

## **INTRODUCTION TO OUR PRIVACY POLICY**

Pinch Enterprises Inc and its subsidiaries ("Upshift Work LLC" ) respects your privacy and acknowledge that you have certain rights related to any personal information we collect from you and we have certain obligations in respect of the same. Upshift supports the various international and local privacy laws, and has procedures in place to meet the requirements of those laws.

The following information discloses our privacy principles in addition to our practices for gathering, storing, and using your personal information. We encourage you to review this information so that you may understand and consent to how we may collect, use, and share your personal information. If you do not provide sufficient personal information for employment purposes, we may be unable to properly assist you with your request for employment, placement, or job-matching or workforce solutions to be performed by Upshift's Services.

Note: The privacy practices set forth in this Privacy Policy are for the Services only and we are not responsible for the privacy, hiring practices or the content of other Users or websites. The Services contains links to other websites and if you, the user, elect to link to other websites, please review the privacy policies posted by the owners or administrators of those websites.

## **INFORMATION COLLECTED**

Users voluntarily provide information which Upshift uses to further its mission and provide the best possible services to its users. Some of the information collected may be personally identifiable, including names, addresses, phone numbers, email addresses, and other personal information. Should you have any concerns related to providing information to us or having such information presented on the Services, please do not become a user of the Services or, if applicable, close any existing accounts. Please note that should you choose not to provide us with certain identifying information, you may be unable to use certain features of the Services. Pursuant to this Privacy Policy and the Terms of Use and subject to any exclusions stated herein, you agree that all information provided to us shall immediately become our property.

Users as Upshifters: In order for Upshift to achieve its mission of connecting millions of workers with millions of shifts, we must collect certain personal information from and about individuals who are candidates, employees, contractors, and former employees. The types of personal information collected, processed, and stored by Upshift will be limited to that which is used to match candidates with on-demand gigs, employ individuals, refer for employment to a client, perform employment data analysis, or is necessary for the performance of other requirements when acting as an employer, recruiter, screener, staffing provider, booking or employment agency. Such information may include:

- Legal Name, Birth Name, Married Name, Aliases, Talent or Business Name;
- Contact information (address, phone number, email address);
- UserID and password or PIN if you register through Upshift's sites;
- Employee identification number;

- Date of birth;
- Driver's license number and contents;
- Contents of any other identification provided to Kelly for application or employment purposes;
- Education and employment history;
- Work-related skills and experience;
- Professional credentials or licenses;
- Membership in professional organizations;
- Any other information contained on an individual's Resume or Employment History Work Records Profile;
- U.S. Citizenship and work authorization status as required by Federal Form I-9 & E-Verify;
- Disability and health-related information;
- Next of kin or emergency contact information;
- Information from and related to publicly published profiles you've created on job-related social media platforms and job boards (such as Facebook, LinkedIn, CareerBuilder, Yelp, or Indeed);
- Information provided by references and referral partners; and
- Information regarding your career interests, preferences, and qualifications.

In addition, under certain circumstances and consistent with prevailing laws, Upshift may request types of personal information that are viewed by some countries as "sensitive:"

- National or Tax Identification Number/Social Security Number;
- Financial or bank account information;
- Tax-related information;
- Results of drug testing, criminal record history, identification verification, and/or education or employment verifications; and other employment-related background screenings;
- Benefits selections, potentially including health insurance and retirement planning information;
- Biometric data;
- Ideological views or activities or membership in trade unions;
- Information contained within your personnel file with Upshift , such as performance reviews, disciplinary actions, and other payroll related information; and

- Health information, including that related to a work-related claim (e.g. Workers' Compensation Claim)
- In some jurisdictions, in order to comply with statutes, rules, and regulations pertaining to equal employment opportunities or to assist Upshift in compiling data for its equal opportunities practices and reporting, we may also ask you to provide gender, race/ethnicity, disability, or veteran information. The provision of this type of information will be voluntary, unless it is required by law, and failure to provide this information will not hinder your employment or project opportunities.
- Interactions with Upshift -related websites, platforms and mobile applications may result in the collection, processing, and storage of information: Geolocation data and other information you may provide to us, such as through surveys, interactions with our Social Media, or other mediums used to contact us.
- Upshift may require you to provide personal information, such as when you create a profile and login credentials. Instead of having to type in your personal information, some of these functionalities may allow you to use third-party authentication tools such as Facebook, Twitter, LinkedIn and Google to populate certain fields. By authenticating through one of the social media options, you allow us to receive your personal and other information that is accessible through these tools. This information may be incorporated into your profile. For any such tool you choose to use, we encourage you to also review the tool provider's privacy policy and any terms and conditions.
- We may use personal information to permit you to participate in live social media feeds. If you choose to participate, your public username may be displayed on the sites along with your post, including, but not limited to, comments, images, and video.
- We may provide you with access to third-party functionality that allows you to post content to your social media account(s). Any information that you provide through use of this functionality is governed by the applicable third party's privacy policy, and not by this Privacy Statement.

Users as Businesses: In order for Upshift to achieve its mission of connecting millions of workers with millions of shifts, we must collect certain information from our clients. The types of information collected, processed,

and stored by Upshift will be limited to that which is related to contracts, billing, and issues associated with your shifts, locations, and business.

**Reviews:** The Services allows users to post reviews and feedback of other users, such as Businesses or Upshiffters. All information disclosed in these reviews becomes public information. Therefore, please use caution and exercise discretion when disclosing your personal information or any personal information of others in connection with such reviews. Upshift expressly disclaims all liability arising from the use of information provided by users in these forums. You agree to hold Upshift and its officers, directors, agents, investors, and employees harmless from any liability arising from your providing any information whatsoever to these forums.

**Information about Others:** We may collect and retain any personal information provided by users about other individuals including, but not limited to, names, addresses, telephone numbers, and email addresses. Whenever you share any personal information regarding other individuals, you represent that you have the authority to do so. This information may be used by us in accordance with this Privacy Policy and the Terms of Use.

**Contacts Information:** Whenever you connect with other users via the Services or invite new users to the Services, information regarding that connection may be used by us to provide you with additional access to information or limit access, at our discretion. All email addresses used to connect or invite users will be used to send invitations and reminders as to

such invitations and the recipients of such invitations will have access to your email address. This information may be used by us in accordance with this Privacy Policy and the Terms of Use.

**Automatic Transmission:** Your browser automatically transmits anonymous information to every website you visit on the Internet including your IP address, information regarding the website you were on previously, etc. We record and retain this information in order to improve upon the Services and better serve our users. This information may be used by us in accordance with this Privacy Policy and the Terms of Use.

**Cookies and Clickstream Data:** Like most websites, we use cookies and other tools to collect anonymous information about our users and track the manner in which our users utilize the Services. Cookies are small data files that inhabit your computer or other devices allowing us to identify users each time they return to the Services. Cookies and data access may be controlled via the settings on your computer or other devices; however, limiting the use of such access and collection may hinder or prohibit your use of our Services. Further, Upshift engages a third-party provider to collect information on your use of our Site, such as pages visited, links clicked, non-sensitive text entered, and mouse movements, as well as information more commonly collected such as the referring URL, browser, operating system, cookie information, and Internet Services Provider (“Usage Data”). Upshift’s purpose in collecting Usage Information is to better understand how you use the Site. Upshift does not use the Usage Information to identify its users individually, and does not

disclose the Usage Information other than under the circumstances described in this Privacy Policy. As stated elsewhere in this policy, Upshift collects potentially personally identifying information like Internet Protocol (or “IP”) addresses (“Potential PII”). Also, you may choose to interact with the Site that results in your providing Personal Information to Upshift, such as giving us your name, email address, username and password when applying for Services or creating an account. You should be aware that any information you provide in the Upshift App or social media areas may be read, collected, and used by others who access them. You may choose not to provide this information but you need to understand that as a result, you may not be able to engage in certain activities on the Site or fully benefit from our Services.

**Advertising Technology:** We may use ad technology such as web beacons (a small, often-transparent graphic image that is used to monitor the behavior of a user visiting a website (also referred to as web bugs, pixel tags or clear GIFs) to track your use of the Services and to customize the advertisements that are provided to you both on and off of the Services as well as to provide research to advertisers. We use these technologies to better deliver targeted advertisements to you and to evaluate the effectiveness of advertising.

**Third Party Collection:** Please be aware that we may allow third-parties to advertise on the Services and these companies may use tracking technologies to collect information about any users who interact with their advertisements which allows them to further deliver and measure the effectiveness of targeted advertisements. We do not provide personal

information to third parties without the individual's authorization. Additionally, any time you use your Services account to login or authenticate to a third-party website or application or visit a third party site while logged into your account, we receive such information which we may use to further customize your user experience and available services on our Services.

## **USE OF INFORMATION**

Upshift strives to improve and personalize the users' experiences. Therefore, we will use information gathered to offer customized services and advertising as well as to conduct data science and market research activities. More specifically, we may use the information we collect about you as follows:

to provide, manage, and maintain the Services;

to manage your account and provide you with necessary support so as to allow you to derive the greatest benefit from our Services;

to deliver all requested products and services to you in an efficient manner, such as: in order to recruit, assess, and match individuals with shifts, events, or other work assignments, refer for employment, respond to inquiries, or perform other tasks that are necessary when acting as an employer or potential employer;

to perform data analysis, research, and studies to assess the candidate, employee, and contractor population to:

- Recruit, match, and present potential placement opportunities;

- Analyze trends in hiring and placement opportunities;
- Evaluate workforce trends related to requested and available skills and experience;
- Research, implement, and market business opportunities;
- Analyze employee distribution, succession planning, and corporate organization.

for billing, identification, authentication, and fraud prevention;

to communicate with you via various communication devices and services regarding products, work opportunities, and services that you may be interested in or respond to inquiries;

to develop and deliver services, updates, and marketing customized for your interests;

to research, analyze and utilize your use and interest in our various services and products;

to process transactions between you and Upshift ;

to enhance or improve user experience, our Site, or Services.

to monitor data to ensure that it complies with applicable statutory regulations, and contractual obligations with clients, contractors and business partners;

to perform any other function that we believe in good faith is necessary to protect the security or proper functioning of our Site or the Services.

and with your prior consent, to post your personal testimonials along with those of other satisfied customers on our Site in addition to other endorsements.

to verify your eligibility to win any sponsored contests or sweepstakes and to deliver any prizes won during such contests or sweepstakes;

to enforce the Terms of Use and Privacy Policy;

to manage Upshift 's business;

to provide advertisements to our users when they visit other sites;

in connection with our social advertisements and marketing in which we may use your name, corporate name, corporate logo, profile info and information regarding your usage of the Services, unless other opted-out or specifically disallowed such use in writing with Upshift .

## **WITH WHOM WE SHARE INFORMATION**

Personal Information: We may share your personal information as follows:

- Upshift Users - Clients & Lead (Supervisory) Upshifters: In order to efficiently manage your recruitment, assignment, and employment, your information may be shared with other Upshift entities, or with third party service providers that may be engaged to assist in managing the processes required to provide these services, such as a background check or payroll provider. Any engagement of a third party service provider will be governed by appropriate contractual requirements prohibiting the use of your information for any purposes beyond those specifically directed by Upshift , and requiring that they ensure sufficient administrative and technical security mechanisms are in place to prevent your information from being improperly used, disclosed, or accessed. Upshift may

share your personal information with other Users, such as Business Clients and shift supervisors for potential work opportunities that match your qualifications, skills, preferences and certifications; and in order to integrate with the entire application, on-boarding and employment processes.

- **Services Providers:** We may share your personal information with third parties who perform services on behalf of Upshift . These third parties may require some personal information from the Services users in order to complete their respective services for Upshift and Services users. For example, the services these third parties provide may include customer service, marketing assistance, website support and support for various features offered through the Services, business analysis, and user screening. All such third party service providers are prohibited by contract with Upshift from sharing or using any personal information for any purposes. We will not share your credit card information with anyone other than our authorized credit card payment processors.
- **Business Partners:** We may share your personal information with business partners. For example, if you link your account on the Services to an account on a third party social networking service, we may share your personal information with that third party social networking service (but please note that your relationship with that service is governed by their terms and conditions). When you interact with advertisements on the Services that are offered by third parties, we may also share your personal information with them. In the event that you engage in a third party's offer or program, you give us the authority to provide your personal information to that third party, such as your name, email address and any other necessary information to that third party. Additionally, some of Upshift 's content is "sponsored by" or "presented by" third parties with whom we share user information; however, such data is generally aggregate data and not traceable to a specific user. Further, some of our services are offered in conjunction with partner companies and we may share some of your user data with such partners.

**Non-Personal Information:** We may share non-personal information in a variety of situations including with all entities referenced above as well as with third parties in the interest of developing, delivering, analyzing, and reporting information regarding targeted advertising. Further, such information may be shared with Upshift advisors and investors.

Other Situations: In addition to the above, we may disclose your personal or non-personal information in the following situations:

- Significant Corporate Transaction: In the event of a significant corporate transaction which may include, but is not limited to, a reorganization, sale, merger, assignment, transfer, or consolidation of all or part of our business. We will require that any new entity follows this Privacy Policy with respect to your personal information, as and to the extent required by applicable law, unless and until you consent to a different privacy policy of the new entity.
- Legal: We may also disclose your personal or non-personal information as follows:
  - in response to a subpoena or similar legal requirement;
  - to comply with applicable law or cooperate with law enforcement or other government agencies;
  - to establish or exercise our legal rights including enforcing our Services's terms and conditions or other agreements and policies;
  - to defend against legal claims;
  - to aid with efforts to investigate, prevent, or take action regarding suspected illegal activity such as fraud or other wrongdoing;
  - to protect and defend our company, users, employees, and others; and
  - as otherwise required by law.
- In any situation, we reserve the right to raise or waive any legal objection or rights available to us.

## **YOUR CHOICES REGARDING COLLECTION AND USE OF YOUR INFORMATION**

You, as a user, have the following choices regarding information provided to the Services:

Changing Account Information: You may review and change any personal information provided to us or any of your personal account settings at any time by viewing your profile and account settings in the Upshift App or by contacting your community management team.

Closing Your Account: You may close your account at any time. Upon the removal of your account, we will remove all personal information from public view on the Services. While we have no obligation to retain any of your information, we may do so for legitimate business purposes. Any interactions you have had with other users, such as publishing reviews or communicating with users, may be retained by that user and/or may remain on the publicly viewable database. We expressly disclaim any liability arising from the retention and/or deletion of information. We do not control the procedures of third parties and thus are not responsible for any information remaining in the public domain after removal from the Services. You may terminate your personal account at any time by sending a resignation email to your community management team.

## **INFORMATION RETENTION POLICY**

We may retain information provided by our users for an indefinite amount of time and by providing information to us, you consent to such retention. We will delete information from our databases as required by law (eg, Children's Online Privacy Protection Act). If you send us a written request to delete any of your account information, we will respond to such request and comply as we deem appropriate, in our sole discretion. Please submit such requests to our address in the contact information section below. By using the Services, you hereby represent and warrant that you understand and agree that all information submitted by you to the Services becomes our property and will

be used in accordance with this Privacy Policy and the Terms of Use in our sole discretion.

## **CHILDREN'S PRIVACY**

The Services is restricted to individuals eighteen (18) years of age and older and we do not knowingly collect personal information from children under the age of eighteen(18). If we are informed that a user is under the age of eighteen (18), we will immediately close that user's account. Should you have knowledge that a Upshift user is under the age of thirteen (18), it is your duty to inform us immediately.

THE SERVICE IS NOT DIRECTED TO, AND NOT INTENDED FOR THE USE OF, CHILDREN UNDER THE AGE OF 18. IF YOU ARE UNDER THE AGE OF 18, DO NOT REGISTER OR SUBMIT ANY PERSONAL INFORMATION TO THE SERVICE.

## **VISITING THE SITE FROM OUTSIDE THE UNITED STATES AND FROM SELECT US STATES**

This Privacy Policy is intended to cover the collection of information on the Services from United States residents in states excluding California, New York, New Jersey, Oregon, Washington, and Washington DC. If you are visiting the Services from outside the United States or from these states, please know that by using the Services, you understand and agree that your information may be moved to, accumulated and processed in the United States and such

information may be transferred to our third parties with whom we share such information as described in this Privacy Policy.

Please do not visit the site from the above states or the European Union as this site is not intended for any residents of those areas.

## **USER OBLIGATIONS**

Users have various obligations with respect to other users that are either imposed by applicable law or have become commonplace in similar online communities. Any violation of these obligations may lead to a restriction of available services or suspension or termination of your account. In addition to abiding by our Privacy Policy and the Terms of Use at all times, users are expected to respect the rights of others including all intellectual property rights. Users are prohibited from downloading or distributing any information that may violate the purposes of the Services including information that may be injurious, violent, offensive, or racist (such harmful information includes any information that may harm your person or your professional or social status or that of another). For information about our responsible disclosure policy and any other technical inquiries, send a written letter to our address in the contact information section below.

## **SECURITY**

All information provided by users will be protected in accordance with industry standard protocols and technology. We have physical, electronic and procedural security measures in place to prevent misuse and modification of

your information under our control and to prevent any loss thereof. We do not collect user's personal information other than as set forth herein or with respect to any specific transactions, consents or disclosures. In order to further protect your personal information, access to your account is password-protected so that only you and our authorized personnel may have access to your account information. Additionally, we regularly analyze the Services for possible vulnerabilities that could lead to a security breach. It is your responsibility to secure your login information and prevent others from discovering such information. Extremely sensitive information, such as credit card information, is transmitted in encrypted form. Unfortunately, the internet is not completely secure and thus we cannot 100% guarantee the security of any information provided to us by our users. Please also note that email and other communication methods may not be secure and you should avoid sending any personal information via such channels.

## **CREDIT CARDS**

Confidential credit card information required by the Services is processed by third-party payment processors. We will retain and dispose of all credit card information in accordance with the federal Fair Credit Reporting Act and other applicable law and will not use any credit card information for marketing purposes.

## **OPT-IN/OUT POLICY**

You have the choice of whether and how you would like to receive emailed correspondence from us and our partners. Additionally, you will have the choice of whether you want certain information shared with third parties. Please note that opting out of having certain information shared with third parties may hinder your use of some of our services. You may change your preferences at any time. You will not be included in any promotions, contests, sweepstakes, or programs unless you opt-in. All emails or other correspondence sent by us will include an option to opt out of any further such correspondence. Please allow us a reasonable amount of time to process your opt-out requests.

## **POLLS AND SURVEYS**

Upshift and our third party affiliates may occasionally conduct polls and surveys in which you may be invited to participate. Such invitation may be random or may be based on non-identifiable information gathered by us or the third party. Your participation is completely voluntary and you may be asked to provide personally identifiable information in order to participate. Information gathered in connection with surveys or polls will be used only in connection with that survey or poll and will not be disclosed with any third parties unless specifically requested and consented to. You may opt-out of participation in any polls or surveys by changing your personal account settings.

## **CHANGES TO THE PRIVACY POLICY**

Upshift may update this Privacy Policy from time to time, so please review it frequently. If we change our Privacy Policy, we will post the revised version here, with an updated revision date. If we make significant changes to our Privacy Policy, we may also notify you by other means prior to the changes taking effect, such as, but not limited to, sending an email, in an App pop-up message, or posting a notice on our website.

## **CONTACT INFORMATION**

If you have any questions regarding this Privacy Policy, please contact us via email or postal mail as follows:

Pinch Enterprises Inc

Attn: Privacy Policy Issues / Compliance

2300 Montana Avenue

Cincinnati, OH, 45211