

# Privacy Policy

Last Updated: October 23, 2024

## Introduction

BanyanGlobal (collectively referred to herein as “BanyanGlobal”, “we”, “our”, or “us”) recognizes the importance of protecting personal information we may collect from clients, visitors and any other individual (“you”, or “your”) who visits our websites. This Privacy Policy applies to data collection by BanyanGlobal and shall apply to your use of the website, <https://www.banyan.global/> (the “Site”), and through our interactions with individuals by email, telephone, or other means.

Our Privacy Policy explains: (1) what information we collect; (2) why we collect it; (3) how we use that information; (4) how we may share it; and (5) the rights you may have.

Residents in Texas, Brazil, the European Union (“EU”), the European Economic Area (“EEA”), the United Kingdom (“UK”), should refer to the body of this Privacy Policy as well as the “Privacy Rights” section below for additional information that may be applicable to them.

Specifically, our Privacy Policy covers the following topics:

1. [Site Terms of Use](#)
2. [Information We Collect](#)
3. [How We Use Information We Collect](#)
4. [Our Legal Basis for Collecting Personal Information](#)
5. [When You Choose Not to Provide Personal Information](#)
6. [Our Retention of Your Personal Information](#)
7. [Sharing Personal Information](#)
8. [Privacy Rights](#)
9. [Jurisdiction-Specific Notices](#)
10. [Our Email Opt-out Policy](#)
11. [Third Party Links](#)
12. [International Transfer](#)
13. [How We Protect Personal Information](#)
14. [No Use By Children](#)
15. [“Do Not Track” Signals](#)
16. [Changes to this Privacy Policy](#)
17. [How to Contact Us](#)

Please familiarize yourself with our privacy practices and let us know if you have any questions. By using the Site, you signify your acceptance of this Privacy Policy. If you do not agree to this Privacy Policy, please do not use the Site.

If you have any questions or comments about this Privacy Policy, please submit a request to [privacy@banyan.global](mailto:privacy@banyan.global).

## 1. Site Terms of Use

By accessing or using the Site in any manner, you also agree to be bound by the BanyanGlobal Website Terms of Use (the “Terms of Use”). Please read the Terms of Use carefully. If you do not accept all of the terms and conditions contained in or incorporated by reference into the Terms of Use, please do not use the Site.

## 2. Information We Collect

We collect information, including personal information, to provide better services to you. We use the term “Personal Information” and “personal information” to refer to any information that identifies or can be used to identify you. Common examples of Personal Information include: full name, email address, digital identifier, such as your IP address, information about your device, and certain metadata.

The personal information which we collect includes, but is not limited to, the following circumstances and data elements:

### **Generally**

If you express an interest in obtaining additional information about our services, use our “Contact Us” feature, subscribe to our newsletter, or download certain content, we may require that you provide to us your contact information, such as your name, company name, phone number, email address, your contact preferences, and in some instances, you may elect to provide us with location and address information;

If you sign up to participate in a webinar or training activity, we may collect your name, company name, and contact information;

If you have a question about our Site, you may provide us with contact information, such as a phone number or email address;

If you use and interact with our Site, we automatically collect information about your device and your usage of our Site or emails through cookies, web beacons or similar technologies, such as IP addresses or other identifiers, which may qualify as Personal Information (please see the

“Automated Data Collection: Cookies & Similar Technologies” section below for more information);

If you voluntarily submit certain information to our Site, such as filling out a survey about your user experience, or sign up to participate in another opportunity, we collect the information you have provided as part of that process; and

If you provide us or our service providers with any Personal Information relating to other individuals, you represent that you have the authority to do so and acknowledge that it will be used in accordance with this Privacy Policy. If you believe that your Personal Information has been provided to us improperly, or to otherwise exercise your rights relating to your Personal Information, please contact us by using the information set out in the “How to Contact Us” section below.

### **Job Applicants**

Job application information may be collected by us directly through the Site, in-person, or by email, or job application information may be collected on our behalf by our contracted third-party administrator(s) for applicant tracking purposes and by background check providers. These third-party administrators are permitted to process the information you provide only for purposes of providing services to us.

### **Automated Data Collection: Cookies & Similar Technologies**

We and our partners use various technologies to collect and store information when you visit one of our Site, and this may include using cookies or similar technologies to identify your browser or device. These similar technologies include web beacons and web server logs. We also use these technologies to collect and store information when you interact with services from our partners, such as advertising services.

We may use such technologies to collect personal identifiers (such as your IP address), information about your device (such as your browser characteristics, device IDs and characteristics, and operating system version) and information concerning your usage of our Site (including the link you used to reach a given webpage). We use this information to determine how many users have visited particular webpages, viewed particular videos, or opened messages or alerts, and we may also use such information. This helps us establish, maintain, and manage our relationship with you, and also helps us to optimize and provide the Site for your use and benefit, to improve our marketing activities, and to enforce our Site’s service terms and prevent malicious conduct.

In some cases, our third-party partners may process information collected by cookies and similar technologies that we permit them to use on the Site. Please see our Cookie Policy for more details. With respect to any social media pages that we may use, please see the privacy

policies and any cookie policies of the applicable social media providers as to their automated data collection practices.

As indicated above, we, like many other website operators, currently use Google Analytics to collect and process certain Website usage data. To learn more about Google Analytics and how to opt out, please visit <https://tools.google.com/dlpage/gaoptout>.

You may be able to change a web browser's settings to block and delete cookies when you access a Website through that web browser. However, if you do that, the Website may not work properly; also, we will still receive basic information (such as last URL visited) when you navigate to the Site.

### 3. How We Use Information We Collect

We use your Personal Information in ways that are compatible with the business and commercial purposes for which it was collected or authorized by you, including for the following purposes:

- To present, operate or improve the Site and our services, including analysis of Site activity;
- To inform you about the services and products available from BanyanGlobal;
- To authorize access to our Site;
- To customize or tailor your experience of the Site;
- To administer content, promotion, surveys, or other Site features;
- To communicate about, and administer your participation in, special programs, surveys, contests, online campaigns, online programs, and other offers or promotions, and to deliver pertinent emails;
- To improve our customer service;
- To respond to and support users regarding their use of the Site and our services;
- To comply with all applicable legal requirements; and
- To investigate possible fraud or other violations of our Site's Terms of Use or this Privacy Policy and/or attempts to harm you.

For job applicants, we process your information to review your job application and for other employment-related purposes consistent with applicable law, including to contact you regarding your application and/or to contact you about other job openings that we believe may be of interest to you.

We use the information we collect from our Site to provide, maintain, and improve them, to develop new services, and to protect our company and you.

### 4. Our Legal Basis for Collecting Personal Information

Whenever we collect Personal Information from you, we may do so on the following legal bases:

1. Your consent to such collection and use;
2. Out of necessity for the performance of an agreement between us and you, such as your agreement to use our services or your request for services;
3. Our legitimate business interest, including but not limited to the following circumstances where collecting or using Personal Information is necessary for:
  - Intra-organization transfers for administrative purposes;
  - Product development and enhancement, where the processing enables BanyanGlobal to enhance, modify, personalize, or otherwise improve our services and communications for your benefit, and to better understand how people interact with our Site;
  - Fraud detection and prevention;
  - Enhancement of our cybersecurity, including improving the security of our network and information systems; and
  - General business operations and diligence.

Provided that, in each circumstance, we will weigh the necessity of our processing for the purpose against your privacy and confidentiality interests, including taking into account your reasonable expectations, the impact of processing, and any safeguards which are or could be put in place. In all circumstances, we will limit such processing for our legitimate business interest to what is necessary for its purposes.

## 5. When You Choose Not to Provide Personal Information

Your provision of Personal Information is required in order to use certain parts of our services and our programs. If you choose not to provide such Personal Information, you may not be able to access and use our services and/or our programs, or parts of our services and/or our programs.

## 6. Our Retention of Your Personal Information

We determine the appropriate retention period for Personal Information on the basis of the amount, nature and sensitivity of your Personal Information processed, the potential risk of harm from unauthorized use or disclosure of your Personal Information and whether we can achieve the purposes of the processing through other means, as well as on the basis of applicable legal requirements (such as applicable statutes of limitation).

After expiry of the applicable retention periods, your Personal Information will be deleted. If there is any data that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further use of such data.

## 7. Sharing Personal Information

BanyanGlobal may disclose your Personal Information to service providers for a business purpose. When we disclose Personal Information for these reasons, we enter into a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except for the purposes set forth in the contract.

We may disclose your Personal Information for legal reasons. Specifically, we will share Personal Information with companies, organizations or individuals outside of BanyanGlobal if we have a good-faith belief that access, use, preservation or disclosure of the information is reasonably necessary to:

- meet any applicable law, regulation, legal process or enforceable governmental request;
- enforce Site's Terms of Use, including investigation of potential violations;
- detect, prevent, or otherwise address fraud, security or technical issues; and
- protect against harm to the rights, property or safety of BanyanGlobal, you or the public as required or permitted by law.

We attempt to notify you about legal demands for your personal information when appropriate in our judgment, unless prohibited by law or court order or when the request is an emergency. We may dispute such demands when we believe, in our discretion, that the requests are overbroad, vague or lack proper authority, but we do not promise to challenge every demand.

We may disclose your Personal Information in the event of a business transfer. If we establish a new related entity, are acquired by or merged with another organization, or if substantially all of our assets are transferred to another organization, Personal Information about our users is often a transferred business asset. In the event that BanyanGlobal itself or substantially all of our assets are acquired, Personal Information about our users may be one of the transferred assets.

## 8. Privacy Rights

Certain jurisdictions have specific legal requirements and grant privacy rights with respect to personal information, and we will comply with restrictions and any requests you submit as required by applicable law. If you are a Brazil, EU, EEA, or UK resident, see our "Jurisdiction-Specific Notices" section below for additional information as to how to exercise rights under the laws of those jurisdictions.

If you are a resident of the U.S. state listed below, you have one or more of the following rights: (1) to request additional information about our data collection, use, disclosure, and sales practices in connection with your Personal Information; (2) to request the specific Personal Information collected about you; (3) to request the deletion of the Personal Information we have about you, with exceptions; (4) to request a restriction on certain processing of Personal

Information; (5) to request correction of inaccurate information; (6) to opt-out of the processing of Personal Information for the purpose of “profiling” in furtherance of decisions that produce legal or similarly significant effects; and (7) to opt-out of the “selling” and “sharing”/“targeted advertising” of Personal Information as such terms are defined under U.S. state privacy laws. Please note, BanyanGlobal sells Personal Information and shares Personal Information/engages in “targeted advertising”. BanyanGlobal does not engage in profiling in furtherance of decisions that produce legal or similarly significant effects. You may also have the right to not be discriminated against for exercising your privacy rights.

If you are located outside that jurisdiction and seek to exercise your rights under the law of another jurisdiction, please contact us by emailing [privacy@banyan.global](mailto:privacy@banyan.global).

You may submit a request regarding your Personal Information by emailing: [privacy@banyan.global](mailto:privacy@banyan.global).

To help protect your privacy and maintain security, we will take steps to verify your identity before granting you access to the information. When you make a request, we may require that you provide information and follow procedures so that we can verify your identity (and the applicable jurisdiction). The verification steps we take may differ depending on your jurisdiction and the request. Where possible, we will attempt to match the information that you provide in your request to information we already have on file to verify your identity. If we are able to verify your request, we will process it. If we cannot verify your request, we may ask you for additional information to help us do so.

We will respond to your request within the time period required by applicable law. However, we may not always be able or required to comply with your request, in whole or in part, and we will notify you in that event.

## 9. Jurisdiction-Specific Notices

### EU, EEA, or UK Residents

BanyanGlobal believes that it is important that individuals are given the opportunity to exercise choice with respect to how their Personal Information is collected and used. Some data protection laws, including the European Union’s General Data Protection Regulation (“GDPR”), provide you with certain rights in connection with Personal Information you have shared with us. We rely on the legal bases set forth in the “Our Legal Basis for Collecting Personal Information” section to process your Personal Information. If you are resident in the EU, EEA, or the UK, you have the following rights:

- **The right to be informed.** You are entitled to be informed of the use of your Personal Information. This Privacy Policy provides such information to you.
- **The right of access.** You have the right to request a copy of your Personal Information which we hold about you.

- **The right of correction:** You have the right to request correction or changes of your Personal Information if it is found to be inaccurate or out of date.
- **The right to be forgotten:** You have the right to request us, at any time, to delete your Personal Information from our servers and to erase your Personal Information when it is no longer necessary for us to retain such data. Note, however, that deletion of your Personal Information will likely impact your ability to use our services.
- **The right to object (opt-out):** You have the right to opt-out of certain uses of your Personal Information, such as direct marketing, at any time.
- **The right to data portability:** You have the right to a “portable” copy of your Personal Information that you have submitted to us. Generally, this means your right to request that we move, copy or transmit your Personal Information stored on our servers / IT environment to another service provider’s servers / IT environment.
- **The right to refuse to be subjected to automated decision making, including profiling:** You have the right not to be subject to a decision and insist on human intervention if the decision is based on automated processing and produces a legal effect or a similarly significant effect on you.
- **The right to lodge a complaint with a supervisory authority.** You may also have the right to make a GDPR complaint to the relevant Supervisory Authority. A list of Supervisory Authorities is available here: [http://ec.europa.eu/justice/data-protection/bodies/authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm).

If you need further assistance regarding your rights, please contact us using the contact information provided below and we will consider your request in accordance with applicable law. To make these requests, you may contact us using the contact information in the “How to Contact Us” section below, and we will consider your request in accordance with applicable laws. For your protection, we may need to verify your identity before responding to your request, such as verifying that the email address from which you send the request matches your email address that we have on file. If we no longer need to process Personal Information about you in order to provide our services or our Site, we will not maintain, acquire or process additional information in order to identify you for the purpose of responding to your request.

In some cases our ability to uphold these rights for you may depend upon our obligations to process personal information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, or because processing is necessary to deliver the services you have requested. Where this is the case, we will inform you of specific details in response to your request.

### **Brazil Residents**

If you are a resident of Brazil, the following Brazil-specific provisions apply to our processing of your personal information in addition to the relevant sections of the Privacy Policy:

- We rely on the legal bases set forth in the “Our Legal Basis for Collecting Personal Information” section to process your Personal Information.



- Our Site is not directed to children under the age of 18 and we do not knowingly collect personal information from children under the age of 18 on our Site.

If you are resident of Brazil, you have certain rights, including the right to be informed, right to access, right of correction, right of erasure, right to object/opt-out of certain uses of personal information, right to data portability, and right to not be subject to automated decision-making. If you need further assistance regarding your rights, please contact us using the contact information provided in the “How to Contact Us” section below.

## 10. Our Email Opt-out Policy

By providing an email address on the BanyanGlobal Site, you agree that we may contact you in the event of a change in this Privacy Policy, to provide you with any service-related notices, or to provide you with information about our events, invitations, or related educational information.

We currently provide the following opt-out opportunities: At any time, you can follow a link provided in offers, newsletters or other email messages (except for e-commerce confirmation or service notice emails) received from us to unsubscribe.

Notwithstanding anything else in this Privacy Policy, please note that we always reserve the right to contact you in the event of a change in this Privacy Policy, or to provide you with any service-related notices.

## 11. Third Party Links

The Site may contain links to webpages operated by parties other than BanyanGlobal. We do not control such websites and are not responsible for their contents or the privacy policies or other practices of such websites. Our inclusion of links to such websites does not imply any endorsement of the material on such websites or any association with their operators. This Privacy Policy only applies to our Site.

## 12. International Transfer

We may, directly or indirectly through third-party entities around the world, process, store, and transfer the information you provide, including your Personal Information, as described in this Privacy Policy. Specifically, the information and Personal Information that we collect may be transferred to, and stored at, a location outside of your jurisdiction. It may also be processed by staff, service providers, or third parties operating outside of your jurisdiction in connection with the activities outlined in this Privacy Policy. By submitting your Personal Information using the Site, you agree to this transfer, storing or processing. We will take all steps necessary to ensure that your Personal Information is treated securely and in accordance with this Privacy Policy.

We have put in place commercially reasonable technical and organizational procedures to safeguard the information and Personal Information we collect on the Site.

## 13. How We Protect Personal Information

BanyanGlobal maintains reasonable administrative, technical and physical safeguards designed to protect Personal Information and other information against accidental, unlawful or unauthorized destruction, loss, alteration, access, disclosure or use. Information you send by email is not secure, so please avoid including Personal Information in any email you send us. No method of electronic transmission or storage is 100% secure. Therefore, we cannot guarantee absolute security of your information.

## 14. No Use By Children

Our Site is not intended for children under 18 years of age. We do not intentionally gather Personal information about visitors who are under the age of 18. If a child has provided us with Personal Information, a parent or guardian of that child may contact us to have the information deleted from our records. If you believe that we might have any information from a child under age 18 in the applicable jurisdiction, please contact us [privacy@banyan.global](mailto:privacy@banyan.global). If we learn that we have inadvertently collected the personal information of a child under 18, or equivalent minimum age depending on jurisdiction, we will take steps to delete the information as soon as possible.

## 15. “Do Not Track” Signals

Where required by applicable law, we will recognize and honor opt-out preference signals (or global privacy controls). If you are visiting such sites, your browser may include controls to block and delete cookies, web beacons and similar technologies, to allow you to opt out of data collection through those technologies.

## 16. Changes to this Privacy Policy

Our Privacy Policy may change from time to time. We will post any privacy policy changes on this page and, if the changes are material, we will provide a more prominent notice for a reasonable time period (including, for certain services or programs, email notification or privacy policy changes). We encourage you to review this Privacy Policy periodically.

## 17. How to Contact Us

If you have any specific questions about this Privacy Policy, you can contact us via email or phone or by writing to us at the address below:

Send e-mail to: [privacy@banyan.global](mailto:privacy@banyan.global)

Send mail to our address:

BanyanGlobal  
66 Long Wharf, Suite 300  
Boston, MA 02110  
USA