

## WEBSITE PRIVACY POLICY

Last updated: 24 June 2025.

Midnight Foundation (“**MF**”, “**we**”, “**our**”, “**us**”) is committed to protecting and respecting your privacy. We are a company established in the Cayman Islands with a registered office at Harneys Fiduciary (Cayman) Limited, 4th Floor, Harbour Place, P.O. Box 10240, Grand Cayman KY1-1002, Cayman Islands. We act as a data controller for the processing detailed in this Privacy Policy.

This Privacy Policy applies to all personal data collected through this website, and in connection with any services we provide to you (collectively, the “**Website**”).

In this Privacy Policy, we describe how we collect, use, store and share your personal data and what rights you have in relation to it. If there are any terms in this Privacy Policy that you do not agree with, please discontinue access and use of our Website.

Please read this Privacy Policy carefully as it will help you make informed decisions about sharing your personal data with us.

### 1. Collection of Personal Data

MF collects the following types of personal data:

#### Information you provide:

- Name and email address (“**contact data**”) where you opt-in to receive updates on our services available on the Website or marketing communications or choose to contact us and/or exercise your rights (see Section 8 (*Your Rights*) for further details).

**Information we collect automatically:** When you visit our Website, we automatically collect certain information sent to us by your computer, mobile phone or other device you use to access the Website. This information includes:

- Data collected via cookies or similar tracking technologies (“**cookies data**”). We only collect information via non-essential cookies (e.g., analytics cookies) where you have provided your consent to the use of such cookies; please see our [Cookies Policy](#) for further information); and
- IP addresses, and date and time of any requests submitted by you on the Website; device information including, but not limited to, name and type of operating system; standard web information such as your browser type and the pages you access on our Website; and security information (“**usage data**”).

### 2. Use of Personal Data and Legal Basis

MF uses your personal data for the following purposes. To the extent that you are based in the EEA or the UK, the legal basis for collecting and using your personal data described in this Privacy Policy depends on the personal data being collected and the processing purposes as described below:

Processing Purpose	Categories of Personal Data	Legal Basis
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To provide you with updates and information about our services on the Website and/or marketing and promotional content which we think may be of interest to you.	Contact data.	Your consent, when you opt-in to receive such communications.
To gather analysis or valuable information so that we can improve the Website, monitor usage of the Website, and detect, prevent and address technical issues.	Cookies data; usage data.	Your consent for processing of cookies data, where required for non-essential cookies.  For our legitimate interests of maintaining our relationship with you and ensuring efficient and successful management of our Website and efficient performance or management of our relationship with you.
To comply with legal obligations, protect and defend our rights or property, prevent or investigate possible wrongdoing in connection with the Website, and to protect our interests.	Contact data; cookies data; usage data.	To comply with our legal obligations.

**3. Retention of Personal Data**

We will retain your personal data only for as long as is necessary for the purposes set out in this Privacy Policy. We will also retain and use your personal data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your personal data to comply with applicable laws), resolve disputes, and enforce legal agreements and policies.

We will also retain certain cookies and usage data for internal analysis purposes. Such data is generally retained for a shorter period of time, except when this data is used to strengthen the security of, or to improve the functionality of the Website, or we are legally obligated to retain such data for longer time periods.

**4. Transfer of Personal Data**

We are based in the British Virgin Islands, therefore we operate our services, collect and process your personal data from the British Virgin Islands. In addition, when we engage with third parties, we may onward transfer and/or process your personal data outside the EEA and the UK, to jurisdictions where data protection laws may differ. For additional information on how we handle transfers of personal data, please contact us by using the contact details in Section 10.

**5. Disclosure of Personal Data**

MF will disclose your personal data as necessary, or as required or permitted by applicable laws to the following categories of recipients:

- Service providers and vendors. Such third parties include: (i) our service providers to provide you with our services via the Website; (ii) data analytics vendors; (iii) security vendors; (iv) website hosting vendors; and (v) social media providers. These service providers assist us with various functions and tasks, such as providing data storage and disaster recovery services and communicating with you.
- When you request us to share certain information with third parties, to perform a contract with you.
- With professional advisors such as auditors, law firms or accounting firms, in our legitimate interests or as required by law.
- We will share your personal data with regulators, law enforcement agencies, public authorities, or any other relevant organizations for the following purposes, as required to comply with our legal obligations or in our legitimate interests to run a successful business: (i) if we have determined that it is necessary to share your personal data to comply with applicable laws, including cooperation with law enforcement, judicial orders, and regulatory inquiries; (ii) to protect the interests of, and ensure the safety and security, of us, our users, a third party or the public; (iii) to establish, exercise or defend legal claims; and (iv) to enforce any applicable terms and conditions that govern our relationship with you.
- With our affiliates, in our legitimate interests to run a successful business, for administrative and maintenance purposes and in order to provide our services and features on the Website to you.
- In connection with an asset sale or purchase, a share sale, purchase or merger, bankruptcy, or other business transaction or re-organisation, in our legitimate interests. We will share your personal data with a prospective buyer, seller, new owner, or other relevant third party as necessary while negotiating or in relation to a change of corporate control such as a restructuring, merger, or sale of our assets.

## 6. Security of Personal Data

We use reasonable technical and organizational methods to safeguard your information.

You acknowledge that data transmissions over the internet are not 100% secure and we cannot guarantee the security or integrity of any personal data that is transferred from you or to you via the internet. As such, any information you transfer to us is done at your own risk.

## 7. Your Rights

You have certain data protection rights:

- **The right to access.** You have the right to request access to personal data we hold about you, how we use it, and who we share it with.
- **The right of rectification.** You have the right to have your personal data rectified if that information is inaccurate or incomplete.
- **The right to object.** You have the right to object to your personal data being used for a particular purpose.
- **The right of restriction.** You have the right to require us to stop processing your personal data, other than for storage purposes, in certain circumstances.
- **The right to data portability.** You have the right to be provided with a copy of the personal data we hold about you in a structured, machine readable and commonly used format and to request that we transfer it to a third party, in certain circumstances and with certain exceptions.
- **The right to erasure.** You have the right to request we delete the personal data we hold about you, in

certain circumstances.

- **The right to withdraw consent.** You have the right to withdraw your consent at any time by contacting us using the details below, where we rely on your consent to process your personal data.
- **The right to object to marketing communications:** You can object to marketing at all times by opting out using the unsubscribe function displayed in our communications to you.

If you want to exercise your rights or if you have complaints about how we process your personal data, please contact us via email at [legal@midnight.foundation](mailto:legal@midnight.foundation). Please note that we may ask you to verify your identity before responding to such requests.

If you think we have infringed data protection laws, you can file a claim with the data protection supervisory authority in the country in which you live or work or where you think we have infringed data protection laws, as applicable to you.

## **8. Links To Other Websites**

The Website may contain links to other websites, products or services that are not operated by MF. If you click on a third-party link, you will be directed to that third party's site. You're advised to review the privacy policy of each third-party site you decide to visit.

MF has no control over and assumes no responsibility for the content, privacy policies or practices of any third-party website, product or service.

## **9. Changes To This Privacy Policy**

We may update this Privacy Policy from time to time. We will inform you of material changes, as required under applicable laws and we will post the updated "effective date" at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes.

## **10. Data Privacy Contact**

You can reach out to our legal team at [legal@midnight.foundation](mailto:legal@midnight.foundation) for any questions related to this Privacy Policy.