



Privacy Policy

Effective date: September 5, 2023

At Ginger Labs, we know you care about how your personal information is used and shared, and we take your privacy seriously. We never rent or sell your personal data to anyone. We only collect and process your personal data as necessary to develop, provide, and improve our Services, as required by law, or for the limited purposes explicitly stated in this Privacy Policy. Please read this Privacy Policy to learn how we treat your personal data.

This Privacy Policy only applies to our processing of personal data in connection with the Notability Services. Notability is one of our products and services. Your use of our other products and services and their associated websites, applications, and other materials are subject to other terms applicable to them.

As described in our Terms of Use, if you are using the MDM Mode of the Services, you're also subject to the Additional Terms and Privacy Notice to [MDM Users](#) (the "Additional MDM Terms. Specifically, the Additional MDM Terms explain how we collect, use, share, and otherwise process the personal information of users under the age of 16 on the separate experience of the MDM Mode. In the event of a direct conflict between this Privacy Policy and the Additional MDM Terms, the Additional MDM Terms shall prevail with respect to your use of the Services under the MDM Mode

By using or accessing our Services in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.

Remember that your use of Notability's Services is at all times subject to our [Terms of Use](#), which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms of Use.

If you have a disability, you may access this Privacy Policy in an alternative format by contacting support@gingerlabs.com.

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What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that we gather when you access or use our Services. "Personal Data" means any information that identifies or relates to a particular individual and also includes information referred to as

“personally identifiable information” or “personal information” under applicable data privacy laws, rules or regulations. This Privacy Policy does not cover the practices of companies we don’t own or control or people we don’t manage.

Personal Data

Categories of Personal Data We Collect

We may collect these categories of Personal Data from you:

- When you use the Notability mobile application or website.
 - **Online Identifiers**, such as unique personal identifier assigned to a user
 - **Device/IP Data**, such as type of device/operating system/browser used to access the Services
 - **Audio Transcription Data**, (see section on “Audio Transcription” below)
- When you sign up for a Notability account and/or use the features of the Services made available after you sign in to your Notability account, such as sharing notes.
 - **Profile or Contact Data**, such as first and last name, and email address
 - **Online Identifiers**, such as a salted and hashed password
 - **Other Identifying Information that You Voluntarily Choose to Provide**, such as User Submission (e.g. notes) shared by you
- When you sign up for and receive our newsletter.
 - **Profile or Contact Data**, such as email address
- When you contact us for support or other requests.
 - **Profile or Contact Data**, such as email address
 - **Device/IP Data**, such as IP address, and type of device/operating system/browser used to access the Services
 - **Geolocation Data**, such as IP-address-based location information
 - **Other Identifying Information that You Voluntarily Choose to Provide**, such as identifying information in emails or letters you send us

Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

- You
 - When you provide such information directly to us
 - When you create an account or use our interactive tools and Services.

- When you voluntarily provide information in free-form text boxes through the Services or through responses to surveys or questionnaires.
- When you send us an email or otherwise contact us.
- When you make your User Submission (such as shared notes) viewable to us, other users of the Services, or the general public.
- When you use the Services and such information is collected automatically.
 - Through Cookies (defined in the "Tracking Tools and Opt-Out" section below).
 - If you download our mobile application or use a browser, we may receive information about your location and mobile device, as applicable.
- When you use the "Audio Transcription" function available in the Services.
 - Some of the Services, such as the Notability app, provide an audio transcription functionality that allows you to upload the voice recordings created on your devices to our servers for converting such voice recordings into text transcripts.
 - In order to provide the audio transcription feature, the audio recordings will be temporarily processed and stored on our servers solely for the purpose of performing the transcription. We do not access, listen to, or review the audio recordings beyond the automated transcription process, and we do not use nor share the audio recordings with any third parties for any other purposes (such as for training AI/ML models), except where as required to fulfill our legal obligations under applicable law, regulation, court order or other legal process. We delete the audio recordings once the transcription process is complete.
 - We store and process the resulting text transcripts only to provide the Services to you, including for your future use and reference, to make such transcripts accessible to you upon your request, or in response to a related customer support request submitted by or for you. Other than as described in the foregoing, we do not access, view, use, or share the transcribed texts with any third parties, for any other purposes (such as for training AI/ML models), except where as required to fulfill our legal obligations under applicable law, regulation, court order or other legal process.
 - The audio transcription feature is entirely optional. We do not require you to submit any voice recordings, but you can voluntarily opt to use such functionality to create a text transcript of your recording. If you wish to delete any of your text transcripts stored on our server, please refer to the Section "Exercising Your

Rights” below and follow the steps there to submit a deletion request.

- Third Parties
 - Vendors
 - We may use analytics providers to analyze how you interact and engage with the Services, or third parties may help us provide you with customer support.

Our Commercial or Business Purposes for Collecting Personal Data

- Providing, Customizing and Improving the Services
 - Creating and managing your account or other user profiles.
 - Providing you with the products, services or information you request.
 - Meeting or fulfilling the reason you provided the information to us.
 - Providing support and assistance for the Services.
 - Improving the Services, including testing, research, internal analytics and product development.
 - Personalizing the Services, website content and communications based on your preferences.
 - Doing fraud protection, security and debugging.
 - Carrying out other business purposes stated when collecting your Personal Data or as otherwise set forth in applicable data privacy laws, such as the California Consumer Privacy Act (the “CCPA”).
- Corresponding with You
 - Responding to correspondence that we receive from you, contacting you when necessary or requested, and sending you information about Notability or the Services.
 - Sending emails and other communications according to your preferences or that display content that we think will interest you.
- Meeting Legal Requirements and Enforcing Legal Terms
 - Fulfilling our legal obligations under applicable law, regulation, court order or other legal process, such as preventing, detecting and investigating security incidents and potentially illegal or prohibited activities.
 - Protecting the rights, property or safety of you, Notability or another party.
 - Enforcing any agreements with you.
 - Responding to claims that any posting or other content violates third-party rights.
 - Resolving disputes.

We will not collect additional categories of Personal Data or use the Personal Data

we collected for materially different, unrelated or incompatible purposes without providing you notice.

How We Share Your Personal Data

We only disclose your Personal Data to the categories of service providers and other parties listed in this section.

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf. They include:
 - Hosting, technology and communication providers.
 - Support and customer service vendors.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Services. They include:
 - Companies that track how users interact with the Services.
- **Parties You Authorize, Access or Authenticate**
 - Third parties you access through the services. You can choose to send the notes you created in our applications to several third party backup services (such as Dropbox, Google Drive, Box, OneDrive, etc.) available through our Services. You can also choose to sync up the notes you created in our applications across your devices through Apple's iCloud services.
 - Other individuals to whom you, directly or indirectly, shared a link to your shared notes through the Services.

Legal Obligations

We may share any Personal Data that we collect with third parties in conjunction with any of the activities set forth under "Meeting Legal Requirements and Enforcing Legal Terms" in the "Our Commercial or Business Purposes for Collecting Personal Data" section above.

Business Transfers

All of your Personal Data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

Data that is Not Personal Data

We may create aggregated, de-identified or anonymized data from the Personal Data we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified or anonymized data and share it with third parties for our lawful business purposes, including to analyze, build and improve the Services and promote our business, provided that we will not share such data in a manner that could identify you.

Tracking Tools and Opt-Out

The Services use cookies and similar technologies such as pixel tags, web beacons, clear GIFs and JavaScript (collectively, "Cookies") to enable our servers to recognize your web browser, tell us how and when you visit and use our Services, analyze trends, learn about our user base and operate and improve our Services. Cookies are small pieces of data— usually text files — placed on your computer, tablet, phone or similar device when you use that device to access our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). Please note that because of our use of Cookies, the Services do not support "Do Not Track" requests sent from a browser at this time.

We use the following types of Cookies:

- Essential Cookies. Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of our Services. Disabling these Cookies may make certain features and services unavailable.
- Functional Cookies. Functional Cookies are used to record your choices and settings regarding our Services, maintain your preferences over time and recognize you when you return to our Services. These Cookies help us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).

You can decide whether or not to accept Cookies through your internet browser's settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website and some of the Services and functionalities may not work.

To explore what Cookie settings are available to you, look in the “preferences” or “options” section of your browser’s menu. To find out more information about Cookies, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/> or <https://ico.org.uk/for-the-public/online/cookies/> if you are located in the European Union.

Data Security and Retention

We seek to protect your Personal Data from unauthorized access, use and disclosure using appropriate physical, technical, organizational and administrative security measures based on the type of Personal Data and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism; limiting access to your computer or device and browser; and signing off after you have finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

We retain Personal Data about you for as long as you have an open account with us or as otherwise necessary to provide you with our Services. In some cases we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

Personal Data of Children

The Children’s Online Privacy Protection Act (“COPPA”) requires that online service providers obtain parental consent before they knowingly collect personally identifiable information online from children who are under 13 years of age. Our Services are not directed to children under 13. Also, we do not knowingly collect or solicit personally identifiable information from a child under 16. Specifically, we do not collect any personal information as defined by COPPA from the Notability mobile application when a user only uses such application without registering an account with the Notability Services, and we do not allow users who identify themselves as under the age of 16 to register for an account with the Notability Service. If you are a child under 16 years of age, please do not attempt to register for an account with the Services or otherwise send any Personal Data about yourself to us. If we learn we have collected personal information from a child under 16, we will delete that information as quickly as possible. If you believe that a child under 16 years of age has provided us with Personal Data, please contact

us at support@gingerlabs.com.

As described in our [Terms of Use](#), we offer different experiences to users under the Individual mode as compared to users under the MDM Mode, and please refer to the Additional MDM Terms that explain how we collect, use, share, and otherwise process the personal information of users under the age of 16 under the MDM Mode.

- **Individual Mode:**With respect to the Individual Mode, the Services are not directed to children under 16. Also, we do not knowingly collect or solicit personally identifiable information from children under sixteen (16). If you are a child under sixteen (16), please do not attempt to register for an account with the Services or otherwise send any personal information about yourself to us. If we learn we have collected personal information from a child under sixteen (16), we will delete that information as quickly as possible. If you believe that a child under sixteen (16) may have provided us with personal information, please contact us at support@gingerlabs.com.
- **MDM Mode:**With respect to the MDM Mode, access to certain features of the Services (such as, by way of example and without limitation, the ability to submit or share Public User Submissions, or use voice recording and transcription) may be subject to age restrictions and not available to all users of the Services under the MDM Mode. As further described in the Additional MDM Terms, we do not allow users who indicate they are under the age of 16 to register for an account with the "Notability" App, and we do not collect any personal information as defined by COPPA from the "Notability" App when a user only uses such application without registering an account with the "Notability" App.

California Resident Rights

If you are a California resident, you have the rights set forth in this section. Please see the "Exercising Your Rights" section below for instructions regarding how to exercise these rights.

If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following rights apply to you, please contact us at support@gingerlabs.com.

Access

You have the right to request certain information about our collection and use of your Personal Data over the past 12 months. In response, we will provide you with the following information:

- The categories of Personal Data that we have collected about you.
- The categories of sources from which that Personal Data was collected.
- The business or commercial purpose for collecting or selling your Personal Data.
- The categories of third parties with whom we have shared your Personal Data.
- The specific pieces of Personal Data that we have collected about you.

If we have disclosed your Personal Data to any third parties for a business purpose over the past 12 months, we will identify the categories of Personal Data shared with each category of third party recipient. If we have sold your Personal Data over the past 12 months, we will identify the categories of Personal Data sold to each category of third party recipient.

Deletion

You have the right to request that we delete the Personal Data that we have collected about you. Under the CCPA, this right is subject to certain exceptions: for example, we may need to retain your Personal Data to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

Exercising Your Rights

To exercise the rights described above, you or your Authorized Agent (defined below) must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected Personal Data, and (2) describes your request in sufficient detail to allow us to understand, evaluate and respond to it. Each request that meets both of these criteria will be considered a "Valid Request." We may not respond to requests that do not meet these criteria. We will only use Personal Data provided in a Valid Request to verify your identity and complete your request. You do not need an account to submit a Valid Request.

We will work to respond to your Valid Request within 45 days of receipt. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive or manifestly unfounded. If we determine that your Valid

Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request at support@gingerlabs.com

You may also authorize an agent (an "Authorized Agent") to exercise your rights on your behalf. To do this, you must provide your Authorized Agent with written permission to exercise your rights on your behalf, and we may request a copy of this written permission from your Authorized Agent when they make a request on your behalf.

Personal Data Sales Opt-Out and Opt-In

We will not sell your Personal Data, and have not done so over the last 12 months. To our knowledge, we do not sell the Personal Data of minors under 16 years of age.

We Will Not Discriminate Against You for Exercising Your Rights Under the CCPA

We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may offer different tiers of our Services as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates or levels of quality of the goods or services you receive related to the value of Personal Data that we receive from you.

Other State Law Privacy Rights

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at support@gingerlabs.com.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. We do not sell your Personal Data. If you have any questions, please contact us at support@gingerlabs.com with the subject line "Nevada Do Not Sell Request".

European Union Data Subject Rights

EU Residents

If you are a resident of the European Union ("EU"), United Kingdom, Lichtenstein, Norway or Iceland, you may have additional rights under the EU General Data Protection Regulation (the "GDPR") with respect to your Personal Data, as outlined below.

For this section, we use the terms "Personal Data" and "processing" as they are defined in the GDPR, but "Personal Data" generally means information that can be used to individually identify a person, and "processing" generally covers actions that can be performed in connection with data such as collection, use, storage and disclosure. Notability will be the controller of your Personal Data processed in connection with the Services.

If there are any conflicts between this this section and any other provision of this Privacy Policy, the policy or portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at support@gingerlabs.com.

Personal Data We Collect

The "Categories of Personal Data We Collect" section above details the Personal Data that we collect from you.

Personal Data Use and Processing Grounds

The "Our Commercial or Business Purposes for Collecting Personal Data" section above explains how we use your Personal Data.

We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our

“legitimate interests” or the legitimate interest of others, as further described below.

- **Contractual Necessity**: We process the following categories of Personal Data as a matter of “contractual necessity”, meaning that we need to process the data to perform under our Terms of Use with you, which enables us to provide you with the Services. When we process data due to contractual necessity, failure to provide such Personal Data will result in your inability to use some or all portions of the Services that require such data.
 - Profile or Contact Data (if you elect to use our services that enable the sharing of the notes you created through our applications)
- **Legitimate Interest**: We process the following categories of Personal Data when we believe it furthers the legitimate interest of us or third parties:
 - Profile or Contact Data
 - Online Identifiers
 - Device/IP Data
 - Web Analytics
 - Geolocation Data
 - Other Identifying Information that You Voluntarily Choose to Provide
 - We may also de-identify or anonymize Personal Data to further our legitimate interests.

Examples of these legitimate interests include (as described in more detail above):

- Providing, customizing, and improving the Services.
 - Performing internal analytics of the Services for product use analysis, product performance enhancement, and product development.
 - Providing technical support, customer support, troubleshooting, and other services.
 - Corresponding with you, and responding to your requests.
 - Meeting legal requirements and enforcing legal terms.
 - Completing corporate transactions.
 - Protecting information, system, network, and cyber security
- **Consent**: In some cases, we process Personal Data based on the consent you expressly grant to us at the time we collect such data. When we process Personal Data based on your consent, it will be expressly indicated to you at the point and time of collection.
 - **Other Processing Grounds**: From time to time we may also need to process Personal Data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

Sharing Personal Data

The “How We Share Your Personal Data” section above details how we share your Personal Data with third parties.

EU Data Subject Rights

You have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please email us at support@gingerlabs.com. Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need you to provide us with additional information, which may include Personal Data, if necessary to verify your identity and the nature of your request.

- **Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data.
- **Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data.
- **Erasure:** You can request that we erase some or all of your Personal Data from our systems.
- **Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of our Services.
- **Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.
- **Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes, such as for direct marketing purposes.
- **Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.
- **Right to File Complaint:** You have the right to lodge a complaint about Notability's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State. A list of Supervisory Authorities is available here: https://edpb.europa.eu/about-edpb/board/members_en.

Transfers of Personal Data

The Services are hosted and operated in the United States (“U.S.”) through Notability and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside, and the laws of the U.S. may not protect Personal Data to the same standard as the GDPR. We recognize that the GDPR requires us to put in place safeguards which will ensure that your GDPR rights continue to be respected in the U.S., and we acknowledge our obligations in that regard. As you are resident of the European Economic Area or the United Kingdom, we need to ask for your consent that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being transferred and provided to Notability in the U.S. and will be hosted on U.S. servers, in order for us to comply with our obligations under the GDPR. By indicating your consent when prompted to do so through the Services, you authorize Notability to transfer your personal data outside of Europe, and to store and process your information to and in the U.S., and possibly other countries. You can elect not to provide consent to such transfer when prompted to do so through the Services, and you have the right to withdraw your consent at any time, but you acknowledge that certain categories of data are necessary for us to be able to provide you with the Services as requested by you and set forth in these Terms of Service and Privacy Policy, and therefore we may rely on the derogations permitted under Article 49 of the GDPR to transfer such data outside of Europe. If you do not wish for your data to be processed and hosted in the U.S., please do not use the Services.

If, in the future, there are alternative means of giving you equivalent protection to the GDPR when we transfer data outside of Europe, for example of a framework or certification recognized by the relevant data protection authority in Europe as providing an adequate level of protection as the GDPR suitable for our use, then we may use those methods instead of any described above. In all cases, we take the privacy and security of your personal data seriously and will satisfy ourselves that your Personal Data will be protected.

Changes to this Privacy Policy

We’re constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time, but we will alert you to any such changes by placing a notice on the Notability website, by sending you an email and/or by some other means. Please note that if you’ve opted not to receive legal notice emails from us (or you haven’t provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all of the changes. Use of information we collect is subject to the Privacy Policy in effect at the time such information is collected.

Contact Information

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data or your choices and rights regarding such collection and use, please do not hesitate to contact us at:

- <https://www.gingerlabs.com/>
- support@gingerlabs.com
- 150 Spear Street, Suite 550, San Francisco, CA 94105