

# UP360 PRIVACY POLICY

## 1. INTRODUCTION

UP360 Inc. (“**UP360**”, “**we**”, “**us**”) has created this privacy policy (“**Privacy Policy**”) in order to set out how we collect, use, and disclose personal information through our Website and in the course of providing high quality virtual reality experiences through our technology offerings (collectively, the “**Services**”).

The privacy of our users is of great importance to us. By visiting our website located at <https://UP360.co/>, including its subpages, (collectively, the “**Website**”), or using the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy and you hereby consent to the collection, use and disclosure of your Personal Information in accordance with this Privacy Policy.

## 2. WHAT DOES THIS PRIVACY POLICY COVER?

This Privacy Policy covers our collection, use and disclosure of information about identifiable individuals and information which can be used to identify an individual (“**Personal Information**”). Personal Information may be collected about users and visitors to the Website, as well as in respect of our customers and their end users who use the Services.

This Privacy Policy does not apply to the practices of companies that we do not own or control, including third parties that may resell UP360 products and services. You are responsible for ensuring that you have obtained the necessary authorizations and consents for any Personal Information you make available to us for use in accordance with this Privacy Policy.

## 3. COLLECTION AND USE OF PERSONAL INFORMATION

**3.1 Contact Information.** When you fill out contact forms on the Website or otherwise get in touch with us (eg. to receive more information about our Services), we collect your name, email address and phone number and business contact information.

**3.2 Account Information.** When you register for certain services (eg. an Immersive Learning Platform account), UP360 collects certain information from you (collectively, “**Account Information**”). Account Information may include your name, age, email address, personal phone number, and payment information.

**3.3 Usage Information.** When you access the Website to utilize the Services, UP360 may collect your purchase and transaction information. UP360 may also store your upcoming and past purchases in connection with your Account. UP360 also collects your IP address while you are using the Website in order to screen for fraudulent activity and optimize your use of our Services.

**3.4 Use of Personal Information.** UP360 uses Personal Information to:

- authenticate access to the Account and provide access to the Services;
- provide, operate, maintain and improve the Services;
- send technical notices, updates, security alerts and support and administrative messages;
- provide and deliver the Services and features you request, process and complete transactions, and send you related information, including confirmations and invoices;
- respond to comments, questions, and requests and provide customer service and support;

- communicate with you about services, features, surveys, newsletters, offers, promotions, contests and events, and provide other news or information about us and our select partners;
- investigate and prevent fraudulent transactions, unauthorized access to the Services, and other illegal activities;
- monitor and analyze trends, usage, and activities in connection with the Services and for marketing or advertising purposes;
- link or combine with other information we receive from third parties to help understand your needs and provide you with better service;
- enable you to communicate, collaborate, and share files with users you designate; and
- for other purposes which we will notify you about and seek your consent.

#### **4. STORAGE LOCATION AND TRANSFER OF PERSONAL INFORMATION**

UP360 processes and stores its data, including Personal Information, on servers located in Canada and the United States. UP360 also transfers data to the following third-party service providers described on our Sub-Processors webpage, available here: <https://UP360.co/sub-processors> (“**Sub-Processors**”). By submitting Personal Information or otherwise using the Services, you agree to this transfer, storing or processing of your Personal Information in Canada and United States. You acknowledge and agree that your Personal Information may be accessible to law enforcement and governmental agencies in Canada and the United States under lawful access regimes or court order.

#### **5. DISCLOSURE OF PERSONAL INFORMATION WITH THIRD PARTIES**

**5.1 Service Providers and Business Partners.** We may from time to time employ third parties to perform tasks on our behalf and we may need to share Account Information and other Personal Information with them to provide certain services. Unless we tell you differently, such third parties do not have any right to use the Personal Information we share with them beyond what is necessary for them to provide the tasks and services on our behalf. The third parties we currently engage includes third party companies and individuals employed by us to facilitate our services, including the provision of database management, payment processing and customer relationship management tools, including the Sub-Processors.

**5.2 Business Transfers.** If our business (or substantially all of our assets) are acquired by a third party, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information may be made available or otherwise transferred to the new controlling entity, where permitted under applicable law.

**5.3 With Your Consent.** If we need to use or disclose any Personal Information in a way not identified in this Privacy Policy, we will notify you and/or obtain consent as required under applicable privacy laws.

**5.4 As Required by Law.** We may disclose your Personal Information to third parties without your consent if we have reason to believe that disclosing this information is necessary to identify, contact or bring legal action against someone who may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other users, or anyone else (including the rights or property of anyone else) that could be harmed by such activities. Further, we may disclose Personal Information when we believe in good faith that such disclosure is required by and in accordance with the law.

We also reserve the right to access, read, preserve, and disclose any information as we reasonably believe is necessary to:

- satisfy any applicable law, regulation, legal process or governmental request; enforce our contracts or user agreement, including investigation of potential violations hereof; and
- detect, prevent, or otherwise address fraud, security or technical issues.

The above may include exchanging information with other companies and organizations for fraud protection and spam/malware prevention. Notwithstanding the general terms of this policy, the collection, use, and disclosure of Personal Information may be made outside of the terms herein to the extent provided for in any applicable privacy or other legislation in effect from time to time, or pursuant to court orders.

## **6. RETENTION**

We will keep your Personal Information for as long as it remains necessary for the identified purpose or as required by law, which may extend beyond the termination of our relationship with you. We may retain certain data as necessary to prevent fraud or future abuse, or for legitimate business purposes, such as analysis of aggregated, non-personally identifiable data, account recovery, or if required by law. All retained Personal Information will remain subject to the terms of this Privacy Policy.

## **7. INTERNATIONAL SITE VISITORS**

If you are visiting the Website or using the Services from outside of Canada, please note that you are agreeing to the transfer of your information to Canada and the United States and for it to be processed globally by our third-party Sub-Processors. By providing your information you consent to any transfer and processing in accordance with this Policy.

## **8. ACCESS, CORRECTION AND ACCURACY**

You have the right to access the Personal Information we hold about you in order to verify the Personal Information we have collected in respect to you and to have a general account of our uses of that information. Upon receipt of your written request, we will provide you with a copy of your Personal Information, although in certain limited circumstances, and as permitted under law, we may not be able to make all relevant information available to you, such as where that information also pertains to another user. In such circumstances we will provide reasons for the denial to you upon request. We will endeavor to deal with all requests for access and modifications in a timely manner.

We will make every reasonable effort to keep your Personal Information accurate and up to date, and we will provide you with mechanisms to update, correct, delete or add to your Personal Information as appropriate. As appropriate, this amended Personal Information will be transmitted to those parties to which we are permitted to disclose your information. Having accurate Personal Information about you enables us to give you the best possible service.

## **9. CALIFORNIA PRIVACY RIGHTS**

This section provides additional details about the Personal Information we collect about California consumers and the rights afforded to them under the *California Consumer Privacy Act* (the CCPA).

For more details about the Personal Information UP360 has collected over the last 12 months, please see the section “Information you provide us” above. We collect this Personal Information for commercial purposes described above. UP360 does not sell (as that term is defined in the CCPA) the Personal Information we collect.

Subject to certain limitations, the CCPA provides California consumers the right to request to know more details about the categories or specific pieces of Personal Information we collect (including how we use and disclose this Personal Information), to delete their Personal Information, to opt out of any “sales” of Personal Information that may be occurring, and to not be discriminated against for exercising these rights.

California consumers may make a request pursuant to their rights under the CCPA by contacting us at the contact information below. We will verify your request using the information associated with your account, if available, including email address. Government identification may be required. Consumers can also designate an authorized agent to exercise these rights on their behalf.

## **10. CHANGES TO THIS PRIVACY POLICY**

We may amend this Privacy Policy from time to time. Use of Personal Information we collect is subject to the Privacy Policy in effect at the time such information is collected, used or disclosed. If we make material changes or changes in the way we use Personal Information, we will notify you by posting an announcement on our Website or sending you an email prior to the change becoming effective. You are bound by any changes to the Privacy Policy when you use the Website or Services after such changes have been first posted. The date of last update is set out in below.

## **11. ADDITIONAL INFORMATION**

Questions regarding this Privacy Policy or UP360’s privacy practices should be directed to our Privacy Officer:

UP360  
Attn: Privacy Officer  
950 Queen Street West, Toronto, Ontario M6J 1G8  
[privacy@UP360.co](mailto:privacy@UP360.co)

**Last Updated: December 1st, 2023**

## SUB-PROCESSORS

To support UP360 in delivering the Services, UP360 engages third-party service providers as sub-processors.

This page identifies our sub-processors, describes where they are located, lists what services they provide to us and identifies the type of personal information processed.

Our business needs may change from time to time and UP360 will periodically update this page to provide notice of additions and removals to our list of sub-processors.

<b>Service Provider</b>	<b>Types of PI processed</b>	<b>Processor Activities</b>	<b>Location</b>
Microsoft Azure Web Services	Name Email Business Address Contact Phone Number	Cloud hosting and virtual machines	Canada
Freshworks	Name Email Business Address Contact Phone Number	Tracking sales leads	USA
Xero	Name Email Business Address Contact Phone Number	Accounting system to store information for billing purposes	USA

Last Updated: March 3, 2021