

BLACKDOT

PRIVACY POLICY

Last Updated: 09/19/2023

At Blackdot, we take your privacy seriously. Please read this Privacy Policy to learn how we treat your personal data. **By using or accessing our Website in any manner, and/or providing us with personal information through our Consultation, during an Appointment, or through any Blackdot forms you fill out and submit to us online or offline, 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 Blackdot's Website is at all times subject to our Terms of Use, which incorporates this Privacy Policy. Any terms we use in this Privacy Policy without defining them have the definitions given to them in the Terms of Use.

As we continually work to improve our Website, Tattoo Application process, and in-Studio experiences, we may need to change this Privacy Policy from time to time. Upon such changes, we will alert you to any such changes by placing a notice on the Website, by sending you an email and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Website, and you are still responsible for reading and understanding them. If you use the Website or receive services from Blackdot after any changes to the Privacy Policy have been posted, that means you agree to all of the changes.

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What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that (i) we gather when you access or use our Website; (ii) you provide to us via email or other online methods; (iii) you provide to us in virtual or in person Consultations; and (iv) during in-person visits in our Studios. **"Personal Data"** means any information that identifies or relates to a particular individual and also includes information referred to as "personally identifiable information" or "personal information" or "sensitive personal information" under applicable data privacy laws, rules or regulations. This Privacy Policy does not cover the practices of companies we don't own or control or people we don't manage.

Personal Data

Categories of Personal Data We Collect

This chart details the categories of Personal Data that we collect and have collected over the past 12 months. **Please bear in mind that depending on your relationship with Blackdot, some or all of these categories of Personal Data collected**

may not apply to you. For example, we collect more Personal Data from individuals applying for and receiving a Tattoo from us, than from individuals who browse the Website to view available Tattoo designs.

<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 	<ul style="list-style-type: none"> • Service Providers • Business Partners • Parties You Authorize, Access or Authenticate
Payment Data	<ul style="list-style-type: none"> • Financial account information • Payment card type • Last 4 digits of payment card • Billing address, phone number, and email 	<ul style="list-style-type: none"> • Service Providers (specifically our payment processing partner, currently Square, Inc. and Square Capital, LLC)
Commercial Data	<ul style="list-style-type: none"> • Purchase history • Consumer profiles 	<ul style="list-style-type: none"> • Analytics Partners
Device/IP Data	<ul style="list-style-type: none"> • IP address • Type of device/operating system/browser used to access the Website 	<ul style="list-style-type: none"> • Analytics Partners
Web Analytics	<ul style="list-style-type: none"> • Web page interactions • Referring webpage/source through which you accessed the Website 	<ul style="list-style-type: none"> • Analytics Partners
Consumer Demographic Data	<ul style="list-style-type: none"> • Age / date of birth • Height • Zip code • Gender • Ethnicity 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners • Business Partners
Professional or Employment-Related Data	<ul style="list-style-type: none"> • Resume • Job title • Job history • Performance evaluations • Union membership 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access or Authenticate
Geolocation Data	<ul style="list-style-type: none"> • IP-address-based location information • GPS data 	<ul style="list-style-type: none"> • Analytics Partners
Photos, Videos and Recording	<ul style="list-style-type: none"> • Photos, videos or recordings of you, including body parts for sizing of Tattoos 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Business Partners • Parties You Authorize, Access or Authenticate
Health Data	<ul style="list-style-type: none"> • Medical conditions 	<ul style="list-style-type: none"> • Service Providers • Parties You Authorize, Access or Authenticate
Categories of Data Considered “Sensitive” Under the California Privacy Rights Act and the Virginia Consumer Data Protection Act	<ul style="list-style-type: none"> • Personal information concerning a consumer’s health 	<ul style="list-style-type: none"> • Service Providers • Parties You Authorize, Access or Authenticate
Inferences Drawn From Other Personal Data Collected	<ul style="list-style-type: none"> • Inferences reflecting user attributes • Inferences reflecting user behavior 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners • Business Partners

Other Identifying Information that You Voluntarily Choose to Provide	<ul style="list-style-type: none"> • Identifying information in emails, letters, texts, or other communication you send us • Testimonials 	<ul style="list-style-type: none"> • Service Providers • Business Partners • Parties You Authorize, Access or Authenticate
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Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

- **You**
 - When you provide such information directly to us.
 - When you use our interactive tools and Website.
 - When you voluntarily provide information in free-form text boxes through the Website or through responses to surveys or questionnaires, like the Application.
 - When you send us an email or otherwise contact us.
 - When you use the Website and such information is collected automatically.
 - Through Cookies (defined in the “Tracking Tools and Opt-Out” section below).
 - If you use a location-enabled browser, we may receive information about your location.
 - If you download and install certain applications and software we make available, we may receive and collect information transmitted from your computing device for the purpose of providing you the relevant Website.
- **Third Parties**
 - Vendors
 - We may use analytics providers to analyze how you interact and engage with the Website, or third parties may help us provide you with customer support.

Our Commercial or Business Purposes for Collecting or Disclosing Personal Data

- **Providing, Customizing and Improving the Website**
 - Processing orders or other transactions; billing.
 - Providing you with the products, Website or information you request.
 - Meeting or fulfilling the reason you provided the information to us.
 - Providing support and assistance for the Website.
 - Improving the Website, including testing, research, internal analytics and product development.
 - Personalizing the Website, 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, as amended by the California Privacy Rights Act of 2020 (the “CCPA”).
- **Marketing the Website**
 - Marketing and selling the Website.
- **Corresponding with You**
 - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Blackdot or the Website.
 - 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, Blackdot 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. If you are a California resident, please note that we only use or disclose your sensitive personal information for the purposes set forth in section 7027(m) of the CCPA regulations and we do not collect or process sensitive personal information with the purpose of inferring any characteristics about California residents.

How We Disclose Your Personal Data

We disclose your Personal Data to the categories of service providers and other parties listed in this section. Depending on state laws that may be applicable to you, some of these disclosures may constitute a “sale” of your Personal Data. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Website or perform business functions on our behalf. They include:
 - Hosting, technology and communication providers.
 - Security and fraud prevention consultants.
 - Tattoo artists operating the Blackdot device
 - Artists providing the tattoo design work
 - Support and customer service vendors.
 - Product fulfillment and delivery providers.
 - Payment processors.
 - Our payment processing partner Square, Inc. and Square Capital, LLC (“**Square**”) collects your voluntarily-provided payment card information necessary to process your payment.
 - Please see Square’s terms of service and privacy policy for information on its use and storage of your Personal Data.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Website. They include:
 - Companies that track how users found or were referred to the Website.
 - Companies that track how users interact with the Website.
- **Business Partners.** These parties partner with us in offering various Website. 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 give us permission to share information with

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 Website and promote our business, provided that we will not share such data in a manner that could identify you.

Tracking Tools and Opt-Out

The Website 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 Website, analyze trends, learn about our user base and operate and improve our Website. 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 Website. 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).

We use the following types of Cookies:

- **Essential Cookies.** Essential Cookies are required for providing you with features or Website that you have requested. For example, certain Cookies enable you to log into secure areas of our Website. Disabling these Cookies may make certain features and Website unavailable.
- **Functional Cookies.** Functional Cookies are used to record your choices and settings regarding our Website, maintain your preferences over time and recognize you when you return to our Website. These Cookies help us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Performance/Analytical Cookies.** Performance/Analytical Cookies allow us to understand how visitors use our Website. They do this by collecting information about the number of visitors to the Website, what pages visitors view on our Website and how long visitors are viewing pages on the Website. Performance/Analytical Cookies also help us measure the performance of our advertising campaigns in order to help us improve our campaigns and the Website’ content for those who engage with our advertising. For example, Google LLC (“Google”) uses cookies in connection with its Google Analytics Website. Google’s ability to use and share information collected by Google Analytics about your visits to the Website is subject to the Google Analytics Terms of Use and the Google Privacy Policy. You have the option to opt-out of Google’s use of Cookies by visiting the Google advertising opt-out page at www.google.com/privacy_ads.html or the Google Analytics Opt-out Browser Add-on at <https://tools.google.com/dlpage/gaoptout/>.

You can decide whether or not to accept Cookies through your internet browser’s settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website and some of the Website and functionalities may not work.

To find out more information about Cookies generally, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/>.

Data Security

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. Although we work to protect the security of your 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.

Data Retention

We retain Personal Data about you for as long as necessary to provide you with our Website or to perform our business or commercial purposes for collecting your Personal Data. When establishing a retention period for specific categories of data, we consider who we collected the data from, our need for the Personal Data, why we collected the Personal Data, and the sensitivity of the Personal Data. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

For example:

- We retain your payment data for as long as we need to process your Tattoo purchase

Personal Data of Children

As noted in the Terms of Use, we do not knowingly collect or solicit Personal Data from children under 18 years of age; if you are a child under the age of 18, please do not attempt to register for or otherwise use the Website or send us any Personal Data. If we learn we have collected Personal Data from a child under 18 years of age, we will delete that information as quickly as possible. If you believe that a child under 18 years of age may have provided Personal Data to us, please contact us at contact@blackdot.tattoo.

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 Website 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 contact@blackdot.tattoo.

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 recipients. If we have sold your Personal Data over the past 12 months, we will identify the categories of Personal Data sold to each category of third party recipient.

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 Website or complete a transaction or other action you have requested, or if deletion of your Personal Data involves disproportionate effort. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

Correction

You have the right to request that we correct any inaccurate Personal Data we have collected about you. Under the CCPA, this right is subject to certain exceptions: for example, if we decide, based on the totality of circumstances related to your Personal Data, that such data is correct. If your correction request is subject to one of these exceptions, we may deny your request.

Personal Data Sales Opt-Out and Opt-In

We will not sell your Personal Data, and have not done so over the last 12 months. To our knowledge, we do not sell the Personal Data of minors under 16 years of age.

Personal Data Sharing Opt-Out and Opt-In

Under the CCPA, California residents have certain rights when a business “shares” Personal Data with third parties for purposes of cross-contextual behavioral advertising.

We will not share your Personal Data for cross-contextual behavioral advertising, and have not done so over the last 12 months. To our knowledge, we do not share the Personal Data of minors under 16 years of age for purposes of cross-contextual behavioral advertising.

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 Website, charge you different prices or rates, or provide you a lower quality of goods and Website if you exercise your rights under the CCPA. However, we may offer different tiers of our Website as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates or levels of quality of the goods or Website you receive related to the value of Personal Data that we receive from you.

Virginia Resident Rights

If you are a Virginia resident, you have the rights set forth under the Virginia Consumer Data Protection Act (“**VCDPA**”). 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 Website 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. Additionally, please note that these rights are subject to certain conditions and exceptions under applicable law, which may permit or require us to deny your request.

If there are any conflicts between this section and any other provision of this Privacy Policy and you are a Virginia 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 contact@blackdot.tattoo.

Access

You have the right to request confirmation of whether or not we are processing your Personal Data and to access your Personal Data.

Correction

You have the right to correct inaccuracies in your Personal Data, to the extent such correction is appropriate in consideration of the nature of such data and our purposes of processing your Personal Data.

Portability

You have the right to request a copy of your Personal Data in a machine-readable format, to the extent technically feasible.

Deletion

You have the right to delete your Personal Data.

Opt-Out of Certain Processing Activities

- You have the right to opt-out of the processing of your Personal Data for targeted advertising purposes. We do not process your Personal Data for targeted advertising purposes.
- You have the right to opt-out to the sale of your Personal Data. We do not currently sell your Personal Data as defined under the VCDPA.
- You have the right to opt-out from the processing of your Personal Data for the purposes of profiling in furtherance of decisions that produce legal or similarly significant effects to you, if applicable.

Appealing a Denial

If we refuse to take action on a request within a reasonable period of time after receiving your request in accordance with this section, you may appeal our decision. In such appeal, you must (1) provide sufficient information to allow us to verify that you are the person about whom the original request pertains and to identify the original request, and (2) provide a description of the basis of your appeal. Please note that your appeal will be subject to your rights and obligations afforded to you under the VCDPA. We will respond to your appeal within 60 days of receiving your request. If we deny your appeal, you have the right to contact the Virginia Attorney General using the methods described at <https://www.oag.state.va.us/consumer-protection/index.php/file-a-complaint>.

You may appeal a decision by us using the following methods:

- Email us at: contact@blackdot.tattoo (title must include “VCDPA Appeal”)

Exercising Your Rights under CCPA and VCDPA

To exercise the rights described in this Privacy Policy, you or, if you are a California resident, 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, which includes sending us an email from the email address we have on file for you, 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 the time period required by applicable law. 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: contact@blackdot.tattoo

If you are a California resident, 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.

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 contact@blackdot.tattoo.

Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and Website that you do not wish such operators to track certain of your online activities over time and across different websites. Our Website do not support Do Not Track requests at this time. To find out more about “Do Not Track,” you can visit www.allaboutdnt.com.

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. You can exercise this right by contacting us at hello@blackdot.tattoo with the subject line “Nevada Do Not Sell Request” and providing us with your name.

European Union Residents

Blackdot Tattoos are not currently available to residents of the European Union. If you are a resident of the European Union, please do not attempt to provide Blackdot with your Personal Data through your use of the Website or in any other manner.

Contact Information:

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data or your choices and rights regarding such collection and use, please do not hesitate to contact us at:

contact@blackdot.tattoo