitions.** We may share information with our corporate affiliates (e.g., parent company, sister companies, subsidiaries, joint ventures, or other companies under common control). If another company acquires, or plans to acquire, our company, business, or our assets, we will also share information with that company, including at the negotiation stage.
2. **Service Providers and Contractors.** We may share information with service providers, contractors and other third parties that we use to support our business. Among other things, service providers help us to administer our website, host and test our platform, conduct surveys, field events, provide technical support, process payments, and assist in the fulfillment of services and evaluation of candidates.
3. **Other Disclosures with Your Consent.** We may ask if you would like us to share your information with other unaffiliated third parties who are not described elsewhere in this policy.
4. **Other Disclosures without Your Consent.** We may disclose information in response to subpoenas, warrants, or court orders, or in connection with any legal process, or to comply with relevant laws. We may also share your information in order to establish or exercise our rights, to defend against a legal claim, to investigate, prevent, or take action regarding possible illegal activities, suspected fraud, safety of person or property, or a violation of our policies, or to comply with your request for the shipment of products to or the provision of services by a third party intermediary.
5. **Public.** Our websites may provide the opportunity to post comments, or reviews, in a public forum. If you decide to submit information on these pages, that information may be publicly available.
6. **Partner Promotion.** We may offer contests, sweepstakes, or other promotions with third party partners. If you decide to enter a contest, sweepstakes, or promotion that is sponsored by a third party partner the information that you provide will be shared with us and with them. Their use of your information is not governed by this privacy policy.

Your Choices

Where applicable, you may be able to make the following choices regarding your personal information. Please note that these rights refer to those instances in which we have collected your personal information as a controller. For instances in which we are processing your personal

information as a service provider on behalf of our customer that you have a relationship with, you will have to submit your request to them:

1. **Promotional Emails.** You may choose to provide us with your email address for the purpose of allowing us to send free newsletters, surveys, offers, and other promotional materials to you, as well as targeted offers from third parties. You can stop receiving promotional emails by following the unsubscribe instructions in emails that you receive. If you decide not to receive promotional emails, we may still send you service-related communications.
2. **Promotional Mailings.** If at any time you do not want to receive offers and/or circulars from us you can remove yourself from our mailing lists by emailing us (our contact information is below) with "NO SNAIL MAIL" in the subject line along with your name, address, and zip code. Please note that our mailings are prepared in advance of their being sent. Although we will remove your name from our mailing list after receiving your request, you may still receive mailings from us that had been initiated prior to your name being removed.
3. **Promotional Text Messages.** If you receive a text message from us that contains promotional information, you can opt-out of receiving future text messages by replying "STOP."
4. **Access to Your Personal Information.** You may request access to your personal information by contacting us at the address described below. If required by law, upon request, we will grant you reasonable access to the personal information that we have about you.
5. **Changes to Your Personal Information.** We rely on you to update and correct your personal information. Note that we may keep historical information in our backup files as permitted by law. If our website or platform does not permit you to update or correct certain information contact us at the address described below.
6. **Deletion of Your Personal Information.** Typically, we retain your personal information for the period necessary to fulfill the purposes outlined in this policy, unless a longer retention period is required or permitted by law. You may, however, request information about how long we keep a specific type of information, or request that we delete your personal information by contacting us at the address described below. If required by law, we will delete your data after receiving such a request. However, we may keep all or part of your personal information as needed to comply with our legal obligations, resolve disputes, and/or enforce any of our agreements.
7. **Revocation of Consent.** If you revoke your consent for the processing of personal information then we may no longer be able to provide you services. In some cases, we may limit or deny your request to revoke consent if the law permits or requires us to do so, or if we are unable to adequately verify your identity. You may revoke consent to processing

(where such processing is based upon consent) by contacting us at the address described below.

8. **Objection to Certain Processing.** You may object to our use or disclosure of your personal information by contacting us at the address described below.
9. **Data Portability.** You may request your personal information be provided to you in a portable and usable format by contacting us at the address described below.
10. **Online Tracking.** We do not currently recognize automated browser signals regarding tracking mechanisms, which may include “Do Not Track” instructions.

How We Protect Personal Information

No method of transmission over the Internet, or method of electronic storage, is fully secure. While we use reasonable efforts to protect your personal information from unauthorized access, use, or disclosure, we cannot guarantee the security of your personal information. In the event that we are required by law to inform you of a breach of your personal information, we may notify you electronically, in writing, by telephone or through another legally permitted method.

The safety and security of your personal information also depends on you. You are responsible for keeping your passwords and login credentials confidential. You are also responsible for maintaining the security of your accounts and devices, and you are responsible for any access to or use of your accounts by someone else that has obtained access, whether or not such access or use has been authorized by you. You should notify us of any unauthorized use of your account.

Cookies

A cookie is a small file placed onto your device that enables a variety of features and functionality. Cookies can do this because websites can read and write them, enabling websites to recognize you and remember important information that will make your use of a website more convenient (for example by remembering preference settings).

We use cookies and other technologies to ensure everyone who uses our websites has the best possible experience and for marketing purposes.

Most browsers allow you to control and erase cookies through their settings preferences. Note that if you limit the ability of websites to set cookies, you may worsen your overall user experience, since it will no longer be personalized to you. Additionally, some features may work improperly or not at all.

Miscellaneous

The following additional information relates to our privacy practices:

- **Transmission of Information to Other Countries.**
As a company that is based in the United States, we transmit information across borders. As a result, your information may be processed in a foreign country where privacy laws may be less stringent or different than the laws in your country. Nonetheless, where possible we take steps to treat personal information using the same privacy principles that apply pursuant to the law of the country in which we first received your information,

including but not limited to the use of EU Standard Contractual Clauses, where applicable. By submitting your personal information to us you agree to the transfer, storage, and processing of your information in a country other than your country of residence including, but not necessarily limited to, the United States. If you would like more information concerning our attempts to apply the privacy principles applicable in one jurisdiction to data when it goes to another jurisdiction you can contact us using the contact information below.

- Third Party Applications/Websites.

We have no control over the privacy practices of websites or applications that we do not own, even those that interface with Capacity. Therefore, you should review the privacy policies of such other applications and websites to understand your rights.

- Changes to this Privacy Policy.

We may change our privacy policy and practices over time. To the extent that our policy changes in a material way, the policy that was in place at the time that you submitted personal information to us will generally govern that information unless we receive your consent to the new privacy policy.

Contact Information

If you have any questions, comments, or complaints concerning our privacy practices please contact us at the appropriate address below. We will attempt to respond to your requests and to provide you with additional privacy-related information.

Email Address: privacy@capacity.com

Mailing Address:

Capacity

6665 Delmar Blvd., Ste 300

St. Louis, MO 63130

If you are not satisfied with our response, and are in the European Union, you may have a right to lodge a complaint with your local supervisory authority.

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