

Privacy Policy



Effective Date: January 17, 2023

GoAnimate, Inc. or its affiliates (which operates the Vyond website and Vyond platform) recognizes the importance of the privacy of our users. This Privacy Policy contains important information for you about how we collect, use, disclose, retain and delete your personal information collected by us through our website vyond.com (<https://vyond.com>) (the “Site”) and the services available through our Site (collectively, the “Services”). It also describes your choices regarding use, access, and correction of our personal information.

Your personal information, as collected through this website and the Vyond platform, will be processed in accordance with this policy and applicable data protection laws. Use of our Site or Services and any dispute over privacy is subject to this Policy and our [Terms of Service](#), including its applicable limitations on damages and the resolution of disputes, subject to any law in your jurisdiction applicable to our Service. Our Terms of Service are incorporated by reference into this Privacy Policy.

Please read this Privacy Policy carefully. If you have any questions, feel free to contact our privacy officers by email at privacy-support@vyond.com or by mail at GoAnimate, Inc., 204 East Second Avenue, Suite 638, San Mateo, CA 94401 USA.

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Personal Information We Collect and Process

| Purpose of Processing | Categories of Data | Lawful Basis (applicable for EEA users only) |
|--|---|--|
| <p>To register and create your Vyond account or perform account transactions.</p> | <p>Your name, mailing address, phone number, email address, contact preferences, and credit card information.</p> | <p>Performance of our contract to provide the Services to you.</p> |
| <p>To communicate with you, including by email, about our Services, to respond to your questions and to request feedback, to offer you additional services, or to provide you with additional content or information that might be relevant or interesting to you.</p> | <p>Your email address and any other information you provide to us, such as contact and employment information.</p> | <p>Our legitimate interest in communicating with you about our Services and marketing any additional services.</p> |
| <p>To improve and provide our Services where you choose to record your own voice in an animation or otherwise input information into our Site or Services in any form, such as voice or text.</p> | <p>Your audio recordings and text included in a Video that you create.</p> | <p>Performance of our contract with you in terms of providing the Services and our legitimate interest in terms of improving the Services.</p> |
| <p>To better understand customer behaviour in order to improve our Site and Services and to improve our marketing of our Services.</p> | <p>Information you provide: Your occupation, language, zip code and area code and any feedback you might give us on our Site or Services. Through cookies we may automatically collect: your domain name, browser type, browser language, operating system type, device name and model, location, time zone where Services are accessed, pages or screens viewed, links clicked, IP address, when and the length of time you visit our Site or use our Services and the referring URL or the webpage that led you to our Site. We use the information derived from users' access to and use of our Site and our Services, both on an individual and aggregated basis, and to respond to user desires and preferences.</p> | <p>Our legitimate interest in improving our products, services and marketing our products and services.</p> |

- If we do combine non-personal information with personal information the combined information will be treated as personal information for as long as it remains combined.
- We may collect and process any of the information above as we deem necessary to (i) prevent, identify and address fraudulent or unlawful activity and security incidents; (ii) comply with laws, rules and regulations applicable to us in the US; (iii) resolve disputes with customers, users or third parties; (iv) respond to claims and legal processes (including but not limited to subpoenas and court orders); and (v) protect our property rights and those of our customers including by retaining data backups for business continuity purposes. For users in the EU: the foregoing purposes for processing are based on our legitimate interests.

How We Disclose Information

We may disclose the information that we collect about you with the following entities:

- **Your Employer/Contracting Entity.** If you are using the Site or the Services through a work email address, we may disclose your information to your employer/contracting entity only for the purpose of facilitating their potential purchase of an enterprise account from us.
- **Authorized Resellers.** We may disclose your information including your email address, employer and usage data with our authorized resellers and channel partners so that they can provide customers and potential customers with helpful information about our products and services to allow them to make an informed purchasing decision. Our resellers are not permitted to use your information for any other purpose other than contacting customers and potential customers. Where we transfer your information, we have also put in place appropriate safeguards to protect your information irrespective of your country of residence.
- **Service Providers.** We may disclose your information to our vendors or service providers or agents who act as sub-processors on our behalf in providing systems support for our services. Accordingly, these vendors, service providers or agents may process and store your personal information. Service Providers, for example marketing automation and user analytics platforms, may use your personal data in aggregated form where it does not identify you, for their own analytics and research and development purposes.

Vendors or service providers we may disclose to include:

- Cloud-based hosting providers which may process any of your information mentioned in this privacy policy as they provide hosting services for all of the data that you provide or we collect in the context of the Services.
- Marketing automation and data enrichment platforms process contact information (name, email address, physical address, phone number, company name, job role) and provide updated or complete contact information to support our marketing efforts.
- Customer relationship management platforms process contact information as well as transaction information (such as type of subscription) to allow us to better support and market our customers.

- Customer support and community platforms which may process contact information and any personal data that users shares on the platform.
- Accounting and finance platforms process transaction information (e.g. name, location and payment history) to allow us to budget, forecast and pay taxes.
- Payment processors securely process your contact information and payment card information to process your payment for our Services.
- User analytics platforms will generally process usage information automatically collected from cookies on our Site and Services (domain name, browser type, browser language, device ID, operating system type, device name and model, pages or screens viewed, links clicked; IP address, when and the length of time you visit our Site or use our Services and the referring URL, or the webpage that led you to our Site) as well as information contained in our customer relationship management platform to provide analytics which support our decisions relating product and service improvement as well as marketing efforts.
- Consulting firms will process any information that we provide to them which generally includes aggregated data but may include identifying information in limited circumstances.
- Financial advisors, accountants and law firms may process any personal information that may be relevant in the provision of their services to us. While all service providers are subject to contractual obligations of confidentiality, these professional advisors are also generally subject to professional obligations of confidentiality.

We may also disclose the information that we collect about you in the following ways:

- **Business Transfers.** We may disclose your information to another entity if we are acquired by or merged with another company if substantially all of our assets are transferred to another company, or as part of a bankruptcy proceeding.
- **In Response to Legal Process.** We may disclose your information to comply with the law, or a judicial proceeding, subpoena, court order or another legal process.
- **To Protect Us and Others.** We may disclose your information to law enforcement, financial institutions, judicial authorities or regulatory authorities when we believe it is necessary to investigate, prevent or act regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our [Terms of Service](#) or this Privacy Policy, or as evidence in litigation in which we are involved.
- **Aggregate and De-Identified information.** We may disclose aggregate or de-identified information about our users for marketing, advertising, research or similar purposes.
- We may disclose aggregate or de-identified information about our users for marketing, advertising, research or similar purposes.

Choice

GoAnimate will offer individuals the opportunity to choose (opt-out) whether their personal information is (a) to be disclosed to an employer or non-agent third party or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. GoAnimate will provide individuals with reasonable mechanisms to exercise their choices.

You may sign-up to receive email or newsletter or other communications from us. If you would like to discontinue receiving this information, you may update your email preferences by using the “Unsubscribe” link found in emails we send to you or by contacting us at support@vyond.com.

How Long We Retain Your Information and When We Delete Your Information

GoAnimate is subject to various retention requirements and retains personal data only for as long as necessary for a specified purpose or legal requirement wherever technically and operationally feasible and in accordance with any applicable regulations. If you are using the Site or the Services through your employer’s multi-seat account, please be aware the Administrator of the account has the ability to delete all personal data processed using the Site or the Services, including any content you create and your account details.

Cookies and Other Tracking Mechanisms

We and our service providers use cookies and other tracking mechanisms to track information about our users’ use of our Site or Services. We or our service providers may combine this information with other personal information we collect from you.

- **Do Not Track.** Our Site does not respond to Do Not Track signals and we or our third-party service providers may track your activities once you leave our Users may disable certain tracking as discussed in this section (e.g., by disabling cookies).
- **Cookies.** We or our service providers may use cookies to track your activity on our Site. A cookie is a text file that a website transfers to your computer or device for record-keeping purposes. We or our service providers may use cookies to track your activities on our Site, such as the pages visited and time spent on our Site. Most browsers allow users to refuse cookies. The Help portion of the toolbar on most browsers can inform you about how to prevent a computer from accepting new cookies, how to have the browser notify a user upon receipt of a new cookie, or how to disable cookies altogether. If you disable cookies, you may not be able to browse certain areas of our Site or use certain parts of our Services.
- **Clear GIFs, Pixel Tags, and Other Technologies.** Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies, which are embedded invisibly on web. We or our service providers may use clear GIFs (also known as web beacons, web bugs or pixel tags), relating to our Site to track your activities, help us manage content, and compile statistics about usage of our Site. We or our service providers may also use clear GIFs in HTML emails to our users, to help us track email response rates, identify when our emails are viewed, and track whether our emails are forwarded.
- **Third-Party Analytics.** We use third-party service providers to evaluate the use of our Site and our Services. We or our service providers use automated devices and applications to evaluate the use of our Site and Services. We or our service providers use these tools to help us improve our Site, Services, performance, and user experiences. These entities may use cookies and other tracking technologies, such as web beacons or Flash cookies, to perform their services.

User-Generated Content

Users can create content on our Site or Services, such as by creating videos using the assets we provide and importing their own assets (such as image and audio files) for inclusion in these videos. You control the sharing and distribution settings for the videos created by you according to the control settings you set for yourself. If you have elected to make your animations public, then other users will be able to see that you posted animations and view your animations. We cannot prevent such information from being used in a manner that might violate this Privacy Policy, the law or your personal privacy. If you or other users authorized on your account download or export a video, the resulting video file does not reside on our Site or Services and is no longer governed by this Privacy Policy.

Vyond Community

Users can also post materials and other information through their use of the Vyond Community Site. You will determine what materials and information you post, and because those postings will be viewable by other users of the Vyond Community Site, you should have no expectation of privacy with respect to such postings.

Third-Party Links

Our Site and Services may contain links to third-party websites. Any access to and use of such linked websites is not governed by this Privacy Policy but instead is governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites.

Security

We have taken steps to help protect the information we collect from loss, misuse, unauthorized access, disclosure, alteration, and destruction. However, no data security measures can guarantee 100% security. Users should take steps to protect against unauthorized access to their accounts by, among other things, choosing a robust password that nobody else knows or can easily guess and keeping their log-in and password private. We are not responsible for any lost, stolen, or compromised passwords or for any activity on an account because of unauthorized password activity.

In accordance with applicable law, we will notify governmental authorities of any data security breach within 72 hours of our becoming aware of the breach and, if it involves a high risk to your personal information, we will notify you as well.

Children and Minors

Our Site and our Service are not directed to children under 18. Without a parent or legal guardian's written consent, we do not knowingly collect personally identifiable information from anyone under 18 years of age. If we become aware that we have unknowingly registered and collected personal information from a child under the age of 18 without parental consent, we will

make reasonable efforts to delete such information from our records and that registration will be subject to immediate termination for violation of our Terms of Service.

California Residents Do Not Track

We do not track our customers over time and across third party websites to provide targeted advertising and therefore do not respond to Do Not Track (DNT) signals. However, some third-party Sites do keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you and may provide for you to initiate a DNT signal.

Third parties that may place content embedded on Vyond websites such as a social or community feature may set cookies on a user's browser and/or obtain information about the fact that a web browser visited a specific Vyond website from a certain IP address. Third parties cannot collect any other personally identifiable information from Vyond websites unless you provide it to them directly.

Categories of Personal Information Collected

The California Consumer Privacy Act provides California residents with the right to know what categories of personal information Vyond has collected about them in its capacity as a Business:

| Category of Personal Information | Collected by Vyond? |
|---|---------------------|
| Identifiers | Yes |
| Personal information categories listed in Cal. Civ. Code § 1798.80(e) | Yes |
| Characteristics of protected classifications under California or federal law | No |
| Commercial information | Yes |
| Biometric information | No |
| Internet activity or electronic network activity information | Yes |
| Geolocation data | Yes |
| Audio, electronic, visual, thermal, olfactory, or similar information | Yes |
| Professional or employment-related information | Yes |
| Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)) | No |
| Inferences drawn from other personal information to create a profile | Yes |

Users Outside of the United States (except for EU)

Our computer systems are currently based in the United States, so your personal data will be processed by our service providers or us in the United States where data protection and privacy regulations may not offer the same level of protection as in other parts of the world. If you create a user account with the Site as a visitor from outside the United States, by using the Site you agree to this Privacy Policy and consent to the processing of your personal data on servers outside your home country. We will take commercially reasonable measures to ensure that any such transfers of your personal data comply with applicable data protection laws and that your personal data remains protected to the standards described in this privacy policy. In certain

circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access your personal data.

Users and Residents in the European Union

Controller and Processor

GoAnimate, Inc. in the United States is the Controller of data that you provide in order for us to create your account and to provide with you the Services. Any references to “we”, “us” or “our” in this privacy policy refer to GoAnimate, Inc. You are the Controller of any data that is entered during and as part of your use of the Services and we are the Processor of that data on your behalf. We will process the data according to your instructions, which you give us in the process of signing up for the Services, specifically to facilitate your use of the Services.

Data Subject Rights

In accordance with applicable law, you may have the right to: (i) request confirmation of whether we are processing your personal information; (ii) obtain access to or a copy of your personal information; (iii) receive an electronic copy of personal information that you have provided to us, or ask us to send that information to another company (the “right of data portability”); (iv) object to or restrict our uses of your personal information; (v) seek correction or amendment of inaccurate, untrue, incomplete, or improperly processed personal information; and (vi) request erasure of personal information held about you by us, subject to certain exceptions prescribed by law. If you would like to exercise any of these rights, please follow the instructions set forth below.

We will process such requests in accordance with applicable laws. To protect your privacy, we will take steps to verify your identity before fulfilling your request. Where we are the “Processor,” “Service Provider,” or other similar term of the personal information under applicable data protection laws, you must contact the appropriate data “Controller,” “Business,” or other entity ultimately responsible for your information to exercise these rights.

You may have the right not to receive discriminatory treatment by us for the exercise of your rights conferred by data protection laws.

Except as otherwise stated herein, we do not sell your personal information.

Right to Review, Delete, and Control Our Use of Your Information

You may have the right to request access to your personal information and may have additional rights depending on the personal data protection laws applicable to your jurisdiction.

You can review most of the personal information we collect about you by logging into your account and reviewing your account information and updating the personal information we maintain about you.

You may also contact our privacy officers at the address below, or email us at privacy-support@vyond.com to request access to (i) review your personal information and (ii) exercise any of your rights with respect to your personal information, including erasure or deletion, and/or (iii) request cancellation of your account.

Right to Take Your Information With You

You may have the right to obtain a copy of your personal information and take it with you. The copy will be in a structured, commonly used and machine-readable format. If requested by you and when technically feasible, we will send that information via electronic means to a third-party designated by you, where we are the Controller of the information.

Right to Remove Your Information

We may store videos you have created on Vyond or external assets you have imported into your asset library on Vyond. You can delete such videos or assets at any time by logging into your account and using the deletion tools provided within Vyond. Please note that such tools will only apply to the copies hosted on Vyond and will not apply to videos previously downloaded or exported. Please also note that it may take up to one (1) month for such deletions to become permanent and irreversible.

If you have any questions about how to remove videos or assets on Vyond, please contact our support team at support@vyond.com.

Data Transfers

GoAnimate Inc. is the parent company of our group and is located in the United States so your personal data (i) will not be processed in the European Economic Area (EEA) and (ii) will be processed by us or our service providers in the United States and other non-EEA countries. We have an affiliate located in Hong Kong (GoAnimate Hong Kong Limited) that mainly develops our products and Services. This affiliate has limited access to personal data but may access your personal data to provide technical support when troubleshooting an issue. Any transfer of EEA personal data between GoAnimate affiliates occurs on the basis of EU Commission-approved standard contractual clauses.

We have authorized resellers and channel partners all over the globe. Our largest markets where we have established channel partners are the US, UK, France, Australia and Japan. But, as we said, we may have a channel partner or reseller in other jurisdictions including in your jurisdiction. In any event, we always ensure that we have appropriate contractual safeguards in place to protect your data regardless of the location of the reseller. For transfers of EEA data to the UK and Japan we rely on adequacy decisions (available [here](#) and [here](#) respectively). For transfers to all other countries not deemed to have an adequate level of data protection under EU law we rely on European Commission-approved standard contractual clauses.

All of our service providers and vendors mentioned in the 'How We Disclose Information' section above (except for our EU-based customer support partner) are located in the US and any transfers of EEA personal data to these service providers and vendors are made on the basis of EU Commission-approved standard contractual clauses.

You may request a redacted copy of these standard contractual clauses by contacting us at privacy-support@vyond.com.

Privacy Shield

GoAnimate, Inc. participates in and has certified its compliance with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework. We are committed to subjecting all personal data received from European Union (EU) member countries, the United Kingdom, and Switzerland, respectively, in reliance on each Privacy Shield Framework, to the Framework's applicable Principles. To learn more about the Privacy Shield Frameworks, and to view our certification, visit the U.S. Department of Commerce's Privacy Shield List at <https://www.privacyshield.gov>.

GoAnimate, Inc. is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, we may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third-party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.

Under certain conditions, more fully described on the Privacy Shield website at <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may be entitled to invoke binding arbitration when other dispute resolution procedures have been exhausted.

GoAnimate, Inc. respects your control over your information and, upon request, we will confirm whether we hold or are processing information that we have collected from you. You also have the right to amend or update inaccurate or incomplete personal information, request deletion of your personal information, or request that we no longer use it. Under certain circumstances we will not be able to fulfill your request, such as if it interferes with our regulatory obligations, affects legal matters, we cannot verify your identity, or it involves disproportionate cost or effort, but in any event we will respond to your request within a reasonable timeframe and provide you an explanation. In order to make such a request of us, please email us at privacy-support@vyond.com.

Please note that for personal information about you that we have obtained or received for processing on behalf of a separate, unaffiliated entity – which determined the means and purposes of processing, all such requests should be made to that entity directly. We will honor and support any instructions they provide us with respect to your personal information.

In the context of an onward transfer, Vyond is responsible for the processing of personal information it receives under the Privacy Shield/EU-US Data Privacy Framework and subsequently transfers to a third party acting as an agent on its behalf. We remain liable under the Privacy Shield/EU-US Data Privacy Framework Principles if our agent processes such personal information in a manner inconsistent with those principles, unless we can prove that we are not responsible for the event giving rise to the damage.

Compliance

In compliance with applicable United States federal and state laws, our privacy, and security program has been built to protect your personal information, including training and awareness, monitoring and verification, and response and enforcement. We also keep records of how we process your personal information and conduct regular analyses of our privacy and security practices.

Changes to this Privacy Policy

This Privacy Policy is current as of the Effective Date set forth above. We may change this Privacy Policy from time to time, so please be sure to check back periodically. We will post any changes to this Privacy Policy on our Site. If we make any changes to this Privacy Policy that materially affect our practices with regard to your personal information, we will provide you with email or written notice in advance of such change by highlighting the change on our Site or on our Service. If you do not accept such change, we may restrict or terminate your use of our Site or Service.

We will also keep prior versions of this Privacy Policy in an archive for your review here:

- [January 25, 2022 Privacy Policy](#)
- [March 22, 2021 Privacy Policy](#)
- [July 28, 2020 Privacy Policy](#)
- [June 16, 2020 Privacy Policy](#)
- [Feb 11, 2020 Privacy Policy](#)
- [Oct 3, 2019 Privacy Policy](#)
- [May 16, 2019 Privacy Policy](#)
- [January 25, 2019 Privacy Policy](#)
- [May 6, 2018 Privacy Policy](#)
- [August 1, 2017 Privacy Policy](#)
- [June 8, 2017 Privacy Policy](#)
- [April 1, 2008 Privacy Policy](#)

Contact

If you have any questions, complaints, or comments about this Privacy Policy, or seek to exercise your rights under applicable personal data protection law, please contact us. We will use reasonable efforts to respond to you as soon as possible.

Send mail to:

GoAnimate, Inc.

Attn: Privacy Officer

204 East Second Avenue, Suite 638

San Mateo, CA 94401

privacy-support@vyond.com

If we fail to respond to your complaint within a reasonable period of receiving it in writing, or if you are dissatisfied with the response that you receive from us, you may, subject to the laws applicable to you, lodge a complaint with the data protection authorities in your home jurisdiction.

VYOND