



# Privacy Policy

**Modified:** April 4, 2023

This Privacy Policy, as amended or otherwise changed from time to time (this “Privacy Policy”), explains the manner in which Element United DAO, LLC, parent companies, affiliates, and other corporate entities under common ownership including, but not limited to, all websites that link this Privacy Policy (“Element”, “we”, “us”, or “our”) collects, uses, maintains and discloses user information obtained through its websites, applications, brands, services and products (collectively, “Services”). Whenever you access or use the Services, you accept the terms and conditions of this Privacy Policy. If you do not agree with or you are not comfortable with any aspect of this Privacy Policy, you should immediately discontinue access or use of the Services.

This Policy does not apply to websites, software, or applications run by third parties that Element may link to, reference, or otherwise contract with, so please reference the respective third-party privacy policy for information on how they collect and use your information.

If you have any questions or concerns about this Policy or our practices with regard to your personal information, please contact us at [privacy@elementunited.com](mailto:privacy@elementunited.com)

Please read this privacy notice carefully, as it will help you understand what we do with the information that we collect.

## Table of Contents

1. Privacy Policy Updates and Changes
2. Pertinent Definitions
3. Lawful Basis for Processing
4. Personal Data We Collect
5. Some, Information Is Collected Automatically by Our Servers
6. How We Use Your Information



7. All Data Collected Automatically Will Be Used to Administer or Improve Our Services as Follows
8. Retention of Personal Data
9. Personal Data Destruction Procedures and Methods
10. Marketing
11. How We Share Your Information – Personal Data Shared with Third Parties
12. Transfers Outside of the EEA
13. Updating Information
14. Cookies
15. Security of Information
16. Legal Rights Concerning Your Information
17. Accessing your Information
18. California Residents
19. Residents of other Colorado, Connecticut, Utah, and Virginia
20. Residents of Other U.S. States and Compliance with Federal Law
21. Children’s Privacy
22. Updates to this Privacy Policy
23. Contact Us

## Privacy Policy Updates and Changes

We may revise this Policy at any time for any reason, including but not limited to reflect changes in law, changes in our personal data information collection, protection, and use practices, changes in the features available through the Services, or address any advances in technology. If any changes are made to this Privacy Policy, the changes will be effective upon posting to the Site and will be prominently posted on websites and applications. You should review this Policy each time you visit the Site or use our Services to inform yourself of any revisions. Your continued use of the Site will constitute your acceptance of the Policy as revised. Capitalized terms not defined herein shall have the meanings ascribed to them in Element’s Terms and Conditions.

## Pertinent Definitions

“Personal Data” means data that Element may collect from you or that you may voluntarily provide to Element that may identify, relate to, describe, references, is reasonably capable of being associated with, or could be reasonably linked, directly or indirectly with you, your household or your device(s) used to access the Services, including, for example, your name, address, User ID, telephone number, e-mail address, any

blockchain addresses, as well as any other non-public information about you that is associated with or linked to any of the foregoing data.

“Anonymous Data” means data from which your identity is not readily ascertainable, and that is not associated with or linked to your Personal Data; Anonymous Data does not, by itself, permit the identification of individual persons.

## Lawful Basis for Processing

We only collect and process Personal Data about you where we have lawful bases to do so. Lawful bases include consent where you have Elements consent, contract, and legitimate interests.

## Personal Data We Collect

- We may collect Personal Data from you, such as your first and last name, e-mail, and mailing addresses, including country or region of residence, User ID, date of birth, government-issued identification, and password when you register for an account on the Services (“Account”) report a problem with the Services, or otherwise use the Services.
- We may also collect other Personal Data provided by third-party identity verification services or via social networking websites. If you tell us where you are (e.g., by allowing your mobile device or computer to send us your location), we may store that information.
- We may collect your Personal Data, such as your User ID and it may be used to track you across devices and connect you to alternative datasets that we have, including but not limited to, discord data, your wallet, and game-related data.
- Certain services, such as two-factor authentication, may require our collection of your phone number. We may associate that phone number to your mobile device identification information.
- If you provide us feedback or contact us via e-mail, message chat or similar functionality, we will collect your name and e-mail address, as well as any other content included in the communication, in order to send you a reply.
- Transactional information when you request information or purchase a product or service from us.
- We also collect other types of Personal Data that you provide to us voluntarily when seeking support services, such as email, information submitted via online form, video conferencing service information, other contact information, or other information provided to support services staff.
- We may collect other data, including but not limited to, referral URLs, your location, blockchain analytics information related to blockchain addresses you provide.

## Some information is collected automatically by our servers:

- Our servers (which may be hosted by a third-party service provider) collect information from you, including your browser type, operating system, Internet Protocol (“IP”) address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), domain

name, and/or a date/time stamp for your visit.

- As is true of most websites, we gather certain information automatically and store it in log files. This information includes IP addresses, browser type, Internet service provider (“ISP”), referring/exit pages, operating system, date/time stamp, and clickstream data.
- Like many online services, we use cookies to collect information. “Cookies” are small pieces of information that a website sends to your computer’s hard drive while you are viewing the Site. We also use “cookies” from time to time to help personalize your online experience with us. We will process Personal Data collected through cookies in accordance with this Privacy Policy. If you have set your browser to alert you before accepting cookies, you should receive an alert message with each cookie. You may refuse cookies by turning them off in your browser, however, you should be aware that our site, like most other popular sites, may not work well with cookies disabled.
- We retain information on your behalf, such as transactional data and other session data linked to your Account.

## How We Use Your Information

We will only use your Personal Data in ways that you provide us your consent or when the law allows. Please note that we may process your Personal Data without your knowledge or consent where this is required or permitted by law.

In general, Personal Data you submit to us is used either to respond to requests that you make, or to aid us in serving you better. We use your Personal Data in the following ways:

- facilitate the creation of and secure your Account on the network;
- identify you and perform identity verification through a service provider;
- provide improved administration of our websites and Services;
- improve the quality of experience when you interact with our websites and Services;
- send you a welcome e-mail to verify ownership of the e-mail address provided when your Account is created;
- send you administrative e-mail notifications, such as Account activity, transaction processing, security or support and maintenance advisories;
- identify, prevent, and report potentially suspicious, fraudulent, or illegal activities;
- notify you about important changes to our Terms and Conditions or Privacy Policy; and respond to your inquiries or other requests.
- make our Site and Services more useful to you

## All data collected automatically will be used to administer or improve our Services as follows:

- We use IP addresses to make our website and Services more useful to you and to perform identity verification.



- We use information from log files to analyze trends, administer the Services, track users' movements around the Services, gather demographic information about our user base as a whole, and better tailor our Services to our users' needs. Except as noted in this Privacy Policy, we do not link this automatically collected data to Personal Data.
- We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience with our Services. This type of information is collected to make the Services more useful to you and to tailor the experience with us to meet your special interests and needs.
- We also use third-party web analytics tools that help us understand how users engage with our Site. This information is used to compile reports and to help us improve our Site. You can opt-out of such third-party analytic tools without affecting how you visit our Site by contacting us at **privacy@elementunited.com**
- We may create Anonymous Data records from Personal Data by excluding information (such as your name) that makes the data personally identifiable to you. We use this Anonymous Data to analyze request and usage patterns so that we may enhance the content and navigation of our Services. We reserve the right to use Anonymous Data and aggregated and other de-identified information for any purpose and disclose Anonymous Data to third parties in our sole discretion.

## ELEMENT DOES NOT SELL USER PERSONAL DATA TO ANY THIRD PARTY.

### Retention of Personal Data

Unless the law specifies a different retention period, we will only keep your Personal Data for the time strictly necessary to carry out the operations for which said Data has been collected by us. In general, this means we will retain your Personal Data for as long as you have an active Account with us.

### Personal Data destruction procedures and methods

In principle, we destroy the Personal Data without delay after the purpose of collection and use of Personal Data is achieved. However, this is not the case when preservation is required according to laws and regulations.

The destruction procedure and method are as follows:

- Personal Data printed on paper: shredded with a shredder or incinerated
- Personal Data stored in electronic file format: Deleted using a technical method that cannot reproduce the record.

### Marketing

We strive to provide you with choices regarding certain Personal Data uses, particularly around marketing and advertising. We have established the following Personal Data control mechanisms:

We may use your Personal Data to form a view on what Services we think may be of interest to you. You

will receive marketing communications from us if (i) you have requested information from us; or (ii) use our Services, in each case, you have chosen to opt-in and not opted out of receiving marketing communications. We will get your express opt-in consent before we share your Personal Data with any company outside of Element for marketing purposes.

You acknowledge by providing your personal information in connection with receiving services from Element, that you have an established business relationship with Element. As such, you provide Element with express consent to contact you using your personal information for all matters relative to your services with Element. This may include the use of autodialed or pre-recorded telephonic communications for operational communication, which may include the verification of your personal information, the collection of a debt, or any other necessary communication or confirmation in connection with any element of your ongoing service with Element. You further acknowledge that this established business relationship may extend beyond the standard eighteen months from the last transaction standard. You understand that services with Element may not have such a transaction within eighteen months, but that the relationship will still be considered as ongoing due to the specific nature of Element services. The established business relationship, which is created upon the initiation of services, and the providing of personal information to Element shall continue for five years following the providing or updating of any personal information in connection with your services with Element. With respect to sales and marketing from Element specifically, you understand that the same existing business relationship standard applies.

You can ask us or third parties to stop sending you marketing messages at any time by following the opt-out links on any marketing message sent to you or by contacting us. However, where you opt out of receiving marketing messages, this will not apply to Personal Data provided to us as a result of your use of our Service, a product/service experience or other transactions.

## How we Share your Information – Personal Data shared with third parties

We disclose your Personal Data as described below and as described elsewhere in this Privacy Policy.

- It may be necessary to disclose your Personal Data to comply with any legal obligation, to defend or investigate any illegal or suspected violations of Element's Terms and Conditions, to enforce our Terms and Conditions and this Privacy Policy, or to protect the rights, safety, and security of Element, our users, or the public.
- We may share your Personal Data with third-party service providers to provide you with the Services; to conduct quality assurance testing; to facilitate creation of accounts; to provide technical support; and to verify your identity. These third-party service providers are required not to use your Personal Data other than to provide the services requested by you.
- We may share some or all of your Personal Data with third parties (e.g. the purchaser or new owner) in connection with or during negotiation of any merger, financing, acquisition or dissolution transaction or proceeding involving sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, Personal Data may also be transferred as a business asset. If another company acquires Element assets, that company will possess the Personal Data collected by Element and will assume the rights and obligations regarding your Personal Data as described in this Privacy Policy.

Our Services may contain links to other third-party websites which are regulated by their own privacy policies. Element is not responsible for the privacy policies of these third-party websites even if they were accessed using the links from our Services.



Other than as stated in this Privacy Policy, Element does not disclose any of your Personal Data to third parties unless required to do so by law enforcement, court order, or in compliance with legal reporting obligations.

## Transfers outside of the EEA

Your Personal Data may be transferred to, processed, and stored in countries other than the country in which you are a resident, including the United States, European Union, the UK, and other countries. We may share your Personal Data within Element and other with our partners and third-party companies that assist in providing Element Services which are based in various locations globally.

If you are based in the European Union, this may involve transferring your data outside the European Economic Area (EEA). In addition, many of our external third parties are also based outside of the EEA so their processing of your Personal Data will involve a transfer of data outside the EEA. We may transfer personal data from EEA to third countries outside of EEA, under the following conditions:

- **Contractual Obligation:** Where transfers are necessary to satisfy our obligation to you under our EULA, including to provide you with our services and customer support services, and to optimize Element; and
- **Consent:** where you have consented to the transfer of your Personal Data to a third country.

Whenever we transfer your Personal Data out of the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your Personal Data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission. For further details, see European Commission: Adequacy of the protection of personal data in non-EU countries.
- We may use specific contracts approved by the European Commission which Element Personal Data the same protection it has in Europe. For further details, see European Commission: Model contracts for the transfer of personal data to third countries.
- In respect of transfers to entities in the US, we may transfer Personal Data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. For further details, see European Commission: EU-US Privacy Shield.

Please contact us if you want further information on the specific mechanism used by us when transferring your Personal Data out of the EEA. If you wish to be informed about what Personal Data we hold and want it removed from our systems, or to exercise any of your rights granted under your country of residence please contact us at [privacy@elementunited.com](mailto:privacy@elementunited.com)

## Updating Information

You can update your personal or account information by contacting our support team at [privacy@elementunited.com](mailto:privacy@elementunited.com). We will retain your information for as long as your Account is not closed or as needed to provide you access to your Account. If you wish to close your Account, open a ticket in our support center. We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our Terms and Conditions.



## Cookies

We collect web browser information in order to enhance your experience on our Services and track how the Services are being used. Cookies are small data files that are stored on your computer's hard drive, and in addition to using cookies to provide you with a better user experience, we use cookies to identify and prevent fraudulent activity. The information collected can include but is not limited to, your IP address, referral URLs, the type of device you use, your operating system, the type of browser you use, geographic location, and other session data. Cookies are not permanent and will expire after a short time period of inactivity. You may opt to deactivate your cookies, but it is important to note that you may not be able to access or use some features of our Services. Please note that Element is not responsible and cannot be held liable for any loss resulting from your decision or inability to use such features.

Do Not Track ("DNT") is an optional browser setting that allows you to express your preferences regarding tracking by advertisers and other third parties. At this time, we do not respond to DNT signals.

## Security of Information

We take the protection of your Personal Data seriously. We use industry-standard data encryption technology and have implemented restrictions related to the storage of and the ability to access your Personal Data. However, please note that no transmission over the Internet or method of electronic storage can be guaranteed to be 100% secure. Additionally, we aim to enforce internal regulations and rectify issues as soon as they are discovered.

## Legal Rights Concerning Your Information

Depending on your state or country of residence, Under certain circumstances, you have rights under data protection laws in relation to your Personal Data which are set out in more detail below:

**Request confirmation and access:** This enables you to confirm whether or not we are processing your Personal Data and that you may access your Personal Data.

**Request change or correction:** This enables you to have any Personal Data we hold about you changed or corrected, though we may need to verify the accuracy of the new data you provide to us.

If you need to add or change any information, you can log into your Account and make the change in your settings. If it doesn't look like you can make the change on your own, please reach out to us at [privacy@elementunited.com](mailto:privacy@elementunited.com) and we make work to correct any errors.

**Request deletion:** This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with applicable law.

Please note: your right of deletion would not apply for various reasons including if we need to retain your Personal Data in order to comply with a legal obligation or to establish or defend a legal claim. Where we are unable to comply with your request of deletion, we will notify you at the time of your request.





**Object to processing:** You have the right to object to the processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

**Request restriction of processing:** This enables you to ask us to suspend the processing of your Personal Data in the following scenarios:

- (a) if you want us to establish the data's accuracy;
- (b) where our use of the data is unlawful but you do not want us to delete it;
- (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or
- (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

**Request to transfer:** If you ask us, we will provide you or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format.

Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

**Withdrawal of consent:** This applies where we are relying on consent to process your Personal Data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at [privacy@elementunited.com](mailto:privacy@elementunited.com)

## Accessing your Information

You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, depending on your state or country, or residence, if your request is clearly unfounded, repetitive, or excessive, we may refuse to act on your request or charge a reasonable fee. Alternatively, we may refuse to comply with your request in these circumstances

We may need to request specific information from you to help us confirm your identity and ensure your rights to access your Personal Data (or to exercise any of your other rights). This is a security measure to ensure that Personal Data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.



## California Residents

If you are a California resident, you may have certain rights with respect to your Personal Data, including the following:

- Right to know, whether we collect and save your Personal Data, the source of the Personal Data we have about you, the categories and purposes of use of your Personal Data, whether it is being disclosed or sold, and to whom it is being disclosed or sold;
- Right, subject to certain exceptions, to have your Personal Data deleted from our possession or control;
- Right to opt out from the sale of your Personal Data. As described in the section above, we do not sell Personal Data and have not done so in the past 12 months;
- Right to limit sensitive Personal Data use (e.g., information relating to your government ID or geolocation) to specifically permitted purposes;
- Right to not be discriminated against for exercising your rights.

The California Consumer Privacy Act (CCPA), as amended by the California Privacy Rights Act (CPRA), permits California residents who use our website to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, or if you have any questions or concerns about your California privacy rights, our Privacy Policy, or our use of your personal information, please send an email to [privacy@elementunited.com](mailto:privacy@elementunited.com)

For all California residents, any such inquiries shall be responded to within forty-five (45) days. We must verify your identity with respect to such inquiries. Depending on the nature of the Personal Information at issue, we may require additional measures or information from you as part of that verification.

For California residents under age 18 who have publicly posted content or information, you may request and obtain removal of such content or information pursuant to California Business and Professions Code Section 22581, provided you are a registered user of any website where this Policy is posted. To make such a request, please send an email with a detailed description of the specific content or information to [privacy@elementunited.com](mailto:privacy@elementunited.com)

## Residents of other Colorado, Connecticut, Utah, and Virginia

We treat collected information of persons residing in any jurisdiction with the utmost care and in accordance with applicable law.

Colorado - we adhere to the consumers' privacy rights and company personal data collection duties set forth in Colorado's comprehensive data privacy law known as the Colorado Privacy Act (CPA), or Colo. Rev. State. § 6-1-1301 et seq., which comports with the Colorado Consumer Protection Act.

Connecticut - we do and will abide by Connecticut's primary data privacy law known as Personal Data Privacy and online Monitoring, or 2022 S.B. 6 or Public Act No. 22-15 effectual on July 1, 2023, which gives Connecticut residents the right to request a copy of their personal data, correct any inaccuracies, and opt out of personal data processing. Moreover, we comply with Conn. Gen. Stat. § 42-471, which mandates that we safeguard personal information from being misused by third parties and erase it upon disposal.

Utah – we observe the requirements of Utah's 2022 S.B 227, known as the Utah Consumer Privacy Act



(UCPA) effectual as of December 31, 2022, which gives consumers the right to know:

- what type of data we collect about them;
- how their data is being used; and
- whether or not we intend to sell the data to third parties.

In further compliance with the UCPA, upon request, we will provide you access to your data, permit you to delete your personal data, and allow you to opt out of personal data collection.

Virginia – we fulfill the requirements of Virginia’s Consumer Data Protection Act (2021 H.B. 2307/2021 S.B. 1392), which lays out how we control and process data and mandates that, upon request, we will provide you access to your data, permit you to delete your personal data, correct your data, as well as allow you to opt out of personal data collection.

To make a request regarding your personal data, in accordance with any of the laws of Colorado, Connecticut, Utah or Virginia, please send an email with a detailed description of the specific content or information to [privacy@elementunited.com](mailto:privacy@elementunited.com)

## Residents of Other U.S. States and Compliance with Federal Law

We reiterate that we treat collected information of persons residing in any jurisdiction with the utmost care and in accordance. Thus, for purposes of clarity, we pronounce our adherence to the following laws of these U.S. States:

- **Arizona** – Ariz. Rev. Stat. § 41-151.22
- **Delaware** – Del. Code § 1204C and Del. Code Tit. 6 § 205C
- **Hawaii** – 2021 H.B. 1253
- **Maine** – 35-A MRSA § 9301
- **Minnesota** – Minn. Stat. §§ 325M.01 to .09
- **Missouri** – Mo. Rev. Stat. §§ 182.815, 182.817
- **Nevada** – NRS §§ 205.498, 603A.300, 603A.340
- **New York** – Civ. Rts. Code § 52-C\*2
- **Oregon** – ORS § 646.607
- **Tennessee** – Tenn. Code § 10-7-512
- **Vermont** – 9 V.S.A § 2446-2447

While the United States does not currently have a data privacy and protection law enacted at the federal level, should such a law become enacted, we intend to comply with all provisions that may be set forth therein.

To make a request regarding your personal data, in accordance with any of the laws of any U.S. State, or to inquire about federal data privacy and protection compliance, please send an email with a detailed description of the specific content or information to [privacy@elementunited.com](mailto:privacy@elementunited.com)

## Children’s Privacy

Unfortunately, if you’re under 18, you cannot use our Services without parental consent. We do not knowingly solicit or collect information from anyone under 18. If we become aware that a person under the age of

18 has provided us with Personal Data without verification and parental consent, please alert us at [privacy@elementunited.com](mailto:privacy@elementunited.com) and we will work to delete it immediately.

## Updates to this Privacy Policy

We may update this Policy from time to time. The updated version will be indicated by an updated “Revised” date and the updated version will be effective as soon as it is accessible. If we make material changes to this Privacy Policy, we may notify you either by prominently posting a notice of such changes or by directly sending you a notification. We encourage you to review this Policy frequently to be informed of how we are protecting your information.

## Contact Us

If you have any queries or complaints about our collection, use, or storage of your Personal Data, or if you wish to exercise any of your rights in relation to your personal information, please contact our Data Protection Officer (“DPO”) at [privacy@elementunited.com](mailto:privacy@elementunited.com). We will investigate and attempt to resolve any such complaint or dispute regarding the use or disclosure of your Personal Data.

Based on the applicable laws of your country, you may have a right to request access to the Personal Data we collect from you, change, or delete the Personal Data. To request the review, update, or removal of your Personal Data, please contact us at [privacy@elementunited.com](mailto:privacy@elementunited.com).