

## **Ascender® Product Privacy Policy**

*Last Modified: July 12, 2022*

### **Introduction**

We at FM OnDemand, LLC (“we,” “us,” or “our”) respect your privacy and are committed to protecting it through our compliance with this Policy. This Policy describes the types of information we may collect from you or that you may provide to us, including when you use Ascender®, our online, web-based training product on our website at [my.ascender.co](http://my.ascender.co) (our “Website”), and our practices for collecting, using, maintaining, protecting, and disclosing that information.

### *When This Policy Applies*

This Policy applies to any information we collect through our Website, including any information in any e-mails, posts, texts and other electronic messages between you and our Website, and any information about you transferred to our Website from other websites. This Policy also applies to any information we collect about you when you mail us or e-mail, text or exchange other electronic messages with us or when you interact with messages you receive from us, and any information we collect about you offline but that will be processed by automated means using our Website. This Policy does not apply to any other information we collect by any other means.

### *Important Information – Please Review Carefully*

Please read this Policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, you can choose not to access or use our Website. By accessing or using our Website, you agree to this Policy. This Policy may change from time to time. When we make changes to this Policy, we will post the updated Policy on our Website and update the Policy’s “last modified” date. We will also provide notice of any material changes as explained in the section below titled “*Changes to Our Privacy Policy.*” Except as provided in the section below titled “*European Users: Your European Privacy Rights,*” your continued use of our Website after we make changes is deemed to be acceptance of those changes.

### **Information Collected About You and How It Is Collected**

#### *Personal Information We Collect - Generally*

We may collect several types of information from and about users of our Website. This information may include information by which users may be personally identified or other information about a user to the extent maintained in personally-identifiable form (collectively “Personal Information”). Specifically, we (or our authorized resellers and/or third party service providers acting on our behalf) may collect the following from you:

- Personal identifiers and contact information, such as your name, postal or billing address, e-mail address, telephone number (including mobile telephone number), and the IP Address or Mobile Device ID of the computer or device used to access and use our Website (“Identifiers”).
- Payment information such as your credit card number, debit card number, financial account number, expiration dates and security codes, and other similar or related account and authentication data necessary to process payment transactions to and from you on our Website (“Payment Information”). Please note: the authorized reseller and/or third party payment processor that we have engaged to securely process payment transactions on our Website collects this information directly from you and processes this information on our behalf without sharing this information with us, and we do not at any time directly store or have access to any Payment Information.
- Transactional data, such as your transaction history on our Website.
- Information about your company or organization, such as the name and contact information of your company or organization as well as the month your company or organization begins its fiscal year.
- Information about your role at your company or organization, such as the type of customers you sell to and your average deal size.
- The type of content you are interested in and your goals with respect to your use of our Website.
- Information you publicly post on our Website as part of the interactive features of our Website.
- The Technical Information described in the section below titled “*Traffic, Usage and Computer/Device Information.*”
- Commercial information, including products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies (“Commercial Information”).
- Information related to Internet or other similar network activity, including browsing history, search history, information on your interaction with our Website or on your interaction with advertisements on our Website or other websites (“Internet Activity”).
- Inferences drawn from the information described above that we use to create a profile about you reflecting your preferences, patterns and behavior (“Inference Data”).
- Any other information (including Personal Information) you choose to provide in any forms or messages submitted by you to us or to others through our Website or using the contact information provided on our Website.

### *How We Collect Information*

With the exception of your Technical Information and Internet Activity (which we or our third party service providers collect automatically as you navigate through or interact with our Website, as described below in the section titled “*Traffic, Usage and Computer/Device Information*”) and your Inference Data (which is derived from the other information collected about you, as described above), generally we collect Personal Information directly from you when you provide it or submit it to us directly such as in connection with registering to obtain additional information from us (such as signing up to receive our e-newsletter or other marketing and

promotional information about us or our products and services), registering for an account on our Website, entering into a sweepstakes, contest, giveaway or other promotion related to our products and services, responding to a voluntary survey you have agreed to complete, contacting us for service inquiries, reporting a problem with our Website or our products and services, requesting a refund and/or initiating a return of a product, otherwise submitting an inquiry to us using the contact methods provided on our Website, or otherwise contacting us about our Website or our business.

### *Traffic, Usage and Computer/Device Information; Cookie Policy*

Additionally, as you navigate through and interact with our Website or interact with the e-mails, texts and other electronic messages we send to you, we or our third party service providers may automatically collect certain traffic data, usage information, and information about your computer equipment or mobile device, such as your browser and operating system, your wireless carrier, configuration data, clickstream analytics and your actions and patterns when you use our Website (“Technical Information”). The technologies we use for this automatic data collection may include cookies that are stored on the browser of your computer or mobile device, small embedded electronic files known as web beacons (also referred to as clear gifs, pixel tags and single-pixel gifs) and other types of embedded code. We collect this information to manage our content and improve users’ use of our Website; count and review the number of users of our Website and their usage patterns; to track key performance indicators such as pages accessed, frequency of access, conversions (the number of users who click on our advertisements and then go on to make a product purchase) and other statistical information related to our Website (for example, recording the popularity of certain content and verifying system and server integrity); to identify the portion of users who access our Website via different web browsers; to recognize if a user is a return user of our Website; to store information about a user’s visits; to remember a user’s preferences; and for similar purposes in connection with monitoring, operating, maintaining and improving our Website. Third parties may also collect Technical Information and other information on our behalf as further described in the sections below titled “*Use of Google Analytics*,” “*Use of Facebook Business Tools*,” and “*Tracking and ‘DO NOT TRACK’*.”

## **How We Use Your Information**

### *Generally*

We may use the information we collect about you or that you provide to us, including Personal Information, to:

- Provide our Website and its contents to you.
- Fulfill your orders for our products or services.
- Provide you with information, products or services you request from us.
- Process your transactions and payments via our Website or otherwise, including by transmitting certain of your Personal Information (including Payment Information) to the

authorized reseller and/or third party payment processor that we use for securely processing payment transactions, and to prevent transactional fraud.

- Create, maintain, customize and secure your account with us.
- Authenticate or otherwise verify your identity in connection with access to your account, requests, purchases, transactions and payments via our Website or otherwise.
- Provide you with support and respond to your inquiries and support requests relating to our Website, products, or services, including to investigate and address your concerns and to monitor and improve our responses.
- Facilitate interactions between users as part of the interactive features of our Website.
- If you have signed up for our Text Message Alert Service (as described below), provide you with informational text message communications as described below in the section titled "*Text Message Alert Service.*"
- Update and maintain e-mail or mailing lists (such as our e-mail lists to receive newsletters or alerts by e-mail).
- Carry out the advertising, promotional and marketing purposes as described in the section below titled "*Use of Personal Information for Marketing Purposes.*"
- Perform research and development activities, which may include, for example, conducting data analyses in order to develop new products and services or to improve existing products and services, and performing quality-control activities.
- Help maintain the safety, security, and integrity of our Website, databases and other technology assets and our business.
- Create a profile about you reflecting your personal preferences, patterns and behavior.
- Register you for sweepstakes, contests, giveaways or other promotions.
- Notify you about changes to our Website, products and services.
- With respect to pseudonymized, aggregated and de-identified information, fulfill the purposes described in the section below titled "*Use and Disclosure of Pseudonymized, Aggregated and De-Identified Data.*"
- With respect to Technical Information, fulfill the purposes described in the section above titled "*Traffic, Usage and Computer/Device Information; Cookie Policy*" and the sections below titled "*Use of Google Analytics,*" "*Use of Facebook Business Tools,*" and "*Tracking and 'DO NOT TRACK.'*"
- Respond to lawful requests for information through court orders, subpoenas, warrants and other legal processes or obligations.
- Enforce any contracts between you and us, including for billing and collection, or for the establishment, exercise or defense of legal claims.
- Evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which information (including Personal Information) held by us is among the assets transferred.
- Fulfill any other purpose for which you provide the information.
- Serve any other purpose that we describe when you provide the information and for any other purpose with your consent.

#### *Use of Personal Information for Marketing Purposes*

We may use your information (including Personal Information) for advertising, promotional and other marketing purposes in various ways. This includes using your information (including Personal Information) in the following ways:

- Providing you with informational and promotional content and materials regarding the Website and our own products and services, such as advertising and promotional information about our products and services or information about special offers or promotions related to our products and services, or the products and services of affiliates or third parties with whom we have partnered that we believe may be of interest to you.
- Providing you with informational and promotional content and materials regarding the products and services of affiliates or third parties with whom we have partnered that we believe may be of interest to you.
- Personalizing your Website experience and deliver content and promotional information related to your interests, including by delivering personalized e-mail content to you displaying or by displaying targeted offers and ads to you on our Website and third-party sites that you visit and on which we place (or our third party service providers place on our behalf) such ads.
- Using third-party tools (such as Facebook Business Tools – see section below titled “*Use of Facebook Business Tools*”) to advertise to third parties with similar interests, hobbies or demographic information as you.

If you do not want us to use your information in this manner, see the section below titled “*Your Rights and Choices*” for more information about how to opt out of such uses.

#### *Third-Party Sites and Services*

Our Website may include links to blogs, social media and third-party websites. These third-party sites have their own privacy policies and terms of use and are not controlled by this Policy. You should carefully review any terms, conditions and policies of such third-party sites before visiting them or supplying them with any personal information. If you follow a link on our Website to any third-party site, any information you provide to that site will be governed by its own terms of use and privacy policy and not this Policy.

You may be able to use social media widgets (*e.g.*, logging into your account on our Website using your LinkedIn login credentials) while using our Website. These widgets will collect your IP Address and identify which page you are visiting on our Website and make your preference information available to third parties. The information collected by such widgets is controlled by third-party privacy policies.

We are not responsible for the privacy or security of any information you provide to a third-party website or the information practices used by any third-party site, including those that are accessed via links to any third-party site from our Website. We make no representations, express or implied, concerning the accuracy, privacy, safety, security, or the information practices of any third-party site. The inclusion of a link to a third-party site on our Website does not constitute any type of endorsement of the linked site by us. We are not responsible for any loss or damage you

may sustain resulting from your use of any third-party website or any information you share with a third-party website.

#### *Use and Disclosure of Pseudonymized, Aggregated or De-Identified Data*

We and our third party service providers may pseudonymize some Personal Information of users so that it can no longer be attributed to a particular, identifiable user without the use of other separately maintained information, or we or our third party service providers may convert or combine some Personal Information of users into de-identified or aggregated data that does not disclose any of the Personal Information of any individual user. As an example, we may pseudonymize, de-identify or aggregate information provided by or collected about you and other visitors to our Website to generate aggregate trends or insights about the behavior of visitors to our Website generally that may be shared (including for commercial purposes) with third parties. You understand and agree that we or our third party service providers may use and disclose to third parties any such pseudonymized, de-identified or aggregated data for any lawful purpose.

#### *Text Message Alert Service*

When you register to receive more information from us via the Website and include your mobile telephone number at registration, or when you initiate text message communications with us by texting us at a number we have provided to you, you will be given an option to participate in our SMS text message program (the “Text Message Program”). We provide the Text Message Program to send you informational communications relating to your use of the Website, such as status updates about orders placed and order fulfillment (“Informational Texts”). You will be given the option to receive our Informational Texts. By subscribing to the Text Message Program, you voluntarily authorize and direct us to send text messages using an automated system to the mobile telephone number you have provided. You are not required to use or subscribe to the Text Message Program as a condition of using the Website or in order to benefit from other Website features that are unrelated to the Text Message Program. Standard message and data rates may apply. Once enrolled in the Text Message Program, you may opt out of the Text Message Program (i.e., stop text messages) at any time. With respect to any text message, you may reply STOP, at which time we will reply by text to give you the option to stop Informational Texts (and after which we will stop sending the messages). You may also opt out by contacting us at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com). If you contact us by e-mail please include “Text Message Opt Out” or similar language in the subject line of your e-mail, to assist us in our efforts to ensure prompt and proper processing of your e-mail request. Regardless of the method you use to opt out, please allow us a few days to process your opt out request.

#### *Tracking and “DO NOT TRACK”*

Tracking involves the use of cookies, web beacons, or other embedded code or tracking technologies to collect, analyze and store information on a user’s behavior over time on multiple sites, including information on the sites visited, products viewed, products purchased and other online interactions. Tracking information can be used to enable companies to make interest-based (behavioral) advertising available to users on multiple sites that they visit.

We may (or our third party service providers may on our behalf) collect Personal Information about your online activities over time and across third-party sites for tracking purposes when you use our Website. However, we do not currently allow third parties to collect Personal Information through or using our Website that could be used by them to analyze and store information about your online activities over time and across third-party sites for their own tracking purposes (separate and apart from any services they provide to us in support of our permitted uses of your Personal Information as described in this Policy).

Our Website does not respond to any “do not track” signals sent by your computer, browser or mobile device, and if your computer, browser or mobile device sends a “do not track” signal to our Website, our Website will not treat you differently from users who do not send such signals. For more information on how to disable certain tracking technologies, please visit the Network Advertising Initiative’s Consumer Opt-Out page at <https://thenai.org/opt-out/> and the Digital Advertising Alliance’s Consumer Assistance page at [www.youradchoices.com/choices](http://www.youradchoices.com/choices).

### *Use of Google Analytics*

We use Google Analytics to track and analyze certain traffic and usage statistics regarding the use of our Website, such as the number of visitors to our Website, how visitors are navigating to our Website, visitors’ general geographic region information, how long individuals are visiting our Website, and information about the equipment individuals are using to access our Website (e.g., browser version and operating system). Google Analytics may use a Google Analytics cookie as part of this service, and we may share certain Personal Information with Google Analytics as part of this service. We use this traffic and usage information to gauge, internally, the effectiveness of our advertising efforts and to make improvements to our Website and our marketing and promotional efforts.

In addition, we may use the following Google Analytics Advertising Features:

- Remarketing
- Google Display Network Impression Reporting
- Google Analytics Demographics and Interest Reporting
- Google Ads (as an integrated service with Google Analytics)

By enabling these features, we and certain third-party vendors use first-party cookies (such as the Google Analytics cookie) or other first-party identifiers, and third-party cookies (such as Google advertising cookies) or other third-party identifiers together for various purposes. The information collected includes demographic information about our Website visitors and general information about our visitors’ interests. We use the information collected through our use of the Google Analytics Advertising Features to track our Website visitors’ patterns and behavior, segment our audience and to better target our advertising and marketing efforts (for our own and others’ products and services) and allow third-party vendors to do the same, for example to (1) display targeted advertisements to individuals who viewed a product but did not add that product to their cart, (2) target visitors from a certain geographic region with certain ads in Google search results that have previously shown a high degree of success for consumers in that region, (3) advertise our products and services across other websites that you may visit, or (4) allow Google

or other third-party vendors to show you ads on websites that you visit after using our Website or clicking on an offer or ad in one of our e-mails or in our Website.

For more information, please review the following:

- Information about Google’s use of cookies:  
<https://policies.google.com/technologies/cookies?hl=en-US>
- Information about Google’s use of information from sites or apps that use Google’s services: [www.policies.google.com/technologies/partner-sites](http://www.policies.google.com/technologies/partner-sites)

You can opt out of our use of certain Google Analytics features by updating the “Ads Settings” in your browser ([www.adssettings.google.com/authenticated](http://www.adssettings.google.com/authenticated)) or mobile device ([www.support.google.com/ads/answer/1660762#mob](http://www.support.google.com/ads/answer/1660762#mob)), by enabling the Google Analytics Opt-out Browser Add-on in your browser (<https://tools.google.com/dlpage/gaoptout>), or by visiting the Network Advertising Initiative’s Consumer Opt-Out page ([www.optout.networkadvertising.org/](http://www.optout.networkadvertising.org/)). Because those opt-out and preference control pages are specific to the individual browser used to visit it, and because those pages are not operated by us, we are unable to perform the opt-outs on your behalf.

#### *Use of Facebook Business Tools*

We may use various advertising services and business tools on Facebook in connection with our Website. The services and tools we may use are summarized on Facebook’s website here: <https://www.facebook.com/help/331509497253087>. In connection with our use of these services and tools, Facebook may use cookies, web beacons, and other storage technologies to collect or receive information from the Website and elsewhere on the Internet and use that information to provide measurement services and target ads to you and others. One particular advertising service we use on Facebook is called Facebook Pixel. This service helps us (1) measure and track the results of our advertising on Facebook, and (2) better target our advertisements on Facebook to new potential users. In connection with this service we may provide your e-mail address to Facebook along with the e-mail addresses of our other users, and Facebook uses this information to find other Facebook users with similar demographics and interests as indicated in the profiles and activities on Facebook of our users generally, to help us better target our advertising efforts on Facebook to those other Facebook users. You can opt out of certain Facebook advertising features by visit the Network Advertising Initiative’s Consumer Opt-Out page at <https://thenai.org/opt-out/> and the Digital Advertising Alliance’s Consumer Assistance page at [www.youradchoices.com/choices](http://www.youradchoices.com/choices) or by adjusting the privacy settings in your Facebook profile. Because those opt-outs, preference control pages and privacy settings are specific to the individual browser used to visit it or the individual Facebook profile, and because those opt-outs, preference control pages and privacy settings are not operated or controlled by us, we are unable to perform the opt-outs, set your preferences or adjust the privacy settings on your behalf.

#### **Disclosure of Your Information**



### *Generally*

We may share your Personal Information with third parties in the following circumstances:

- We may disclose Personal Information to our affiliates or to any contractors and other service providers who need to know such information (or such contractors, service providers or other third parties may collect Personal Information directly from you on our behalf while you use our Website) to provide services to us that support our hosting, maintenance, operation and promotion of our Website and our permitted uses of Personal Information under this Policy. For example, we may use a third party cloud-hosting infrastructure service provider (e.g., Amazon Web Services, Google Cloud or Microsoft Azure) to store certain of your Personal Information securely, we may use a provider of customer relationship management and/or an e-mail marketing software solution offered by a third party service provider to organize and track our communications with you, we may use a third-party messaging service provider (such as Vanilla, an affiliate of Higher Logic) to facilitate interactions between users on our Website, we may use an authorized reseller or third party payments processor to securely process payment transactions through our Website, we may use certain third-party advertising service providers (such as Instagram, YouTube and LinkedIn, as well as Facebook as described above in the section titled “*Use of Facebook Business Tools*”), and we use Google Analytics in connection with our Website as described above in the section titled “*Use of Google Analytics*.”
- We may disclose Personal Information to (or permit Personal Information to be collected on our Website by) certain third parties as described in the section above “*Tracking and Do Not Track*.”
- We may disclose Personal Information to a buyer or other successor to our business in the event of a sale of equity or assets, reorganization, merger or a similar corporate transaction, whether as a going concern or as part of a bankruptcy, liquidation or similar proceeding, and in connection with any due diligence review with respect to any such proposed transaction.
- We may disclose Personal Information to comply with any court order, law or legal process, including to meet national security and law enforcement requirements and to respond to any government or regulatory request or audit.
- We may disclose Personal Information to enforce or apply any legal agreements between us and you, or if we believe disclosure is necessary or appropriate to protect the rights, property or safety of our customers or others.
- We may also disclose your Personal Information for any purpose disclosed when the information is provided, and for any other purpose with your consent.

We may disclose Technical Information and all forms of Personal Information for each of the purposes described above, including but not limited to your Identifiers, Commercial

Information, Internet Activity, and Inference Data, except for your Payment Information (which is collected directly from you by our authorized reseller or third party payment processor only and such information is not shared with us).

### *No Sales of Personal Information*

We do not sell, and in the past 12 months we have not sold, any Personal Information to third parties.

## **Your Rights and Choices**

### *Generally*

You have certain choices regarding the Personal Information you provide to us. You can set your browser to refuse all or some browser cookies. If you choose not to accept cookies, you may be unable to access certain parts or pages of our Website, or certain parts or features of our Website may not function properly.

If you do not wish to have your Personal Information used by us to contact you for marketing purposes, you can opt out (1) by sending us an e-mail with your request to [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com), and/or (2) with respect to marketing communications by e-mail, by clicking on the “Unsubscribe” or similar link in the most recent e-mail you received from us and by following the prompts that appear. This opt-out does not apply to information provided as a result of a product purchase, customer service or support service inquiry or other informational or transactional communications (*e.g.*, an order confirmation or response to a specific inquiry or request you have made to us).

We do not control third parties’ collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative (“NAI”) on the NAI’s <https://thenai.org/opt-out/>.

Please also refer to the sections above titled “*Use of Google Analytics*” and “*Use of Facebook Business Tools*” for more information regarding opting out of certain Google Analytics features and Facebook business tool features used on and in connection with our Website.

### *Accessing and Correcting Your Information: Generally*

You can review, change and request the deletion of certain portions of your Personal Information by sending us an e-mail at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) to request access to any Personal Information that you have provided to us, or to request to correct or delete that Personal Information. Except as specifically described below in the sections titled “*Canadian Users: Individual Access*,” “*California Residents: Requests to Know and Requests to Delete*” and

“*European Users: Your European Privacy Rights*” the following will apply with respect to each such request:

- We will evaluate such requests on a case-by-case basis.
- In certain cases we cannot delete your Personal Information. For example, we cannot continue to maintain your account and/or your subscriptions without retaining certain portions of your Personal Information, so a request to delete certain forms of Personal Information may require the deletion of your account and cessation of services to you.
- We also may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

#### *Canadian Users: Individual Access*

If you are a user accessing and using our Website from Canada then, upon your request, and subject to certain exceptions under applicable law, we will inform you of the existence, use, and disclosure of your Personal Information and give you access to that information, and you may challenge the accuracy and completeness of the information and have us amend it as appropriate. You may submit a request under this section by sending us an e-mail stating your request to [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com). Regardless of the method you use to contact us, please indicate in your communication that you are making an individual access request under Canadian law.

#### *California Residents: Requests to Know and Requests to Delete*

If you are a California resident, the following additional information applies to you:

You may request that we disclose to you certain information about (and, if requested, to receive a portable copy of) the Personal Information about you that we have collected and used in the past 12 months (a “Request to Know”). You may also request that we delete the Personal Information about you that we have collected or that we maintain (a “Request to Delete”). You may submit a Request to Know or a Request to Delete by sending us an e-mail stating your request to [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) or by calling us toll-free at 1-833-401-3284. Regardless of the method you use to contact us, please indicate in your communication that you are making a Request to Know or a Request to Delete under the California Consumer Privacy Act of 2018 (the “CCPA”).

Upon receipt of your Request to Know or Request to Delete, as part of our security measures and as required by law we will take steps to verify your identity in order to confirm that the person making the request is actually the person about whom we have collected Personal Information (*i.e.*, that the “you” making the request is actually you). We will verify your identity and confirm your request by asking you to confirm and verify certain Personal Information we already have on file for you.

We will use reasonable endeavors to accommodate verifiable Requests to Know and Requests to Delete submitted in the manner described above within a reasonable timeframe after receiving such requests. In any event, we will comply with your Request to Know and Request to Delete to the extent and in the manner required by applicable law, but we may deny a request, in whole or in part, to the extent an exception applies under (or as otherwise permitted by) applicable law, including the CCPA. For example, we cannot and will not comply with a Request to Know or a Request to Delete if we cannot reasonably verify your identity in connection with your request.

You may also designate an authorized agent to make a Request to Know or Request to Delete on your behalf. To designate an authorized agent to act on your behalf, you or your authorized agent must submit proof that either (1) such agent has actually been authorized in writing to act on your behalf, or (2) you have provided the authorized agent with power of attorney under the applicable laws in your jurisdiction. You may submit such proof by e-mailing us at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com). If a duly-designated authorized agent makes a Request to Know or Request to Delete on your behalf, we will still require you to verify your own identity using the process described above, unless an exception applies under applicable law in your jurisdiction (for example, you have submitted verifiable proof to us that you have provided the authorized agent with power of attorney).

#### *No Differential Treatment*

If you are a California resident and you choose to exercise any of the rights described in the section titled “*California Residents: Requests to Know and Requests to Delete*,” you will not receive differential treatment by us as a result (e.g., different prices or quality of services), except to the extent permitted by applicable law (including if those differences are reasonably related to the value of your Personal Information).

#### *California “Shine The Light” Disclosure*

The California Civil Code permits California residents with whom we have an established business relationship to request that we provide a list of certain categories of Personal Information that we have disclosed to third parties for their direct marketing purposes during the preceding calendar year. To make such a request, please send an email to [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) or otherwise contact us using the information set forth below. Please mention that you are making a “California Shine the Light” inquiry.

#### *Nevada Residents: Sale Opt-Out Rights*

Nevada residents who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to this designated address: [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com). Please mention that you are making a “Nevada Sale Opt-Out Right” request. However, please know we do not currently sell data triggering that statute's opt-out requirements.

### **Users Outside of the United States**

#### *Generally*

Our Website is hosted in the United States and is provided from the United States. It is possible that certain information will be stored on servers in multiple other countries on the “cloud” or other similar distributed hosting platforms. If you are accessing our Website from Canada, the European Union, Asia or any other jurisdiction with laws governing personal data collection, use, and disclosure that differ from United States laws, please note that by using our Website and providing your Personal Information to us through our Website you are expressly and knowingly consenting to the transfer of your Personal Information from your home country to the United States and other jurisdictions as indicated above (where laws may differ from the laws of your jurisdiction) and you are expressly and knowingly consenting to our use of such Personal Information in accordance with this Policy.

### *European Users*

If you are a user accessing and using our Website from one of the European Economic Area countries, Switzerland or the United Kingdom (collectively, the “European Countries” and such users the “European Users”), please read this section carefully for more information about our collection, processing and transfer of your Personal Information and your rights related to such activities.

#### **A. Legal Basis for Processing**

If you are a European User, we have the legal right to collect, process, use, and retain your Personal Information (“European Personal Information”) in the ways described in this Policy, based on your consent, the need to use your European Personal Information to provide you with goods or services that you have requested and/or our legitimate interests in furthering our existing relationship with you or preventing fraud. Accordingly, generally you have a contractual rather than a statutory obligation to provide such information. If you do not provide such information, you may be unable to use our Website and we may be unable to provide any products or services that you request.

#### **B. Transfers of Your European Personal Information to the United States**

In connection with our collection and use of your European Personal Information, we may transfer all or certain portions of your European Personal Information to our servers in the United States or our third-party service providers in the United States. Please note that the governing bodies in your jurisdiction have determined that the laws of the United States do not provide adequate protection for your European Personal Information. Accordingly, we are transferring your European Personal Information from your country to the United States based on your explicit consent, because the transfer is necessary for the performance of a contract between you and us or the implementation of pre-contractual measures taken at your request, because the transfer is necessary for the conclusion or performance of a contract concluded in your interest between us and another natural or legal person (e.g., your organization) and/or because the transfer is necessary for the establishment, exercise or defense of legal claims, and you acknowledge and agree that we may collect, use and disclose your European Personal Information, both before and after such transfer, in accordance with this Policy.

### **C. Storage of Your European Personal Information**

We securely store your European Personal Information in distributed locations in the United States using our own servers or the servers of reputable, third-party service providers such as our cloud-hosted infrastructure service provider and other cloud-based software service providers. We will keep such information for no longer than necessary. The length of time we retain your European Personal Information will depend on any legal obligations we have (such as tax recording purposes), the nature of any contracts we have in place with you, the existence of your consent or our legitimate interests as a business.

### **D. Your European Privacy Rights**

If you are a European User, you will have the following additional rights with respect to your European Personal Information (your “European Privacy Rights”):

- If we intend to disclose your European Personal Information to any third party that will have the right to process your European Personal Information, we will enter into a contract with that third party that provides that your European Personal Information may be processed only for limited and specified purposes consistent with the consent that you have provided to us, and that the third party must provide the same level of protection for your European Personal Information that we are obligated to provide under this Policy. In addition, we will notify you if that third party will have the right to determine the purposes for which it will process your European Personal Information and the means it will use to process your European Personal Information (rather than just providing requested assistance to us in support of our permitted uses of your European Personal Information). In certain situations, we may be required to disclose your European Personal Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.
- If we are processing your European Personal Information based on your consent, you may withdraw that consent at any time. Your withdrawal will not affect the lawfulness of our processing based on your consent before your withdrawal. If you withdraw your consent, we may not be able to provide our Website or our other products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- You may restrict our use and processing of your European Personal Information by sending us an e-mail stating your request to [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com), if you have contested the accuracy of that information, if the processing is unlawful or if we no longer need such information for the purposes for which it was collected. We will then store your European Personal Information and process it only with your consent, or to establish, exercise or defend a legal claim or to protect the rights of others. The restriction with respect to information claimed to be inaccurate would end if we verify the accuracy of that contested information.

- We do not collect, store or process sensitive information related to your racial or ethnic identity, political opinions, religious or philosophical beliefs, trade union membership, health (including genetic and biometric data), sex life or sexual orientation (“European Sensitive Information”). We will not use or disclose any of your European Sensitive Information without your explicit consent, subject to certain limited exceptions. Should we wish to make any such use or disclosure, we will notify you by e-mail and will request that you authorize such use or disclosure by responding to the e-mail with your explicit consent.
- We may create a profile to analyze or predict your personal preferences or interests solely related to your use of our Website and for the purposes described in this Policy. We do not otherwise create profiles to analyze or predict your performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or movements. We do not make any decision about you that would have legal consequences or similarly significant effects on you based solely on automated decision-making, including the use of profiles.
- Upon our receipt of your request by e-mail at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) and our verification of your identity, we will advise you whether we are processing European Personal Information concerning you and, if so, will provide you with a copy of your European Personal Information being processed and certain information about the nature and purposes of the processing. You may correct, amend or delete any such European Personal Information that is inaccurate or incomplete.
- Upon your request by e-mail at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) and our verification of your identity, we will erase any of your European Personal Information that is no longer needed for the purpose for which it was collected or that is being used for direct marketing purposes, or if our use is based on your consent and you withdraw that consent, or if we have made such European Personal Information public. We will not erase such information, however, to the extent it is necessary for the establishment, exercise or defense of a legal claim or another exception applies under applicable law in your jurisdiction.
- If we are using your European Personal Information on the basis of your consent and we change our Policy to permit any use or disclosure of your European Personal Information that is materially different than the uses for which it was originally collected or subsequently authorized by you, we will obtain your consent before we make such further uses of your European Personal Information.

You will not have to pay a fee to exercise any of your European Privacy Rights. We may, however, charge a reasonable fee if a request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in those circumstances. We may need to request specific information from you to help us confirm your identity and to ensure your right to exercise your European Privacy Rights. This is a security measure to ensure that your European Personal Information is not disclosed to a person who does not have a right to receive it.

We try to respond to all legitimate requests within a reasonable timeframe. Occasionally, it may take us longer 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.

### **Children Under the Age of 18**

Our Website is not intended for children under 18 years of age, and no one under the age of 18 may provide any information to us or others on or using our Website. We do not knowingly collect Personal Information from children under the age of 18. If you are under 18 years of age, do not use our Website or provide any information about yourself to us, including your name, address, telephone number, email address, IP Address or Mobile Device ID, or any screen name or username you may use. If we learn we have collected or received Personal Information from a child under 18 years of age without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under the age of 18, please contact us at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com).

### **Data Security**

We have implemented measures designed to secure your Personal Information from accidental loss and from unauthorized access, use, alteration and disclosure.

The safety and security of your information also depends on you. When we have given you (or when you have chosen) a password for access to certain parts of our Website, you are responsible for keeping that password confidential. We ask you not to share your password with anyone. Unfortunately, the transmission of information over the Internet is not completely secure. Although we have implemented security measures that we think are adequate, we cannot guarantee the security of your Personal Information transmitted to or using our Website. Any transmission of Personal Information is at your own risk. We are not responsible for the circumvention of any privacy settings or security measures contained on our Website.

### **Changes to Our Privacy Policy**

We post any changes we make to our Policy on this page. If we make material changes to how we collect and use Personal Information (including with respect to the categories of Personal Information we collect), we will notify you by e-mail to the primary e-mail address specified in your account and through a notice on the Website home page.

The date this Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date, active and deliverable e-mail address for you, and for periodically visiting our Website and this Policy to check for any changes.

### **Contact Information**

To ask questions or to submit comments about this Policy and our privacy practices, you may contact us via e-mail at [privacy@forcemanagement.com](mailto:privacy@forcemanagement.com) or via telephone (toll-free in the U.S.) at 1-833-401-3284..