

# Your Privacy Rights

Last Update: February 8, 2017

This Privacy Policy describes your (the “User”) privacy rights regarding our collection, use, storage, sharing and protection of your personal information. It applies to the Obsidian website and all related sites, applications, services and tools regardless of how you access or use them.

## I. Scope and Consent

You accept this Privacy Policy when you sign up for, access, or use our products, services, content, features, technologies or functions offered on our website and all related sites, applications, and services (collectively “Obsidian Services”). This Privacy Policy is intended to govern the use of Obsidian Services by our users (including, without limitation those who use the Obsidian Services in the course of their trade or business) unless otherwise agreed through contract. We may amend this Privacy Policy at any time by posting a revised version on our website. The revised version will be effective as of the published effective date. In addition, if the revised version includes a Substantial Change, we will provide you with 30 days’ prior notice by posting notice of the change on the “Policy Updates” page of our website. After this 30-day notice period, you will be considered as having expressly consented to all amendments to this Privacy Policy.

## II. Collection of Personal Information

We collect the following types of personal information in order to provide you with the use of Obsidian Services, and to help us personalize and improve your experience.

- II.1. Information we collect automatically. When you use Obsidian Services, we collect information sent to us by your computer, mobile phone or other access device. The information sent to us includes, but is not limited to, the following: data about the pages you access, computer IP address, device ID or unique identifier, device type, geo-location information, computer and connection information, mobile network information, statistics on page views, traffic to and from the sites, referral URL, ad data, and standard web log data and other information. We also collect anonymous information through our use of cookies and web beacons (see Section V “How we use Cookies and Similar Technologies” for more information).
- II.2. Information you provide to us. We may collect and store any information you provide us when you use Obsidian Services, including when you add information on a web form, add or update your account information, participate in community discussions, chats, or dispute resolutions, or when you otherwise correspond with us regarding Obsidian Services.

When you use Obsidian Services, we also collect information about your transactions and your activities. In addition, if you open an Obsidian account or use Obsidian Services, we may collect the following types of information:

- (A) Contact information, such as your name, address, phone, email and other similar information.
- (B) Financial information, such as the full bank account numbers and/or credit card numbers that you link to your Obsidian account or give us when you use Obsidian Services.
- (C) Detailed personal information such as your date of birth or social security number.

We may also collect information from or about you from other sources, such as through your contact with us, including our customer support team, your results when you respond to a survey, your interactions with other Obsidian Member Organizations, and from other accounts we have reason to believe you control (whether in part or in whole). Additionally, for quality and training purposes or for its own protection, Obsidian may monitor or record its telephone conversations with you or anyone acting on your behalf. By communicating with Obsidian, you acknowledge that your communication may be overheard, monitored, or recorded without further notice or warning.

II.3. Information from other sources. We may also obtain information about you from third parties such as credit bureaus and identity verification services.

You may choose to provide us with access to certain personal information stored by third parties such as social media sites (e.g., Facebook and Twitter). The information we may receive varies by site and is controlled by that site. By associating an account managed by a third party with your Obsidian account and authorizing Obsidian to have access to this information, you agree that Obsidian may collect, store and use this information in accordance with this Privacy Policy.

II.4. Authentication and Fraud Detection. In order to help protect you from fraud and misuse of your personal information, we may collect information about you and your interactions with Obsidian Services. We may also evaluate your computer, mobile phone or other access device to identify any malicious software or activity.

II.5. Using Your Mobile Device. We may offer you the ability to connect with Obsidian Services using a mobile device, either through a mobile application or via a mobile optimized website. The provisions of this Privacy Policy apply to all such mobile access and use of mobile devices.

When you download or use our mobile applications, or access one of our mobile optimized sites, we may receive information about your location and your mobile device, including a unique identifier for your device. We may use this information to

provide you with location-based services, such as advertising, search results, and other personalized content. Most mobile devices allow you to control or disable location services in the device's setting's menu. If you have questions about how to disable your device's location services, we recommend you contact your mobile service carrier or the manufacture of your particular device.

### III. How We Use the Personal Information We Collect

Our primary purpose in collecting personal information is to provide you with a secure, smooth, efficient, and customized experience. We may use your personal information to:

- (A) provide Obsidian Services and customer support;
- (B) process transactions and send notices about your transactions;
- (C) verify your identity, including during account creation and password reset processes;
- (D) resolve disputes, collect fees, and troubleshoot problems;
- (E) manage risk, or to detect, prevent, and/or remediate fraud or other potentially prohibited or illegal activities;
- (F) detect, prevent or remediate violations of policies or applicable user agreements;
- (G) improve the Obsidian Services by customizing your user experience;
- (H) measure the performance of the Obsidian Services and improve their content and layout;
- (I) manage and protect our information technology infrastructure;
- (J) provide targeted marketing and advertising, provide service update notices, and deliver promotional offers based on your communication preferences;
- (K) contact you at any telephone number, by placing a voice call or through text (SMS) or email messaging, as authorized by our User Agreement;
- (L) perform creditworthiness and solvency checks, compare information for accuracy and verify it with third parties.

We may contact you via electronic means or postal mail to notify you regarding your account, to troubleshoot problems with your account, to resolve a dispute, to collect fees or monies owed, to poll your opinions through surveys or questionnaires, or as otherwise necessary to service your account. Additionally, we may contact you to offer coupons, discounts and promotions on our behalf or on behalf of Obsidian

Member Organizations, and inform you about Obsidian Services and the services of our Member Organizations. Finally, we may contact you as necessary to enforce our policies, applicable law, or any agreement we may have with you. When contacting you via phone, to reach you as efficiently as possible we may use, and you consent to receive, autodialed or prerecorded calls and text messages as described in our User Agreement. Where applicable and permitted by law, you may decline to receive certain communications.

#### IV. Marketing

We do not sell or rent your personal information to third parties for their marketing purposes without your explicit consent. We do share your personal information with Member Organizations with whom you transact, and you may control this preference in the Obsidian Cardholder Portal. We may combine your personal information with information we collect from other companies and Member Organizations and use it to improve and personalize Obsidian Services, content, and advertising. We may share this information with Member Organizations. If you do not wish to receive marketing communications from us or participate in our ad-customization programs, simply indicate your preference by logging into your account in the Obsidian Cardholder Portal, or by following the directions that shall be provided within the communication or advertisement.

We respect your communication preferences. If you no longer wish to receive notifications via our application, you can adjust your preferences in the Obsidian Cardholder Portal. If you wish to limit our sharing with Member Organizations, call our Customer Support team toll-free at 1-855-929-0799.

#### V. How We Use Cookies and Similar Technologies

When you access our website or use Obsidian Services, we (including companies we work with and Member Organizations) may place small data files on your computer or other device. These data files may be cookies, pixel tags, e-tags, "Flash cookies," or other local storage provided by your browser or associated applications (collectively "Cookies"). We use these technologies to recognize you as a customer; customize Obsidian Services, content, and advertising; measure promotional effectiveness; help ensure that your account security is not compromised; mitigate risk and prevent fraud; and to promote trust and safety across our sites and Obsidian Services.

You are free to decline our Cookies if your browser or browser add-on permits, unless our Cookies are required to prevent fraud or ensure the security of websites we control. However, declining our Cookies may interfere with your use of our website and Obsidian Services.

- V.1. Do Not Track. Do Not Track (DNT) is an optional browser setting that allows you to express your preferences regarding tracking by advertisers and other third-parties. We do not currently respond to DNT signals.

## VI. How We Protect and Store Personal Information

Throughout this Privacy Policy, we use the term "personal information" to describe information that can be associated with a specific person and can be used to identify that person. We do not consider personal information to include information that has been made anonymous so that it does not identify a specific user.

We store and process your personal information on our computers in North America and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.

## VII. How We Share Personal Information with Other Member Organizations

When transacting with Member Organizations, we may provide those parties with information about you necessary to complete the transaction, such as your name, account ID, contact details, shipping and billing address, or other information needed to promote the reliability and security of the transaction. If a transaction is held, fails, or is later invalidated, we may also provide details of the unsuccessful transaction. We may also share personal details about you, including your birthday and other data that you have provided us. The Member Organization is allowed to use this information for unrelated purposes, such as to directly market to you, unless you have prohibited such sharing on your Dashboard.

We work with third parties, including unaffiliated merchants as well as Member Organizations, to enable them to accept payments from you using Obsidian. In doing so, a third party may share information about you with us, such as your email address or mobile phone number. We use this information to confirm that you are an Obsidian customer and that Obsidian as a form of payment can be enabled, or to send you notification of payment status. Also, if you request that we validate your status as an Obsidian customer with a third party, we will do so.

Please note that merchants and Member Organizations you buy from or contract with have their own privacy policies, and Obsidian is not responsible for their actions, including their information protection practices.

Regardless, we will not disclose your credit card number or bank account number to anyone you have paid, or with the third parties that offer or use Obsidian Services, except with your express permission or if we are required to do so to comply with credit card rules, a subpoena, or other legal process.

## VIII. How We Share Personal Information with Other Third Parties

We may share your personal information we collect from you, including your name, contact details, and transactions and activities, with:

- (A) Member Organizations for transaction processing and marketing purposes.
- (B) Members of our corporate family will use this information to send you marketing communications only if you have requested their services.
- (C) Financial institutions that we partner with to jointly create and offer a product. These financial institutions may only use this information to market Obsidian-related products, unless you have given consent for other uses.
- (D) Credit bureaus and collection agencies to report account information, as permitted by law.
- (E) Banking partners as required by credit card association rules for inclusion on their list of terminated merchants (in the event that you meet their criteria which includes having Obsidian close your Obsidian Account due to your breach of the Obsidian User Agreement).
- (F) Companies that we plan to merge with or are acquired by. (Should such a combination occur, we will require that the new combined entity follow this Privacy Policy with respect to your personal information. If your personal information could be used contrary to this policy, you will receive prior notice.)
- (G) Law enforcement, government officials, or other third parties pursuant to a subpoena, court order, or other legal process or requirement applicable to Obsidian or one of its affiliates; when we need to do so to comply with law or credit card rules; or when we believe, in our sole discretion, that the disclosure of personal information is necessary to prevent physical harm or financial loss, to report suspected illegal activity or to investigate violations of our User Agreement.
- (H) Other unaffiliated third parties, for the following purposes:
  - i. Fraud Prevention and Risk Management: to help prevent fraud or assess and manage risk. For example, we may share account information in order to help protect your accounts from fraudulent activity, alert you if we detect such fraudulent activity on your accounts, or evaluate credit risk.
  - ii. As part of our fraud prevention and risk management efforts, we also may share necessary account information with Member Organizations in cases where Obsidian has placed a hold or other restriction on your account based on disputes, claims, chargebacks or other scenarios regarding the sale or purchase of goods. Also, as part of our fraud

prevention and risk management efforts, we may share account information with Member Organizations to enable them to operate their programs.

- iii. Customer Service: for customer service purposes, including to help service your accounts or resolve disputes (e.g., billing or transactional).
- iv. Shipping: in connection with shipping and related services for purchases made using Obsidian.
- v. Legal Compliance: to help them comply with anti-money laundering and counter-terrorist financing verification requirements.
- vi. Service Providers: to enable service providers under contract with us to support our business operations, such as fraud prevention, bill collection, marketing, customer service and technology services. Our contracts dictate that these service providers only use your information in connection with the services they perform for us and not for their own benefit.
- vii. Other third parties with your consent or direction to do so. Please note that these third parties may be in other countries where the laws on processing personal information may be less stringent than in your country.

If you open an Obsidian account directly on a third party website or via a third party application, any information that you enter on that website or application (and not directly on an Obsidian website) will be shared with the owner of the third party website or application. These sites are governed by their own privacy policies and you are encouraged to review their privacy policies before providing them with personal information. Obsidian is not responsible for the content or information practices of such third parties.

## IX. How You Can Access or Change Your Personal Information

You can review and edit your personal information at any time by logging in to your account and reviewing your account settings and profile. You can also close your account by contacting [support@local-first.us](mailto:support@local-first.us). If you close your Obsidian account, we will mark your account in our database as "Closed," but may retain personal information from your account for a certain period of time and disclose it in a manner consistent with our practices under this Privacy Policy for accounts that are not closed. We also may retain personal information from your account to collect any fees owed, resolve disputes, troubleshoot problems, assist with any investigations, prevent fraud, enforce our User Agreement, or take other actions as required or permitted by law.

## X. How You Can Contact Us about Privacy Questions

If you have questions or concerns regarding this Privacy Policy, you should contact us by email at [support@local-first.us](mailto:support@local-first.us).