

Magic Eden Privacy Policy

Last Updated: 01/29/2024

Euclid Labs, Inc. (“**Magic Eden**,” “**us**,” “**we**,” or “**our**”) provides the Magic Eden platform (located at magiceden.io) to allow users to buy and sell digital items using non-fungible tokens (“**NFTs**”), and access other online and offline offerings, including mobile applications, the blockchain currency management software that is downloadable from our website (the “Magic Eden Wallet”), and the Magic Eden Rewards Program (“**Rewards Program**”), collectively the “**Services**”. This Privacy Policy is designed to help you understand how we collect, use, process, and share your personal information, and to help you understand and exercise your privacy rights. For the purposes of this Privacy Policy, “**Personal Data**” means information that relates to an identified or identifiable natural person.

1. SCOPE
2. PERSONAL INFORMATION WE COLLECT
3. HOW WE USE YOUR INFORMATION
4. HOW WE DISCLOSE YOUR INFORMATION
5. YOUR PRIVACY CHOICES AND RIGHTS
6. SECURITY OF YOUR INFORMATION
7. INTERNATIONAL DATA TRANSFERS
8. RETENTION OF PERSONAL INFORMATION
9. SUPPLEMENTAL NOTICE FOR CALIFORNIA RESIDENTS
10. RIGHTS OF USERS FROM THE EEA AND UK.
11. CHILDREN’S INFORMATION
12. OTHER PROVISIONS
13. CONTACT US

1. SCOPE

This Privacy Policy applies to personal information processed by us, including on our websites and other online or offline offerings. Magic Eden is the controller for the personal information we process, unless otherwise stated. For information on how to contact us, please refer to “[Contact Us](#)” below.

California Privacy Rights Notice: See the supplemental notice below for important information about your rights under the California Consumer Privacy Act of 2018.

NOTICE TO EUROPEAN USERS: Please see the below Rights Of Users from the EEA and UK section for additional information for individuals located in the European Economic Area or United Kingdom (which we refer to as “Europe”, and “European” accordingly).

2. PERSONAL INFORMATION WE COLLECT

The categories of personal information we collect depend on how you interact with us, our Services, and the requirements of applicable law. We collect information that you provide to us, information we obtain

automatically when you use our Services, and information from other sources such as third-party services and organizations, as described below.

A. Information You Provide to Us Directly

We may collect the following personal information that you provide to us.

- **Contact information.** Through your engagement with our Services, you may provide us with your first and last name, email address, phone number or other information.
- **Crypto Wallet information.** To use our Services to buy and sell NFTs, you will need to log in with an existing cryptocurrency wallet. Interactions with the Magic Eden Wallet are subject to this Privacy Policy. As the Magic Eden Wallet is a non-custodial crypto asset software wallet, we do not require you to provide your Personal Data to us to use the Magic Eden Wallet. We may collect aggregated and anonymized data from use of the Magic Eden wallet in order to make improvements to the software. Note that your interactions with third-party wallet services are subject to each wallet's respective privacy policy, not this Privacy Policy.
- **Transactional information.** When completing a transaction using the Services, you provide the blockchain transaction history and information relating to or needed to complete your purchases or sales on or through the Service.
- **Financial information.** When using the Magic Eden Wallet, you provide us with information such as your virtual currency or wallet account balances and other associated information, stored value accounts, royalties, fees, sales prices, sell-through data, and associated details.
- **Listing application.** To list your NFTs on Magic Eden, you may be required to provide us with information about your project, including the following information: your project name, whether you were contacted by Magic Eden in advance, the email address and Discord ID for the main project contact, the Twitter URL and Discord Server invite link associated with the project, the ownership status of the artwork used in the project, the creator/artist name, links to other creator projects (optional), project mint status, Candy Machine ID or other smart contract identifiers, number of items existing or expected in the collection, and associated image files.
- **Launchpad applications.** If you apply to join our Launchpad program to receive additional minting assistance, we collect information about your project, including: your project name and description (including expected mint date, number of items included in the mint, mint price (in the relevant cryptocurrency), the creator name, the status of your project artwork, and the Discord ID and email address of the main project contact. You also have the option to add your social media accounts, website, and other links, along with any other information or supplemental materials you decide to share. In addition, in connection with your offer of NFTs on our Services, we or our service providers may also collect information to facilitate the transaction, verify your identity, and comply with our regulatory obligations (sometimes referred to as "Know Your Customer" checks). Such information may include, without limitation: date of birth, your passport or national ID card, a bank card statement, or other information linking you to an address.

- **Rewards Program.** In order to administer our Rewards Program, we may collect information about your use of the Services, including the Magic Eden Wallet, your transactions on our platform, and your participation in gamified experiences or “quests”. The information that we collect may result in you receiving rewards, referred to as Diamonds, contemporaneously or retroactively. Your rewards related activity may also be reflected in your Magic Eden Wallet should you elect to download the software and connect it to our platform.
- **Your Communications with Us.** We may collect personal information, such as email address, phone number, or mailing address when you request information about our Services, register for our newsletter or blog, request customer or technical support, apply for a job, or otherwise communicate with us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, you may be asked to provide certain information, which may include personal information.
- **Interactive Features.** We and others who use our Services may collect personal information that you submit or make available through our interactive features (e.g., messaging and chat features, commenting functionalities, forums, blogs, and social media pages, including those on Twitter, Discord, Medium, Youtube, Twitch, TikTok and Spotify). Any information you provide using the public sharing features of the Services (referred to herein as “**User Content**”) will be considered “public,” unless otherwise required by applicable law, and is not subject to the privacy protections referenced herein. Please exercise caution before revealing any information that may identify you in the real world to other users.
- **Sweepstakes or Contests.** We may collect personal information you provide for any sweepstakes or contests that we offer. If you participate in a promotion, or giveaway through the Service, we may ask you for your Contact Data to notify you if you win or not, to verify your identity, to determine your eligibility, and/or to send you prizes. These promotions and giveaways are voluntary. We recommend that you read the rules and other relevant information for each sweepstakes and contest that you enter. In some jurisdictions, we are required to publicly share information of sweepstakes and contest winners.
- **Conferences, Trade Shows, and Other Events.** We may collect personal information from individuals when we attend or host conferences, trade shows, and other events.
- **Business Development and Strategic Partnerships.** We may collect personal information from individuals and third parties to assess and pursue potential business opportunities.
- **Job Applications.** We may post job openings and opportunities on our Services. If you reply to one of these postings by submitting your application, CV and/or cover letter to us, we will collect and use this information to assess your qualifications.

No sensitive personal information. Please do not provide us with any sensitive personal information (e.g., social security numbers, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Service, or otherwise to us. If you provide us with any sensitive personal

information to us when you use the Service, you must consent to our processing and use of such sensitive personal information in accordance with this Privacy Policy. If you do not consent to our processing and use of such sensitive personal information, you must not submit such sensitive personal information through our Service.

B. Information Collected Automatically

We may collect personal information automatically when you use our Services:

- **Automatic Data Collection.** We may collect certain information automatically when you use our Services, such as your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile carrier, mobile advertising and other unique identifiers, browser or device information, location information (including approximate location derived from IP address), and Internet service provider. We may also automatically collect information regarding your use of our Services, such as pages that you visit before, during and after using our Services, information about the links you click, the types of content you interact with, the frequency and duration of your activities, and other information about how you use our Services. We also track the floor price, volume, and average prices for all NFT collections hosted on our platform over time. When performing an exchange through a third-party API provider, we log information such as the wallet addresses and the transaction IDs involved.
- **Cookies, Pixel Tags/Web Beacons, and Other Technologies.** We, as well as third parties that provide content, advertising, or other functionality on our Services, may use cookies, pixel tags, and other technologies (“**Technologies**”) to automatically collect information through your use of our Services.
 - **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.
 - **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in our Services that collects information about engagement on our Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Our uses of these Technologies fall into the following general categories:

- **Operationally Necessary.** This includes Technologies that allow you access to our Services, applications, and tools that are required to identify irregular website behavior, prevent fraudulent activity, improve security, or allow you to make use of our functionality;
- **Performance-Related.** We may use Technologies to assess the performance of our Services, including as part of our analytic practices to help us understand how individuals use our Services (*see Analytics below*);
- **Functionality-Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using our Services. This may include identifying you when

you sign into our Services or keeping track of your specified preferences, interests, or past items viewed; and

- **Advertising- or Targeting-Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on our Services or on third-party websites.

See “[Your Privacy Choices and Rights](#)” below to understand your choices regarding these Technologies.

- **Analytics.** We may use Technologies and other third-party tools to process analytics information on our Services. Some of our analytics partners include Google Analytics and DataDog. This allows us to process usage data to better understand how our website and web-related Services are used. This enables us to continually improve our website, making it relevant to your interests and needs. This may involve personal data, such as cookie and other device identifiers. For more information, please visit [Google Analytics’ Privacy Policy](#) and [DataDog’s Privacy Policy](#). To learn more about how to opt-out of Google Analytics’ use of your information, please click [here](#).
- **Social Media Platforms.** Our Services may contain social media buttons, such as Twitter, Discord, Medium, and Spotify, which might include widgets such as the “share this” button or other interactive mini programs). These features may collect your IP address and which page you are visiting on our Services, and may set a cookie to enable the feature to function properly. Your interactions with these platforms are governed by the privacy policy of the company providing it.

C. Information Collected from Other Sources

We may obtain information about you from other sources, including through third-party services, marketplaces, business partners and organizations. For example, if you access our Services through a third-party application, such as an app store, a third-party login service, or a social networking site, we may collect information about you from that third-party application that you have made available via your privacy settings in order to provide our services. We may also collect information that you provide to one of our business partners in connection with a contest, sweepstakes or the Rewards Program.

Referrals and Sharing Features. Our Services may offer various tools and functionalities that allow you to provide information about your friends through our referral service; third parties may also use these services to upload information about you. Our referral services may also allow you to forward or share certain content with a friend or colleague, such as an email inviting your friend to use our Services. Please only share with us contact information of people with whom you have a relationship (e.g., relative, friend, neighbor, or co-worker).

3. HOW WE USE YOUR INFORMATION

We use your information for a variety of business purposes, including to provide our Services, for administrative purposes, and to market our products and Services, as described below. For users in the

European Economic Area (“EEA”) and United Kingdom (“UK”), the legal basis for collection of this information is to provide you our Services and make it possible for you to use our Services.

A. Provide Our Services

We use your information to fulfill our contract with you and provide you with our Services, such as:

- Managing your information and accounts, including to connect a cryptocurrency wallet and authenticate your user credentials;
- Providing access to certain areas, functionalities, and features of our Services;
- Answering requests for customer or technical support;
- Communicating with you about your account, activities on our Services, and policy changes;
- Processing your financial information and other payment methods for products or Services purchased or downloaded;
- Offering our Rewards Program
- Processing applications if you apply for a job we post on our Services; and
- Allowing you to register for events.

B. Administrative Purposes

We use your information for our legitimate interests, or to comply with our legal obligations, such as:

- Direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Measuring interest and engagement in our Services;
- Short-term, transient use, such as contextual customization of ads;
- Improving, upgrading, or enhancing our Services;
- Developing new products and Services;
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this policy;
- Debugging to identify and repair errors with our Services;
- Auditing relating to interactions, transactions, and other compliance activities;
- Sharing information with third parties as needed to provide the Services;
- Enforcing our agreements and policies; and
- Other uses as required to comply with our legal obligations and requests, such as to respond to subpoenas or requests from government authorities; protect our, your or others’ rights or privacy; and prevent, identify, investigate and deter fraudulent, harmful, unauthorized, unethical or illegal activity, including cyberattacks and identity theft.

C. Marketing and Advertising our Products and Services

We may use personal information to tailor and provide you with content and advertisements. We may provide you with these materials as permitted by applicable law.

Some of the ways we market to you include email campaigns, custom audiences advertising, and “interest-based” or “personalized advertising,” including through cross-device tracking.

If you have any questions about our marketing practices, or if you would like to opt out of the use of your personal information for marketing purposes, you may contact us at any time as set forth in “[Contact Us](#)” below.

D. Other Purposes

We also use your information for other purposes as requested by you or as permitted by applicable law.

- **Consent.** We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.
- **De-identified and Aggregated Information.** We may use personal information and other information about you to create de-identified and/or aggregated information, such as de-identified demographic information, information about the device from which you access our Services, or other analyses we create. If we create or receive personal data that has been de-identified or aggregated, we will not attempt to reidentify it, except to comply with applicable law.
- **NFT-related Information.** Notwithstanding anything to the contrary in this Privacy Policy, your personal information, user information, and related electronic wallet address may be shared with and/or sold to third parties, made publicly visible and/or appear as part of any applicable blockchain network when you engage in NFT sales, activities and/or transactions through the services. The foregoing disclosure may be made for purposes related to facilitating those activities and/or transactions, including without limitation making payments to Magic Eden. To the fullest extent allowed by law: (a) you assume all risk related to your NFT activities and/or transactions; and (b) Magic Eden will not be liable to you for any losses or liabilities related to the foregoing use and disclosures.

4. HOW WE DISCLOSE YOUR INFORMATION

We disclose your information to third parties for a variety of business purposes, including to provide our Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

A. Disclosures to Provide our Services

The categories of third parties with whom we may share your information are described below.

- **Service Providers.** We may share your personal information with our third-party service providers who use that information to help us provide our Services. This includes service providers that provide us with IT support, user authentication and management support, hosting, payment processing, customer service, and related services.
- **Business Partners and Collections.** We may share your personal information with business partners to provide you with a product or service you have requested, or with NFT creators or collections listed on our platform that may directly offer you rewards or benefits in connection with your purchases. We may also share your personal information to business partners with whom we jointly offer products or services.
- **Other Users/Website Visitors.** As described above in “[Personal Information We Collect](#),” our Services allow you to share your profile, and/or User Content with other users/publicly, including to those who do not use our Services.
- **APIs/SDKs.** We may use third-party Application Program Interfaces (“**APIs**”) and Software Development Kits (“**SDKs**”) as part of the functionality of our Services. For more information about our use of APIs and SDKs, please contact us as set forth in “[Contact Us](#)” below.

B. Disclosures to Protect Us or Others

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; protect your, our, or others’ rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

5. YOUR PRIVACY CHOICES AND RIGHTS

Your Privacy Choices. The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails regarding products or Services you have requested. We may also send you certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding our Services or updates to our Terms or this Privacy Policy).

- **“Do Not Track.”** Do Not Track (“DNT”) is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies and Interest-Based Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, our Services may not work properly.

Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt-out of personalized advertisements on some mobile applications by following the instructions for [Android](#), [iOS](#), and [others](#).

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

Your Privacy Rights. In accordance with applicable law, you may have the right to:

- **Access Personal Information** about you, including: (i) confirming whether we are processing your personal information; (ii) obtaining access to or a copy of your personal information;
- **Request Correction** of your personal information where it is inaccurate, incomplete or outdated. In some cases, we may provide self-service tools that enable you to update your personal information;
- **Request Deletion, Anonymization or Blocking** of your personal information when processing is based on your consent or when processing is unnecessary, excessive or noncompliant;
- **Request Restriction of or Object to** our processing of your personal information when processing is noncompliant;
- **Withdraw your Consent** to our processing of your personal information. If you refrain from providing personal information or withdraw your consent to processing, some features of our Service may not be available;
- **Request data portability and receive an electronic copy of personal information that you have provided to us;**
- **Be informed** about third parties with which your personal information has been shared; and
- **Request the review of decisions taken exclusively based on automated processing** if these decisions could affect your data subject rights.

6. SECURITY OF YOUR INFORMATION

We take steps to ensure that your information is treated securely and in accordance with this Privacy Policy. Unfortunately, no system is 100% secure, and we cannot ensure or warrant the security of any information you provide to us. We have taken appropriate safeguards to require that your personal information will remain protected, and take steps to require our third-party service providers and partners to have appropriate safeguards as well. To the fullest extent permitted by applicable law, we do not accept liability for unauthorized disclosure.

By using our Services or providing personal information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of our Services. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on our Services, by mail, or by sending an email to you.

7. INTERNATIONAL DATA TRANSFERS

All information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live. We endeavor to safeguard your information consistent with the requirements of applicable laws.

8. RETENTION OF PERSONAL INFORMATION

We store the personal information we collect as described in this Privacy Policy for as long as you use our Services, or as necessary to fulfill the purpose(s) for which it was collected, provide our Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

9. SUPPLEMENTAL NOTICE FOR CALIFORNIA RESIDENTS

This Supplemental Notice for California Residents only applies to our processing of personal information that is subject to the California Consumer Privacy Act of 2018 ("CCPA"). The CCPA provides California residents with the right to know what categories of personal information Magic Eden has collected about them, and whether Magic Eden disclosed that personal information for a business purpose (e.g., to a service provider) in the preceding 12 months. California residents can find this information below:

Category of Personal Information Collected by Magic Eden	Category of Third Parties Information is Disclosed to for a Business Purpose
Identifiers. A real name, alias, postal address, unique personal identifier, online identifier, wallet address, Internet Protocol address, email address, account name, or other similar identifiers.	<ul style="list-style-type: none">• Data analytics providers• Service providers (e.g., postal address for KYC purposes)• Other Users/Public (Alias only)

Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)) A name, address, passport number, driver's license or state identification card number, or other financial information.	<ul style="list-style-type: none"> • Data analytics providers • Service providers (e.g., postal address ID numbers for KYC purposes)
Protected classification characteristics under California or federal law Age (40 years or older), national origin, citizenship, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions).	<ul style="list-style-type: none"> • Data analytics providers • Service providers (for KYC purposes)
Commercial information Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	<ul style="list-style-type: none"> • Data analytics providers • Service providers • Other Users/Public (records of NFT ownership tied to a wallet address)
Internet or other electronic network activity Browsing history, search history, information on a consumer's interaction with an internet website, application, or advertisement.	<ul style="list-style-type: none"> • Data analytics providers • Service providers
Inferences drawn from other personal information to create a profile about a consumer Profile reflecting a consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	<ul style="list-style-type: none"> • Data analytics providers • Service providers

The categories of sources from which we collect personal information and our business and commercial purposes for using personal information are set forth in “[Personal Information We Collect](#)” and “[How We Use Your Personal Information](#)” above, respectively.

“Sales” of Personal Information under the CCPA

For purposes of the CCPA, Magic Eden does not “sell” personal information, nor do we have actual knowledge of any “sale” of personal information of minors under 16 years of age, as the term “sell” is commonly understood. That said, we do share information with third-party advertisers for the purpose of promoting our Services. To the extent that such sharing is considered a “sale” under the CCPA, you may opt-out of having your information shared by disabling third-party cookies on your device, or by contacting us as set forth in “[Contact Us](#)” below.

Additional Privacy Rights for California Residents

Information. You can request the following information about how we have collected and used your Personal Information during the past 12 months:

- The categories of Personal Information that we have collected.
- The categories of sources from which we collected Personal Information.
- The business or commercial purpose for collecting and/or selling Personal Information.
- The categories of third parties with which we share Personal Information.

- The categories of Personal Information that we sold or disclosed for a business purpose.
- The categories of third parties to whom the Personal Information was sold or disclosed for a business purpose.

Access. You can request a copy of the Personal Information that we have collected about you.

Appeal. You can appeal our denial of any request validly submitted.

Correction. You can ask us to correct inaccurate Personal Information that we have collected about you.

Deletion. You can ask us to delete the Personal Information that we have collected from you.

Opt-out.

- Opt-out of certain processing for targeted advertising purposes. You can opt-out of certain processing of personal information for targeted advertising purposes.
- Opt-out of profiling/automated decision making. You can opt-out of automated processing or profiling performed on personal information to evaluate, analyze, or predict personal aspects related to a person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.
- Opt-out of other sales of personal data. You can opt-out of other sales of your Personal Information.

Limit processing of Sensitive Personal Information. You have the right to limit certain uses or disclosures of sensitive personal information; however, we do not collect, use or disclose sensitive personal information for purposes that California residents have a right to limit under the CCPA.

Non-Discrimination. California residents have the right not to receive discriminatory treatment by us for the exercise of their rights conferred by the CCPA.

Authorized Agent. Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. To designate an authorized agent, please contact us as set forth in “[Contact Us](#)” below and provide written authorization signed by you and your designated agent.

Verification. To protect your privacy, we will take the following steps to verify your identity before fulfilling your request. When you make a request, we will ask you to provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include asking you to answer questions regarding your account and use of our Services.

If you are a California resident and would like to exercise any of your rights under the CCPA, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

10. RIGHTS OF USERS FROM THE EEA AND UK.

“**GDPR**” means the European Union General Data Protection Regulation (EU) 2016/679, and the United Kingdom (“**UK**”) Data Protection Act 2018. Information that you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. If you are located outside the United States, you understand that we may transfer personal information to and process it in the United States. If you are located in the EEA or UK, you freely consent to the transfer of personal information outside of the EEA and UK. Your consent to this Privacy Policy together with your submission of personal information constitute your agreement to these transfers.

Data Controller. For the purposes of this Privacy Policy, Magic Eden is the Data Controller of your personal information.

Legal Basis. Our legal bases for processing your personal information as described in this Privacy Policy are listed below:

- **Contractual Necessity:** When needed to perform a contract, we are about to enter into or have entered into with you.
- **Legitimate Interests:** Where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests. This may specifically involve research and development, direct marketing, personalizing your user experience, or creating aggregated, de-identified and/or anonymized data.
- **Compliance with Law:** Where we need to comply with a legal or regulatory obligation
- **Consent:** Where we have your specific consent to carry out the processing for the purpose in question.

Rights of EEA and UK Residents. If you are accessing or using the Services from within the EEA or UK, you may have the following rights under the GDPR (as well as other rights). If you wish to exercise any of these rights, you may do so by contacting us as provided in this Privacy Policy.

- *Right of Access:* You have the right to obtain confirmation from us as to whether or not we process personal information from you and you also have the right to at any time obtain access to your personal information stored by us.
- *Right to Correction of your Personal Information:* If we process your personal information, we use reasonable measures to ensure that your personal information is accurate and up-to-date for the purposes for which your personal information was collected. If your personal information is inaccurate or incomplete, you have the right to require us to correct it.
- *Right to Deletion of your Personal Information or Right to Restriction of Processing:* You may have the right to require us to delete your personal information or to restrict processing of your personal information.
- *Right to Withdraw your Consent:* If you have given your consent to the processing of your personal information, you have the right to withdraw your consent at any time, without affecting the lawfulness of processing based on the consent before the withdrawal.
- *Right to Data Portability:* You may have the right to receive the personal information concerning you and which you have provided to us, in a structured, commonly used and machine-readable format or to transmit this data to another controller.
- *Right to Object:* You may have the right to object to the processing of your personal information as further specified in this Privacy Policy.

- *Right to Lodge a Complaint with Supervisory Authority:* You have the right to lodge a complaint with a data protection supervisory authority located in the European Union or UK. Further information about how to contact your local data protection authority is available at the [website of the European Commission](#).

Data Processing outside Europe

We are a U.S.-based company and many of our service providers, advisers, partners or other recipients of data are also based in the U.S. This means that, if you use our Services, your personal information will necessarily be accessed and processed in the U.S. It may also be provided to recipients in other countries outside Europe.

It is important to note that that the US is not the subject of an ‘adequacy decision’ under the GDPR – basically, this means that the U.S. legal regime is not considered by relevant European bodies to provide an adequate level of protection for personal information, which is equivalent to that provided by relevant European laws.

Where we share your personal information with third parties who are based outside Europe, we try to ensure a similar degree of protection is afforded to it by making sure one of the following mechanisms is implemented:

- Transfers to territories with an adequacy decision. We may transfer your personal information to countries or territories whose laws have been deemed to provide an adequate level of protection for personal information by the European Commission or UK Government (as and where applicable) (from time to time).
- Transfers to territories without an adequacy decision.
 - We may transfer your personal information to countries or territories whose laws have not been deemed to provide such an adequate level of protection (e.g., the U.S., see above).
 - However, in these cases:
 - we may use specific appropriate safeguards, which are designed to give personal information effectively the same protection it has in Europe – for example, standard-form contracts approved by relevant authorize for this purpose; or
 - in limited circumstances, we may rely on an exception, or ‘derogation’, which permits us to transfer your personal information to such country despite the absence of an ‘adequacy decision’ or ‘appropriate safeguards’ – for example, reliance on your explicit consent to that transfer.

If you would like to exercise any of these rights, please contact us as set forth in “[Contact Us](#)” below. We will process such requests in accordance with applicable laws.

11. CHILDREN’S INFORMATION

The Services are not directed to children under 18 (or other age as required by local law), and we do not knowingly collect personal information from children. If you are a parent or guardian and believe your child has uploaded personal information to our site without your consent, you may contact us as described

in “[Contact Us](#)” below. If we become aware that a child has provided us with personal information in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it, and terminate the child’s account if applicable.

12. OTHER PROVISIONS

Third-Party Websites/Applications. The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen, or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

Supervisory Authority. If you are located in the European Economic Area, Switzerland, the UK, or Brazil, you have the right to lodge a complaint with a supervisory authority if you believe our processing of your personal information violates applicable law.

Changes to our Privacy Policy. We may revise this Privacy Policy from time to time at our sole discretion. If there are any material changes to this Privacy Policy, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Policy if you continue to use our Services after the new Privacy Policy takes effect.

Refer-a-Friend and Similar Incentive Programs. As described above in “[How We Use Your Personal Information](#)”, we may offer referral programs or other incentivized data collection programs. For example, we may offer incentives to you such as discounts or promotional items or credit in connection with these programs, wherein you provide your personal information in exchange for a reward, or provide personal information regarding your friends or colleagues (such as their email address) and receive rewards when they sign up to use our Services. (The referred party may also receive rewards for signing up via your referral.) These programs are entirely voluntary and allow us to grow our business and provide additional benefits to you. The value of your data to us depends on how you ultimately use our Services, whereas the value of the referred party’s data to us depends on whether the referred party ultimately becomes a user and uses our Services. Said value will be reflected in the incentive offered in connection with each program.

Accessibility. This Privacy Policy uses industry-standard technologies and was developed in line with the World Wide Web Consortium’s Web Content Accessibility Guidelines, version 2.1. If you wish to print this policy, please do so from your web browser or by saving the page as a PDF.

13. CONTACT US

If you have any questions about our privacy practices or this Privacy Policy, or to exercise your rights as detailed in this Privacy Policy, please contact us at privacy@magiceden.io