

# Privacy Policy

## Xometry, Inc.

Last Updated: 7/2/2020

Xometry offers a range of services to customers and prospective customers to assist them in the manufacture of their parts and assemblies by providing them with the ability to purchase those parts and assemblies from Xometry (“Customer”). Xometry also offers a partner manufacturing program consisting of a network of third party manufacturers capable of performing manufacturing services on Xometry’s behalf (“Partners”). Customers and Partners (collectively referred to as “You”). You may interact with Xometry and provide us information through our software plug-ins, our online platform at [www.xometry.com](http://www.xometry.com) (and all associated subdomains) (the “Website”), or by speaking with our employees and other representatives in support of the various services that we provide to you as a part of a Customer or Partner (collectively, the “Services”). Xometry (“Xometry” or “we” or “us”) has created this Privacy Policy to explain to you our privacy practices regarding the information we gather from you when you visit Website and utilize the Services.

This Privacy Policy aims to give you information on how Xometry collects and processes your personal data through your use of the Website and our Services for our own purposes (i.e., where we are the Controller). It is intended to meet our duties as a Controller of Transparency under European data protection legislation known as the “GDPR” or “**General Data Protection Regulation**”. This Privacy Policy does not describe how we process personal data on our customer’s or any other person’s instructions (i.e., where we act as a Processor).

This Privacy Policy is subject to occasional revision, and if we make any material changes in the way we use your personal data, we may notify you by sending you an e-mail to the last e-mail address you provided to us and/or by prominently posting notice of the changes on our Website. Any changes to this Privacy Policy will be effective upon the earlier of thirty (30) calendar days following our dispatch of an e-mail notice to you or thirty (30) calendar days following our posting of notice of the changes on our Website. These changes will be effective immediately for new users of our Services. Please note that at all times you are responsible for updating your personal data to provide us with your most current e-mail address. In the event that the last e-mail address that you have provided us is not valid, or for any reason is not capable of delivering to you the notice described above, our dispatch of the e-mail containing such notice will nonetheless constitute effective notice of the changes described in the notice. If you do not wish to permit changes in our use of your personal data, you must notify us prior to the effective date of the changes that you wish to deactivate your Account with us. Continued use of our Website or Services, following notice of such changes shall indicate your acknowledgment of such changes and agreement to be bound by the terms and conditions of such changes.

## **What Information Do We Collect?**

We collect information about you in various ways when you use our Website and Services.

### Information You Provide

We collect the information you voluntarily provide to us. For example:

- We may collect personal information from you, such as your first and last name, phone number, email address, company name, job title and password when you create an account to log in to our Customer or Manufacturing Partner network ("Account").
- We may collect personal information from you, such as your first and last name, phone number, email address, company name, and job title when you engage in conversation with a chatbot ("Bot") or through electronic or non-electronic means.
- When you access Services on our Website, we will collect all information necessary to complete the transaction that you have requested or authorized, depending on the nature of the Services that you are accessing. Such information may include your name, e-mail address, credit card information, bank account information, social security number and/or tax identification number, billing information and shipping information.
- We retain information on your behalf, in order to maintain and service your Account in order to deliver the Services.
- If you provide us feedback or contact us via email, we will collect your name and email address, as well as any other content included in the email, in order to send you a reply.
- In certain circumstances we may request that you provide us with photocopies of your ID and other related documents for fraud prevention purposes and to verify your identity.
- When you participate in one of our surveys, we will collect the information you provide.
- We may also collect personal information at other points on our Website that state that personal information is being collected.
- If you provide us feedback or contact us via text message ("SMS"), we will collect your name and phone number, as well as any other content included in the SMS, in order to send you a reply.

### Information Collected Via Technology

We collect certain information automatically via various technological means. We collect information via technology in the following ways:

- **Log Files.** As is true of most websites, we gather certain information automatically and store it in log files. This information includes aggregate information on the pages customers access or visit (but not on which pages individual users visit), IP addresses, browser type, Internet Service Provider (ISP), operating systems, date/time stamp and clickstream data. We use this information to analyze trends, administer the Website and better tailor our Services to our users' needs.
- **Cookies.** Like many online services, we use cookies to collect information. "Cookies" are small files that a website or its service provider transfers to your computer's hard drive through your Web browser that enables the website's or service provider's systems to

recognize your browser and capture and remember certain information. We use cookies to help us understand your preferences based on previous or current site activity and compile aggregate data about Website traffic and Website interaction so that we can offer better Website experiences and tools in the future. You can choose to have your computer warn you each time a cookie is being sent, or you can choose to turn off all cookies. You do this through your browser (e.g. Microsoft Internet Explorer, Mozilla Firefox, Google Chrome, or Apple Safari) settings. Each browser is a little different, so look at your browser Help menu to learn the correct way to modify your cookie preferences. If you turn cookies off, you won't have access to many features that make your Website experience more efficient and some of our Services will not function properly. We use cookies only to record session information and to tailor marketing information and other services to you. We do not use cookies to obtain personally identifiable information.

- **Pixel Tags.** In addition, we use “**Pixel Tags**” (also referred to as clear Gifs, Web beacons, or Web bugs). Pixel Tags are tiny graphic images with a unique identifier, similar in function to Cookies, that are used to track online movements of Web users. In contrast to Cookies, which are stored on a user's computer hard drive, Pixel Tags are embedded invisibly in Web pages. Pixel Tags also allow us to send e-mail messages in a format users can read, and they tell us whether e-mails have been opened to ensure that we are sending only messages that are of interest to our users. We may use this information to reduce or eliminate messages sent to a user.
- **Third Party Analytics.** We use third party services providers, such as Google Analytics, to help analyze how users use the Website (“**Analytics Providers**”). Analytics Providers use Cookies to collect information such as how often users visit the Website, what pages they visit, and what other sites they used prior to coming to the Website. We use the information we get from Analytics Providers only to improve our Website and Services. Analytics Providers collect only the IP address assigned to you on the date you visit the Website, rather than your name or other personally identifying information. We do not combine the information generated through the use of Analytics Providers with your personal data.

#### No Special Categories of Personal Data

We do not collect any “**Special Categories of Personal Data**” about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

#### **How Do We Use Your Personal Information?**

##### General Use.

We will only use your personal data for the purposes for which we collected it as listed below, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose.

If we need to use your personal data for an unrelated purpose, we will update this Privacy Policy and we will explain the legal basis which allows us to do so.

#### What is our “legal basis” for processing your Personal Data?

In respect of each of the purposes for which we use your personal data, the GDPR requires us to ensure that we have a “legal basis” for that use. Most commonly, we will rely on one of the following legal bases:

- Where we need to perform a contract we are about to enter into or have entered into with you (“**Contractual Necessity**”).
- Where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests (“**Legitimate Interests**”). More detail about the specific legitimate interests pursued in respect of each purpose we use your personal data for is set out in bullet form below.
- Where we need to comply with a legal or regulatory obligation (“**Compliance with Law**”).

We use your personal information in the following ways:

- Facilitate the creation of and secure your Account on our network;
- Identify you as a user in our system or within the system of a third party service provider or an authorized business party who assists us with the delivery of the Services;
- When you create an Account, we may verify your identity through a variety of means. For instance, you may receive e-mail from us to verify ownership of the email address provided when your Account was created;
- We may use your e-mail address information to provide you with administrative email notifications, concerning your Account status or other transactions or activity associated with our delivery of the Services;
- Provide the Services you request;
- Provide improved administration of our Website and Services;
- Respond to your inquires and other requests;
- For fraud protection and/or to verify your identity; and
- Send newsletters, surveys, offers and other promotional materials related to our Services and for other marketing purposes of Xometry.

User Testimonials. We often receive testimonials and comments from users who have had positive experiences with our Services. We occasionally publish such content. When we publish this content, we may identify our users by their first and last name, company name and may also indicate their home city. We obtain the user’s consent prior to posting his or her name along with the testimonial.

Creation of Anonymous Data. We may create anonymous information records from your Specifications and any personal information we collect by excluding information (such as your name) that makes the information personally identifiable to you. We use this anonymous information to analyze request and usage patterns so that we may enhance the content of our Website and improve our Services, including our pricing algorithms. We reserve the right to use anonymous

information for any purpose and disclose anonymous information to third parties at our sole discretion.

### **What happens when you do not provide necessary personal data?**

Where we need to process your personal data either to comply with law, or to perform the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you. For example, we may not be able to provide you with the functionalities of the Website (e.g., setting up your account or providing a quote) or we may not be able to respond to or fulfil a request you make of us (e.g., for a demonstration of the products).

In this case, we may have to suspend your Account but we will notify you if this is the case at the time.

### **Do We Share Your Information With Any Third Parties?**

We disclose your personal information as described below and as described elsewhere in this Privacy Policy.

- Sharing with Third Party Service Providers. We may share your personal information with third party service providers to: provide you with the Services that we offer you through our Website; to conduct quality assurance testing; to facilitate the creation of accounts; to provide technical support; and/or to provide other services to Xometry.
- Sharing Customer Personal Information with Manufacturing Partners. In order to manufacture the parts you order via the Services, Xometry may subcontract a Customer's manufacturing project to one of our Manufacturing Partners. As part of this process, we may share your information with our Manufacturing Partners to enable them to manufacture the parts, assemblies and other items disclosed therein.
- Sharing Manufacturing Partner Personal Information with Third Party Business Partners. Xometry may also share Manufacturing Partners' personal information with a limited number of third party business partners who enable us to deliver the Services for those Manufacturing Partners who enroll in our payment or card programs. These third party business partners assist us in delivery of the card and payment programs to you. Examples of these third party business partners include payment processors, credit card network services, and banks or financial institutions. The use of your personal information shared with third party business partners will be governed by their privacy policies.
- Corporate Restructuring. We may share some or all of your personal information 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 information may also be transferred as a business asset. If another company acquires our company, business or assets, that company will possess the personal information collected by us and will assume the rights and obligations regarding the personal information as described in this Privacy Policy.

- Other Disclosures. Regardless of any of the choices you make regarding your personal information (as described below), Xometry may disclose personal information if it believes in good faith that such disclosure is necessary (a) in connection with any legal investigation; (b) to comply with relevant laws or to respond to subpoenas or warrants served on Xometry; (c) to protect or defend the rights of Xometry or users of the Website or Services; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy or our Terms of Use.

### **How we keep your Personal Data secure.**

- We have put in place commercially reasonable security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed.
- We have put in place procedures to deal with any actual or suspected personal data breach. In the event of any such breach, we have systems in place to work with applicable regulators. In addition, in certain circumstances (e.g., where we are legally required to do so) we may notify you of breaches affecting your personal data.
- We will only retain your personal data for so long as we reasonably need to use it for the purposes set out above, unless a longer retention period is required by law (for example for regulatory purposes).
- We limit access to your personal data to those employees and other staff who have a business need to have such access. All such people are subject to a contractual duty of confidentiality.

### **How long we store your Personal Data.**

- We will only retain your personal data for so long as we reasonably need to use it for the purposes set out above, unless a longer retention period is required by law (for example for regulatory purposes).

### **Your Rights Relating to Your Personal Data**

Under certain circumstances, by law you have the right to:

- **Request access to your personal data.** This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction of the personal data that we hold about you.** This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure of your personal data.** This enables you to ask us to delete or remove personal data where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).
- **Object to processing your personal data.** This right exists where we are relying on a Legitimate Interest as the legal basis for our processing and there is something about your particular situation, which makes you want to object to processing on this ground. You also

have the right to object where we are processing your Personal Data for direct marketing purposes.

- **Request the restriction of processing of your personal data.** This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish the accuracy or the reason for processing it.
- **Request the transfer of your personal data.** 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.
- **Withdraw consent.** This right only exists where we are relying on consent to process your personal data ("**Consent Withdrawal**").

### **How to exercise your rights.**

If you want to exercise any of the rights described above (except Consent Withdrawal, on which see below), please contact us by e-mail at [support@xometry.com](mailto:support@xometry.com) or you can reach us by telephone at 240-252-1138.

We rely on our Legitimate Interests as the legal basis for the processing of your personal data that is involved in sending you marketing communications. If you wish to exercise your right to object to the processing of your personal data for this purpose, you may do so by following the opt-out processes outlined in the marketing email you received or by contacting us directly (please see contact information below). Following your exercise of your right to object, we will promptly cease processing your personal data for the purpose of sending you marketing communications. Despite your indicated e-mail preferences, we may send you service related communications, including notices of any updates to our Terms of Use or Privacy Policy.

Typically, you will not have to pay a fee to access your personal data (or to exercise any of the other rights outlined above). However, except in relation to Consent Withdrawal, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive, or, 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 right 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.

### **Complaints**

If you would like to make a complaint regarding this Privacy Policy or our practices in relation to your Personal Data, please contact us at: [info@xometry.com](mailto:info@xometry.com). We will reply to your complaint as soon as we can.

If you feel that your complaint has not been adequately resolved, please note that the GDPR gives you the right to contact your local data protection supervisory authority.

### **Privacy and Third-Party Links**

This Privacy Policy applies solely to information collected by our Website and Services. In an attempt to provide you with increased value, we may include third-party links on our Website. These linked sites have separate and independent privacy policies, and we do not have control over and do not review these linked sites. We therefore have no responsibility or liability for the content and activities of these linked sites. Nonetheless, we seek to protect the integrity of our Website and welcome any feedback about these linked sites (including if a specific link does not work).

### **Online Policy Only**

This Privacy Policy applies only to information collected through our Website and Services and not to information collected by us offline.

### **Do Not Track Signals**

Some web browsers may transmit “do not track” signals to the websites and other online services with which your web browser communicates. There is no standard that governs what, if anything, websites should do when they receive these signals. We currently do not take action in response to these signals. If and when a standard is established, we may revise our policy on responding to these signals.

### **Additional Information**

As required by the California Consumer Privacy Act (“CCPA”), below are the categories of personal information about California consumers that Xometry collects and discloses, where we determine the means and purposes of data processing. We do not sell personal information.

We collect and disclose for a business purpose the following categories of personal information:

- **Contact Information and Identifiers**, including real name, alias, postal address, unique personal identifier, online identifier, IP address, email address, phone number, account name, gender, age, or other similar identifiers.
- **Usage Data**, including internet or other electronic network activity information, such as browsing history, search history, and information regarding a consumer’s interaction with an internet website, application, or advertisement.

California Consumer Rights:



California law gives California consumers the right to make the following requests:

- The right to opt-out of sale of your personal information. Xometry does not sell personal information.
- The right to request a copy of the personal information that we have collected about you in the previous 12 months.
- The right to request deletion of the personal information that we have collected from you, subject to certain exemptions (for example, where the information is used by us to detect security incidents, debugging or to comply with a legal obligation).
- The right to request more details about the personal information we collect and how and why we use and share it, including the categories of personal information we have collected about you, the categories of sources for personal information we collect, the business or commercial purposes for collecting personal information, and the categories of third parties with which we share personal information

You can submit a copy, deletion, or right-to-know request online by filling out Xometry's Consent Withdrawal Form or by contacting us at 240-252-1138.