

PRIVACY POLICY

Last updated March 2025

Thank you for choosing to be part of our community at Midnight Foundation (together with our subsidiaries and affiliates, “MNF”, “we”, “us”, or “our”). This Privacy Policy applies to all personal information collected through this website and all of MNF’s related websites, mobile apps, products, services, sales, marketing or events, including our plug-ins and browser extensions (collectively, the “**Products**”).

We are committed to protecting your personal information. When you access or use our Products, you trust us with your personal information. In this Privacy Policy, we describe how we collect, use, store and share your personal information and what rights you have in relation to it. If there are any terms in this Privacy Policy that you do not agree with, please discontinue access and use of our Products.

Please read this Privacy Policy carefully as it will help you make informed decisions about sharing your personal information with us.

1. Collection of Data

MNF collects several types of information for various purposes to provide and improve the Products for your use.

Types of Data Collected

- **Personal Data**

While using the Products, MNF may ask you to provide certain personally identifiable information that can be used to contact or identify you (“**Personal Data**”), which may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Address, State, Province, ZIP/Postal code, City
- Cookies and Usage Data

Your Personal Data may be used to contact you with newsletters, marketing or promotional materials and other information that may be of interest to you. You may opt out of receiving any, or all, of these communications by following the unsubscribe link or instructions provided in any email sent to you by MNF.

- **Usage Information**

Usage Information refers to information collected from Products such as what action has been applied to Products such as clicking logs; your registration details or how you may be using Products.

- **IP Address**

When you use Products, we may automatically log your IP address (the unique address which identifies your computer on the internet) which is automatically recognized by our server.

2. Use of Data

Specifically, MNF uses your information for the purpose for which you provided it to us such as:

- To notify you about changes to Products
- To allow you to participate in interactive features of Products when you choose to do so
- To provide customer support
- To gather analysis or valuable information so that we can improve the website
- To monitor the usage of Products
- To detect, prevent and address technical issues
- To provide you with news, special offers and general information about other goods, services and events which MNF offers that are similar to those that you have already purchased or enquired about unless you have opted not to receive such information

Where and as permitted under applicable law, MNF may process your contact information for direct marketing purposes (e.g., event invitations, newsletters) and to carry out customer satisfaction surveys, in each case also by email. You may object to the processing of your contact data for these purposes at any time by writing to legal@midnight.foundation or by using the opt-out mechanism provided in the respective communication you received.

3. Legal Basis under General Data Protection Regulation (GDPR)

For a citizen or resident of a member country of the European Union (EU) or the European Economic Area (EEA), the legal basis for collecting and using Personal Data described in this Privacy Policy depends on the Personal Data being collected and the specific context in which it is collected as described below:

MNF may process your Personal Data because:

- MNF needs to perform a contract with you
- You have given us permission to do so
- The processing derives from MNF's legitimate interests
- MNF has to comply with applicable law

The legal basis for MNF processing data about you is that it is necessary for the purposes of:

- MNF exercising its rights and performing its obligations in connection with any contract we make with you (Article 6 (1) (b) General Data Protection Regulation),
- Compliance with MNF's legal obligations (Article 6 (1) (c) General Data Protection Regulation), and/or
- Legitimate interests pursued by MNF (Article 6 (1) (f) General Data Protection Regulation).

Generally the legitimate interest pursued by MNF in relation to our use of your personal data is the efficient performance or management of our business relationship with you.

In some cases, we may ask if you consent to the relevant use of your personal data. In such cases, the legal basis for MNF processing that data about you may (in addition or instead) be that you have consented (Article 6 (1) (a) General Data Protection Regulation).

4. Retention of Data

MNF will retain your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. MNF will retain and use your Personal Data to the extent necessary to comply with our legal obligations (for example, if MNF is required to retain your Personal Data to comply with applicable laws), resolve disputes, and enforce legal agreements and policies.

MNF will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Products, or MNF is legally obligated to retain such data for longer time periods.

5. Transfer Of Data

Your information, including Personal Data, may be transferred to — and maintained on — computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ from those from your jurisdiction.

Your use of Products under the MNF Terms of Use followed by your submission of your personal information constitutes your unreserved agreement to this Privacy Policy in general and the transfer of data under this policy in particular.

MNF will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy and no transfer of your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of your data and other personal information.

6. Disclosure Of Data

Legal Requirements

MNF may disclose your Personal Data in good faith belief that such disclosure is necessary to:

- To comply with a legal obligation
- To protect and defend the rights or property of MNF
- To prevent or investigate possible wrongdoing in connection with Products
- To protect the personal safety of users of Products or the public
- To protect against legal liability

Disclosure of Personal Information Within The EU

Insofar as we employ the services of service providers to implement or fulfill any tasks on our behalf the contractual relations will be regulated in writing according to the provisions of the European General Data Protection Regulation (EU-GDPR) and the Federal Data Protection Act (new BDSG)."

Disclosure of Personal Information Outside of The EU

Insofar as you have selected and consented to this in the form, your data will be disclosed to our offices within the network of affiliated companies outside of the European economic area for the processing of your enquiry. These offices are legally obligated to abide by the EU-GDPR. Furthermore, between the legally autonomous companies in the network of affiliated companies written agreements exist for the processing of data on commission, based on standardized contract stipulations.

7. Security Of Data

We use reasonable technical and organizational methods to safeguard your information, for example, by password protecting (via usernames and passwords unique to you) certain parts of the Products and by using SSL encryption and firewalls to protect against unauthorized access, disclosure, alteration or destruction. However, please note that this is not a guarantee that such information may not be accessed, disclosed, altered or destroyed by breach of such firewalls and secure server software.

Whilst we will use all reasonable efforts to safeguard your information, you acknowledge that data transmissions over the internet cannot be guaranteed to be 100% secure and for this reason we cannot guarantee the security or integrity of any Personal Information that is transferred from you or to you via the internet and as such, any information you transfer to MNF is done at your own risk.

Where we have given you (or where you have chosen) a password which enables you to access certain parts of our site, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

If we learn of a security systems breach we may attempt to notify you electronically so that you can take appropriate protective steps. By using Products or providing Personal Information to us you agree that we can communicate with you electronically regarding security, privacy and administrative issues relating to your use of Products. We may post a notice on Products if a security breach occurs. We may also send an email to you at the email address you have provided to us in these circumstances. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

8. Rights Under General Data Protection Regulation (GDPR)

If you are a citizen or resident of a member country of the European Union (EU) or the European Economic Area (EEA), you have certain data protection rights. MNF aims to take reasonable steps to allow you to correct, amend, delete, or limit the use of your Personal Data.

If you wish to be informed what Personal Data MNF holds about you and if you want it to be removed from our systems, please contact us legal@midnight.foundation

In certain circumstances, you have the following data protection rights:

- **The right to access.** You have the right to request information concerning the personal information we hold that relates to you.
- **The right of rectification.** You have the right to have your information rectified if that information is inaccurate or incomplete.
- **The right to object.** You have the right to object to your personal information being used for a particular purpose and you can exercise these rights, for example, via an unsubscribe link at the bottom of any email.
- **The right of restriction.** You have the right to request that MNF restricts the processing of your personal information.
- **The right to data portability.** You have the right to be provided with a copy of the information MNF has on you in a structured, machine readable and commonly used format.
- **The right to withdraw consent.** You also have the right to withdraw your consent at any time where MNF relied on your consent to process your personal information.

Please note that MNF may ask you to verify your identity before responding to such requests.

You have the right to complain to a Data Protection Authority about our collection and use of your Personal Data. For more information, please contact your local data protection authority in the EU or EEA.

9. California Residents

If you are a California resident, you have certain rights with respect to your personal information pursuant to the California Consumer Privacy Act of 2018 (“CCPA”). This section applies to you.

We are required to inform you of: (i) what categories of information we collect about you, including during the preceding 12 months, (ii) the purposes for which we use your personal data, including during the preceding 12 months, and (iii) the purposes for which we share your personal data, including during the preceding 12 months.

You have the right to: (i) request a copy of the personal information that we have about you; (ii) request that we delete your personal information; and (iii) opt-out of the sale of your personal information. You can limit the use of tracking technologies, such as cookies, by following instructions in the “Your choices” section. These rights are subject to limitations as described in the CCPA.

We will not discriminate against any consumer for exercising their CCPA rights.

If you would like to exercise any of these rights, please contact us at legal@midnight.foundation.

10. Service Providers, Plugins and Tools

MNF may employ third party companies and individuals to facilitate Products, to provide the Products on our behalf, to perform website-related services or to assist us in analyzing how the

Products are used ("**Service Providers**").

These Service Providers have access to your Personal Data only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

Social Media

MNF may use social media plugins to enable a better user experience with the use of Products.

Youtube

MNF uses the YouTube video platform operated by YouTube LLC, 901 Cherry Ave. San Bruno, CA 94066 USA. YouTube is a platform that enables playback of audio and video files. If you visit one of our pages featuring a YouTube plugin, a connection to the YouTube servers is established. Here the YouTube server is informed about which of our pages you have visited. If you're logged in to your YouTube account, YouTube allows you to associate your browsing behavior directly with your personal profile. You can prevent this by logging out of your YouTube account. YouTube is used to help make our website appealing. For information about the scope and purpose of data collection, the further processing and use of the data by YouTube and your rights and the settings you can configure to protect your privacy, please refer to the YouTube Privacy Guidelines.

Analytics

MNF may use Service Providers to monitor and analyze the use of Products such as Matomo and/or PostHog.

Newsletter

If you would like to receive our newsletter, we require a valid email address as well as information that allows us to verify that you are the owner of the specified email address and that you agree to receive this newsletter. No additional data is collected or is only collected on a voluntary basis. We only use this data to send the requested information and do not pass it on to third parties.

We will, therefore, process any data you enter onto the contact form only with your consent per (Article 6 (1) (a) General Data Protection Regulation). You can revoke consent to the storage and use of your data and email address for sending the newsletter at any time, e.g., through the "unsubscribe" link in the newsletter. The data processed before we receive your request may still be legally processed.

The data provided when registering for the newsletter will be used to distribute the newsletter until you cancel your subscription when said data will be deleted. Data we have stored for other purposes (e.g., email addresses for members areas) remain unaffected.

Newsletter Tracking

Newsletter tracking (also referred to as Web beacons or tracking pixels) is used if users have given their explicit prior consent. When the newsletter is dispatched, the external server can then record certain data related to the recipient, such as the time and date the newsletter is retrieved, the IP address or details regarding the email program (client) used. The name of the image file is personalized for every email recipient by a unique ID being appended to it. The

sender of the email notes which ID belongs to which email address and is thus able to determine which newsletter recipient has just opened the email when the image is called.

You may revoke your consent at any time by unsubscribing to the newsletter. This can be done by sending an email request to unsubscribe to legal@midnight.foundation. You may also remove yourself from the mailing list using the unsubscribe link in the newsletter.

11. Links To Other Products

Products may contain links to other products that are not operated by MNF. If you click on a third-party link, you will be directed to that third party's site. You're advised to review the privacy policy of each non-MNF site you decide to visit.

MNF has no control over and assumes no responsibility for the content, privacy policies or practices of any third-party product or service.

12. Changes To This Privacy Policy

MNF may update this Privacy Policy from time to time. Such changes will be posted on this page. The effective date of such changes will be notified via email and/or a prominent notice on the Product, with an update the "effective date" at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

13. Data Privacy Contact

You can reach our legal team at legal@midnight.foundation.

14. Contact by E-mail or Contact Form

When you contact us by e-mail or through a contact form, we store the data you provide (your email address, possibly your name and telephone number) so we can answer your questions. Insofar as we use our contact form to request entries that are not required for contacting you, we have marked these as optional. This information serves to substantiate your inquiry and improve the handling of your request. Your message may be linked to various actions taken by you on the MNF website. Information collected will be solely used to provide you with support relating to your inquiry and better understand your feedback. A statement of this information is expressly provided on a voluntary basis and with your consent. As far as this concerns information about communication channels (such as e-mail address or telephone number), you also agree that we may, where appropriate, contact you via this communication channel to answer your request. You may of course revoke this consent for the future at any time.

We delete the data that arises in this context after saving is no longer required, or limit processing if there are statutory retention requirements.