

## WorxWell

### Privacy Policy

**Effective Date: June 10, 2020**

#### **Our Policy:**

Welcome to the Service! RXR Urban Workplaces LLC (“Company,” “we,” “us,” “our”) provides services (described below) to you through, or at your request made through, its website made available at <https://portal.risebuildings.com> (the “Site”), its mobile application (the “Mobile App”) and related services (collectively, such services, the Site, and Mobile App, including any new features and applications, the “Service(s)”), some of which are made available by Rise Buildings LLC. (“Platform Provider”) and subject to the terms and conditions in the Terms of Service posted on the Site or the Mobile App under the “Legal – Terms of Service” section thereof (the “Terms of Service”) and this Privacy Policy (the “Privacy Policy”). The Company, whether directly or indirectly through its affiliates, is a real estate owner, manager and developer that has an economic and/or managerial interest, whether as an owner, landlord or property manager, in certain Buildings (as defined in the Terms of Service). The Service is designed to augment and enhance a Building’s Tenants’ (as defined in the Terms of Service) and Users’ (as defined in the Terms of Service), experience at such Building through providing information, services and functionality, related to the Building. This Privacy Policy sets out how Company collects, uses, discloses, and protects any personal information that you provide in connection with your use of the Service (“Personal Data”). This Privacy Policy does not apply to any personal data collected by Company other than Personal Data collected through the Service.

**Please read this Privacy Policy to understand how Company may process your Personal Data via your use of the Service. If you do not agree to the practices described below do not use the Service. If you have questions about this Privacy Policy or the practices described herein, please contact us.**

#### **1. Information We Collect:**

When you download and use the Mobile App or if you access and use the Site to interact with us through the Service, we collect Personal Data and other information from you, as further described below:

- **Administering Your Account:** When you download our Mobile App or access the Site and set up an account, Platform Provider may collect certain Personal Data from you such as, your name, employer, email address and password, in order to create and administer your account. Additionally, Platform Provider will collect Personal Data you provide as a part of any support requests submitted via the “Help” sections of the Mobile App and/or Site (including through any chat functionality), including your name, email address, and the content of your request.
- **Personal Data That You Provide:** We, and/or service providers (including the Platform Provider) acting on our behalf, collect Personal Data from you when you voluntarily provide such information through the Mobile App or Site, such as when you use one of the available features to, for example, submit a maintenance request or work order, chat with the Building personnel, use mobile access to enter an area of the Building, view transit information, place a food or beverage order, make a restaurant reservation, book amenities in the Building, book certain services and amenities with a third party provider, register a visitor to a Building or answer the health questionnaire. Depending on the feature used, the Personal Data collected may include your name and contact information, or that of your visitors, as well as any other Personal Data you voluntarily provide. You may also receive requests to enable (i) Bluetooth and location services so that we may collect your location information (including your location in the Building) for purposes of (A) monitoring occupancy and density levels throughout the Building and making that data available, in an anonymized format, to the Tenants (including, without limitation, your Employer) through the Service so that Tenants can analyze and track compliance with social distancing measures and other health and safety policies and initiatives (including Team Rotation Management (as defined in the Terms of Service)) that your Employer

(and/or Building Manager) puts in place, (B) using that data in an aggregated and anonymized format to inform the Building Health Index (as defined in the Terms of Service) which is in turn provided to Users and Tenants and (C) using that data in an anonymized format to provide metrics, insights and analyses regarding the use of your Employer's space in the Building and to share such insights with your Employer, (ii) access to the photos and videos stored on your device, and/or (iii) biometric authentication; enabling these features will result in you providing the relevant information, but you can manage your permissions for these features in your device settings. Notwithstanding the foregoing you shall comply with your Employer's policies on enabling Bluetooth and location services. We will track your location using Bluetooth and location services while the Mobile App is open. In order to determine if you are in the Building, the Mobile App will be checking your location while the Mobile App is open, but the Mobile App will only record and retain your location if you are inside or within approximately 20 meters of the Building. Any location data that is determined not to be inside or within approximately 20 meters of the Building is not recorded and retained. Note that certain Personal Data you provide through the Mobile App and/or Site (e.g., payment information) is collected directly by service providers acting on our behalf (e.g., our payment processor, Zuora, Inc.). Additionally, certain features of the Mobile App and/or Site may direct you to other web sites, applications, or services not operated or controlled by us (the "**Third Party Sites**"); any Personal Data you provide while using such Third Party Sites is not subject to this Privacy Policy (please see below for more information about Third Party Sites).

- **Information Automatically Collected via the Mobile App and/or Site:** When you interact with Company through the Service, we, and Platform Provider acting on our behalf, automatically receive and store certain information regarding your actions taken within the Service. Such information, which is collected using first-party tracking technologies known as JSON Web Tokens (JWT), cannot presently be used to specifically identify you and includes, but is not limited to, pages of the Service used, content with which you interact, and building events which you attended or in which you have expressed interest. This information may be pooled with other information to track, for example, the total number of users of our Service and the number of users who visit and interact with each page of our Service for the purposes of product development and improvement and to notify you about events and features that may be of interest to you. It is important to note that no Personal Data is available or used in this process.
- **Aggregated Data:** In an ongoing effort to better understand and serve the users of the Service, Company often conducts research on its customer and user demographics, interests and behavior based on the Personal Data and other information provided to us. This research may be compiled and analyzed on an aggregate basis, and Company may share this aggregate data with its affiliates, agents and business partners, including Platform Provider and the Tenants, to use and disclose for their own purposes, as permitted by applicable law. This aggregate information does not identify you personally, nor can it reasonably be associated with you.
- **Marketing:** We may use your Personal Data to contact you to tell you about products or services we believe may be of interest to you. For instance, if you elect to provide your email or telephone number, we may use that information to send you special offers. You may opt out of receiving emails by following the instructions contained in each promotional email we send you. You can also control the marketing emails you receive by clicking the unsubscribe line in any commercial email you receive from us. In addition, if at any time you do not wish to receive future marketing communications, you may **contact us**. If you unsubscribe from our marketing lists, you will no longer receive marketing communications but we will continue to contact you regarding management of your account, other administrative matters, and to respond to your requests.

When you download and use the Mobile App or if you access and use the Site to interact with us through the Service as a Tenant Admin, we collect the following information which may include a third party's Personal Data that you provide, as further described below:

- **Illness Tracking and Compliance Reporting.** We, and/or service providers acting on our behalf, collect a third party's Personal Data from you when you voluntarily provide such information through the Mobile App or Site, such as when you use one of the available features to, for example, (i) report the total number of absentee employees employed by your Employer that are absent due to illness, and for certain illness types the total amount of reported cases of that illness (e.g. COVID-19), and (ii) report on compliance with health-related initiatives including social distancing, occupancy and density, and other related matters. All such reporting in the Mobile App or Site will be done you on an aggregated and anonymized basis only.

## 2. Our Use of Your Personal Data and Other Information:

We process your Personal Data as described in this Privacy Policy to provide the Service, perform the contract we are about to enter into or have entered into with you, ensure compliance with local legal and regulatory requirements, and for our legitimate business interests, including to:

- provide the Service, including to provide the services described under the “Features and Functionality” section of the Terms of Service;
- to monitor occupancy and density levels throughout the Building and make that data available, in an anonymized format, to the Tenants (including, without limitation, your Employer) through the Service so that Tenants can analyze and track compliance with social distancing measures and other health and safety policies and initiatives (including Team Rotation Management (as defined in the Terms of Service)) that your Employer (and/or Building Manager) puts in place;
- to inform the Building Health Index which is provided to Users and Tenants through the Service;
- to grant or restrict access to the Building based on your responses to, and results of, the health questionnaire and the results of the other health checks administered to you by the Building Manager (note: your specific responses to the health questionnaire and other health checks will not be shared by Company with your Employer (other than the results of such questionnaire and health checks (e.g. pass/fail, grant/reject access) in an anonymized and aggregated format);
- to recommend to you, the Building Manager and Tenants certain density management and social distancing measures and suggestions;
- to provide metrics, insights and analyses (on an anonymized basis) regarding the use of your Employer’s space and other shared spaces in the Building and to share such insights with your Employer and the Building Manager, and with respect to shared spaces, other Tenants;
- maintain, modify or improve the content and functionality of the Service or to develop new services;
- help us improve the content, functionality, and security of the Service, and to better understand how you use the Service;
- provide you with the Service and other information, products and services that you request from us;
- combine the Personal Data collected through the Service with other Personal Data that we collect or possess and to use the resulting data for purposes described in this Privacy Policy, including to provide the services described in the Terms of Service;
- respond to a question, enquiry or other request you make when you contact us via the Mobile App and/or Site, including for customer support;
- identify a user for authentication to the Service;
- notify you about any changes to the Service, and send administrative information to you, for example, information regarding the Service, and changes to our terms, conditions, and policies;
- analyze how you interact with our Service;
- prevent fraud, criminal activity, or misuses of our Service, and to ensure the security of our IT systems, architecture and networks;

- carry out our obligations arising from any contracts;
- comply with legal obligations and legal process and to protect our rights, privacy, safety or property, and/or that of our affiliates, you or other third parties;
- issue a notice or corrective action to you in relation to the Service, if required; and
- to market the Service and provide you with information about events, promotions, features, or other services which we believe will be of interest to you similar to those that you have already attended, enquired about, or purchased, as described in the “Marketing / Push Notifications” section below.

### 3. Marketing / Push Notifications

Company and service providers, like Platform Provider, acting on our behalf may use information collected through the Mobile App and/or Site, such as services you have used and events you have attended, to send you push notifications through the Mobile App about events, promotions, features, and services offered through the Mobile App and/or Site that may be of interest to you. Where required by applicable law and to the extent they constitute marketing, we will obtain appropriate consent prior to sending you such notifications. If at any time you wish to opt-out of receiving any future notifications, please change your notification settings in the Mobile App or on your device, or **contact us** as indicated below.

### 4. Our Disclosure of Your Personal Data and Other Information

We may share your Personal Data with certain other entities without further notice to you, as set forth below:

- **Agents, Service Providers, and Business Partners:** Company sometimes hires other companies to perform certain business-related functions and provide other functionality of the Service. Examples of such companies include Platform Provider to build and host the Mobile App, Site and Services; our IT service providers that maintain our databases; and companies with whom we partner or whose services are integrated into the Mobile App and Site in order to provide certain Service features, such as registering visitors, handling maintenance requests or work orders, providing mobile access, and processing payments. When we employ another company to perform a function of this nature, we only provide them with the information that they need to perform their specific function.
- **Employers:** We may share your Personal Data with your Employer in an anonymized format for purposes of monitoring occupancy and density levels throughout the Building in order to enable your Employer to track compliance with social distancing measures and other health and safety policies and initiatives (including Team Rotation Management) that your Employer (and/or Building Manager) puts in place, and to provide metrics, insights and analyses regarding the use of your Employer’s space in the Building and to share such insights with your Employer,
- **Third Party Amenities Providers:** We may share your Personal Data with third party providers of amenities offered through the Service, such as dry cleaning, chair massages, fitness classes, and salon appointments, in order to fulfill your requests, reservations, and contracts with these third party amenities providers.
- **Business Transfers:** As we develop our business, we might sell or buy businesses or assets. In the event of a corporate sale, merger, reorganization, dissolution or similar event, Personal Data may be part of the transferred assets or shared with a prospective investor and/or is legal or business advisors during the diligence process.
- **Affiliated Companies:** We may also share your Personal Data with our affiliated companies for purposes consistent with this Privacy Policy.

- **Legal Obligations:** Company may disclose your Personal Data if required to do so by law or in the good faith belief that such action is necessary to (i) comply with a legal obligation, (ii) protect and defend the rights or property of Company, (iii) act in urgent circumstances to protect the personal safety of users of the Service or the public, or (iv) protect against legal liability.

## 5. Storing your Personal Data

Your Personal Data collected via the Mobile App, Site and through our Services will be stored on servers located in the United States. This includes by individuals or service providers engaged in, among other things, administration of an enquiry or request you make via the Mobile App and/or Site, or the provision of support services.

## 6. Data Retention

We will retain your Personal Data for as long as necessary to fulfil the purposes we collected it for and for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for Personal Data, we consider the amount, nature, and sensitivity of the Personal Data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we can achieve those purposes through other means, and the applicable legal requirements.

As noted above, we will track your location using Bluetooth and location services while the Mobile App is open. In order to determine if you are in the Building, the Mobile App will be checking your location while the Mobile App is open, but the Mobile App will only record and retain your location if you are inside or within approximately 20 meters of the Building. Any location data that is determined not to be inside or within approximately 20 meters of the Building is not recorded and retained.

## 7. Children

The Services are designed and intended for adults. Company does not knowingly collect Personal Data from children under the age of 18. If you are under 18 years of age, you are not authorized to use the Service and you should not submit any Personal Data through the Mobile App. If you have reason to believe that a child under the age of 18 has provided Personal Data to Company through this Mobile App and/or Site, please **contact us**, and we will endeavor to delete that information from our databases.

## 8. Links to Other Web Sites, Applications, or Services

This Privacy Policy applies solely to Personal Data collected via the Mobile App, Site and the Services. The Service, including certain features provided therein, may contain links to other web sites, applications, or services not operated or controlled by Company (the “**Third Party Sites**”). This Privacy Policy does not apply to the Third Party Sites. Instead, the data practices of those Third Party Sites are governed by their respective privacy policies, over which we have no control. The inclusion of features or links from the Service do not imply that Company endorses or has reviewed the Third Party Sites or their privacy practices. We encourage you to review their respective privacy policies.

## 9. Security

Company takes reasonable steps to protect the Personal Data provided via the Service from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. However, no Internet or e-mail transmission is ever fully secure or error free. In particular, messages sent to or from the Service may not be secure. Therefore, you should take special care in deciding what information you send to us via the Internet. Please keep this in mind when disclosing any Personal Data to Company.

## 10. Other Terms and Conditions

Your access to and use of the Mobile App and the Site is subject to the **Terms of Service**.

## 11. Changes to Company's Privacy Policy

The Service may change from time to time. As a result, it may be necessary for Company to make changes to this Privacy Policy. Company reserves the right to update or modify this Privacy Policy at any time and from time to time without prior notice. Please review this policy periodically, and especially before you provide any Personal Data. This Privacy Policy was last updated on the date indicated above. Your continued use of the Service after any changes or revisions to this Privacy Policy will indicate your agreement with the terms of such revised Privacy Policy.

## 12. Your Rights

To keep your Personal Data accurate, current, and complete, please **contact us** as specified below. We will take reasonable steps to update or correct Personal Data in our possession that you have previously submitted via this Mobile App, Site or the Services.

## 13. Contact Us

If you have any questions about this Privacy Policy or the practices described herein, please contact us at [support@worxwell.zendesk.com](mailto:support@worxwell.zendesk.com), visit <https://worxwell.zendesk.com>, or at RXR Urban Workplaces LLC, 625 RXR Plaza, Uniondale, NY 11556, Attn: Legal Department.