

# Privacy Policy

Last Updated: 10 October 2023

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## I. Summary

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This Privacy Policy explains how information is collected, retained, used and disclosed by Mark Business Intelligence Systems, LLC ("MarkBIS") and what you can do to limit and protect your Personal Information.

Most importantly, we respect your privacy and will NEVER SELL your Personal Information to any third party. We also will NOT COLLECT, USE, RETAIN OR DISCLOSE your Personal Information except as described in this Privacy Policy and any subsequent Privacy Notice to you.

Capitalized words in this policy are defined terms with meanings described in the Definitions section below.

## II. What's covered by this policy

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This Privacy Policy applies to information we collect when you:

### A. use or access our Public Website;

This Privacy Policy applies when you use or access our online website available to the general public at <http://www.myCM.com>, which you can also navigate to from our other owned URLs such as [www.mycompliancemanager.com](http://www.mycompliancemanager.com), [www.markbis.com](http://www.markbis.com), and [www.mycm.solutions](http://www.mycm.solutions) ("Public Websites").

### B. contact us or participate in our Promotions;

This Privacy Policy applies when you access, respond, subscribe or unsubscribe to newsletters, surveys, informational e-mails, offers, and other marketing materials or activities promoting our services ("Promotions"); or you otherwise contact us.

### C. use or access our Services; or

This Privacy Policy applies when you use or access our services and products, including our myComplianceManager online software ("Software") which is only available to licensed Customers and their authorized users via the Internet (collectively, the "Services"). Our Software is identified by URLs that contain the domains "mycompliancemanager.com" or "mycm.com," along with a customer-name prefix, for example, [https://\[customer-name\].mycompliancemanager.com](https://[customer-name].mycompliancemanager.com).

### D. have Personal Information stored in our Software

This Privacy Policy also applies if we have access to your Personal Information from a Customer with whom you are associated (e.g.: our Customer may be your employer, university, business partner, customer, supplier, or contractor). For example, in the course of using our Services, our Customer and its authorized users may provide to us, or upload, store or process your Personal Information or Content in our Software ("Customer-Controlled Personal Information").

For Customer-licensed Software, each of our Customers is the primary Controller of the Software it licenses from us, and as such has independent access and control over all Content and Personal Information within

the Software. For any Content or Personal Information processed via the Software, the Customer is the Controller and we are the Processor. Any ability we may have to access, process, retain, use, delete or disclose your Customer-Controlled Personal Information is strictly controlled by the terms of our Customer's contract and the authorization procedures determined by that Customer. For Services that we provide to Customers, the terms of our Customers' contracts may restrict our collection or use of your Personal Information more than what is described in this Privacy Policy.

Our contracts typically require our Customers to comply with applicable laws. Our contracts also typically inform our Customers that they may be responsible to provide you Privacy Notices and respond to your requests related to Customer-Controlled Personal Information. However, we cannot control, and are not responsible for, how our Customers collect, process, retain, use, delete or disclose your Personal Information and Content, or respond to your requests. Therefore, before accessing or using our Software and before providing any Personal Information or Content, we encourage you to review the privacy statements of the Customer who licenses that Software.

### E. Prohibited information

MarkBIS does not knowingly collect the following information, and if we become aware of it, we will take steps to delete such information. You are prohibited from providing, uploading, or using the following information, and MarkBIS disclaims all liability for any such information:

- Protected Health Information ("PHI") as defined under the Health Insurance Portability and Accountability Act of 1996 as amended ("HIPAA"), unless you have purchased a Software license and you have entered into a separate, mutually executed amendment to your MarkBIS Master Services Agreement that explicitly defines the information and the security measures in place to protect it;
- Personal Information revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of Genetic Data or Data Concerning Health or sex life or criminal convictions or related security measures;
- Personal Information from children under 13; and
- Unsolicited job applications or résumés, unless such information is provided in response to a currently posted job opening.

## III. Where to find this policy

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A current version of this Privacy Notice is always available by clicking the "Privacy" link on any page of our Public Website, or by clicking the "Privacy" link in the menu of our Software, or you can request a copy (or an accessible version for persons with disabilities) by contacting us as described in Section VI.B – "How to Contact Us."

## IV. Changes to this policy

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We may change this Privacy Policy from time to time. If we make any changes, we will notify you by revising the "Last Updated" date at the top of this Privacy Policy and, in some cases, we may provide you with additional notice (such as adding a statement to our homepage or sending you an e-mail notification). We encourage you to review our Privacy Policy whenever you access our Public Website or our Software to stay informed about our information practices and the ways you can help protect your privacy. Your use of our Public Website or any of the myComplianceManager Services after the posting of such changes shall constitute your consent to such changes.

## V. Privacy Notice

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This Privacy Policy serves as our legal notice to you of important information about our privacy program and what you can do to protect your Personal Information.

Prior to collecting or requesting Personal Information from you, we or our Customers may supplement this Privacy Policy with an additional clear, conspicuous and contextual privacy notice regarding the specific Personal Information being collected or requested at that time (collectively, "Privacy Notice"). Please read all such Privacy Notices prior to providing Personal Information or Content.

In all cases, our Privacy Notice is provided when individuals are first asked to provide Personal Information or as soon thereafter as is practicable. For example, before deciding whether to submit any Personal Information, individuals can review this Privacy Policy by clicking the "Privacy" link, which is displayed on our Public Website, Software, and in Promotion emails or other materials they receive.

In this Privacy Policy, we specifically are providing you notice of the topics discussed in this document. Please read this entire Privacy Policy carefully. Thank you.

## VI. Your rights and how to contact us

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MarkBIS is committed to resolving inquiries and complaints about your privacy and our collection or use of your Personal Information.

### A. Your Rights

Privacy laws governing (i) your Personal Information, (ii) your rights regarding your Personal Information, and (iii) our responsibilities and our Customers' responsibilities regarding your Personal Information, may differ depending upon the applicable jurisdiction. Such laws may provide you rights regarding your Personal Information, including without limitation the following rights which are addressed in this Privacy Policy. If you are an International Consumer, please also read Section VII for other rights you may have.

## 1. Right to Know

You may have the right to request to know what Personal Information we or our Customers collect, use, disclose and sell (“request-to-know”). Before submitting a request-to-know, please refer to the following sections in this Privacy Policy which address request-to-know topics:

- Collect – Section VIII titled “Types of data we collect” describes what Personal Information we may collect;
- Use – Section IX titled “Purposes and uses for collected data” describes how we may use your Personal Information and for what purposes;
- Disclose – Section XI titled “Sharing and disclosure of data” describes how we may share or disclose your Personal Information, to whom, and under what circumstances; and
- Sell – As noted above, we will never sell your Personal Information to third parties.

If your request-to-know relates to Customer-licensed Software or Customer-Controlled Personal Information, then please first read that Customer’s privacy statement and, if necessary, submit your request to that Customer. If you still have questions after reading this Privacy Policy and contacting our Customer, then please contact us as described below.

## 2. Right to Request Access, Correct, Amend or Delete

You may have the right to request access to Personal Information collected or maintained by us or our Customers for the purpose of viewing, correcting, amending or deleting that Personal Information (“request-to-access”). Before submitting a request-to-access, please refer to the following sections in this Privacy Policy which address request-to-access topics:

- Access to Personal Information: Section XII.A.3 titled “Right to access your Personal Information” and Section XII.B titled “Account Information & Retention” describes when and how you can correct, amend or delete your Personal Information yourself, submit a request-to-access, and how we may respond to your request; and
- Access to Customer-Controlled Personal Information: Section II.D titled “have Personal Information stored in our Software” describes limitations on our ability to control, correct, amend or delete Customer-Controlled Personal Information.

If your request-to-access relates to Customer-licensed Software or Customer-Controlled Personal Information, then please first read that Customer’s privacy statement and, if necessary, submit your request to that Customer. If you still have questions after reading this Privacy Policy and contacting our Customer, then please contact us as described below.

## 3. Right to Opt-Out of Sale of Personal Information

You may have a right to opt-out of the sale of your Personal information; however, as noted above, we will never sell your Personal Information to third parties.

#### 4. Right to Non-Discrimination

You may have a right not to receive discriminatory treatment by us or our Customers for the exercise of your privacy rights. If you believe that we have discriminated against you for exercising your privacy rights in connection with your Personal Information, then please contact us as described below.

If your concern about discrimination relates to Customer-licensed Software or Customer-Controlled Personal Information, then please first read that Customer's privacy statement and contact that Customer. If you still have concerns after contacting our Customer, then please contact us as described below.

#### 5. Right to an Authorized Agent

You may have a right to use an authorized agent to submit a request on your behalf regarding your Personal Information. Your authorized agent should follow the same procedures described in this Privacy Policy. Please note that we or our Customers may deny a request from your authorized agent if the agent does not submit proof of your written permission to act as your agent, or if we cannot verify the agent's identity or other verification requirements.

#### 6. Other Rights and Requests

Please also contact us with respect to any other request, inquiry or complaint you may have regarding your Personal Information.

### B. How to Contact Us

If you have any requests, inquiries or complaints regarding this Privacy Policy, please submit them to us by:

- Sending an email to [info@mycm.com](mailto:info@mycm.com),
- Sending a letter to:  
Mark Business Intelligence Systems  
14747 N Northsight Blvd, Ste 111-134  
Scottsdale, Arizona 85260
- Or calling us at +1 (888) 219-8024

Your request, inquiry or complaint must include:

- A detailed description of your request, inquiry or complaint;
- Your name and a method to contact you (e.g.: e-mail address, postal address or telephone number);
- Enough information to verify your identity (and the identity of your authorized agent, if applicable) and the substance of your request (Please note that we may require you to authenticate your credentials, prior to acting upon your request);
- Enough information to identify and verify the Personal Information which is the subject of your inquiry or complaint (for example, please identify whether you used or accessed our Public Website, responded to a Promotion, or used or accessed our Software –including the Software URL); and



- If you are an authorized agent, then please also submit proof of your written permission to act as an authorized agent.

We will respond to you within 45 days and inform you of any additional information required, the actions we took in response to your request, inquiry or complaint, or the reasons why we could not act. If you have any questions regarding the resolution of your inquiry or complaint, please contact us.

Please note that we cannot be the first-responder to requests related to (i) Customer-Controlled Personal Information, (ii) Content or Personal Information that you provided directly to one of our Customers, or (iii) that you processed via our Customer-licensed Software, because it would violate the rights of our Customer and may violate the rights of other individuals. In those situations, please first submit your request directly to the Customer to whom you provided the Personal Information or Content. If your request is not processed by the Customer within 30 days, then please contact us so that we can assist you (please note that we may require you to provide us with written permission from the Customer allowing us to assist you).

## VII. International Consumers

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MarkBIS is located in the United States. If you are providing Personal Information and are not a resident of the United States, your country's privacy laws may differ from those in the United States. By accessing or using our Services or otherwise providing information to us or our Customers, you consent to the terms of this Privacy Policy and the processing and transfer of information in and to the U.S. and other countries and territories, which may have different privacy laws from your country of residence.

### A. Our Participation in the Data Privacy Framework (DPF)

MarkBIS complies with the EU-U.S. Data Privacy Framework (EU-U.S. DPF), the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) as set forth by the U.S. Department of Commerce. MarkBIS has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework Principles (EU-U.S. DPF Principles) with regard to the processing of personal data received from the European Union in reliance on the EU-U.S. DPF and from the United Kingdom (and Gibraltar) in reliance on the UK Extension to the EU-U.S. DPF. MarkBIS has certified to the U.S. Department of Commerce that it adheres to the Swiss-U.S. Data Privacy Framework Principles (Swiss-U.S. DPF Principles) with regard to the processing of personal data received from Switzerland in reliance on the Swiss-U.S. DPF. If there is any conflict between the terms in this Privacy Policy and the EU-U.S. DPF Principles and/or the Swiss-U.S. DPF Principles, the Principles shall govern. To learn more about the Data Privacy Framework (DPF) program, and to view our certification, please visit <https://www.dataprivacyframework.gov/>.

#### 1. Submitting inquiries or complaints under the DPF

In compliance with the EU-U.S. Data Privacy Framework (EU-U.S. DPF), the UK Extension to the EU-U.S. DPF, and the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF), MarkBIS commits to resolve complaints about our collection or use of your personal information transferred to the U.S. pursuant to the EU-U.S.

DPF, the UK extension to the EU-U.S. DPF, and the Swiss-U.S. DPF. European Union, United Kingdom or Swiss International Consumers with inquiries or complaints regarding this Privacy Policy should first contact us as described in Section VI.B.

## 2. Independent resolution of complaints under the DPF

MarkBIS has further committed to refer unresolved DPF Principles-related complaints to a U.S.-based independent dispute resolution mechanism, BBB NATIONAL PROGRAMS. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <https://www.bbbprograms.org/dpf-complaints> for more information and to file a complaint. This service is provided free of charge to you.

## 3. Binding Arbitration

Please note that if your DPF complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See <https://www.dataprivacyframework.gov/s/article/ANNEX-I-introduction-dpf>

## B. Accountability for Onward Transfer

Please note that MarkBIS is potentially liable in cases of onward transfer to third parties of Personal Information owned by our International Consumers, received pursuant to the EU-U.S. DPF, the UK extension to the EU-U.S. DPF, and the Swiss-U.S. DPF.

# VIII. Types of data we collect

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The following types of information may be collected:

## A. Information you voluntarily provide

### 1. Via our Public Website and Promotions

When interacting with our Public Website, responding to Promotions, or otherwise interacting with us, you may choose to provide Personal Information, such as your name, employer's name, employer's address, job title, work e-mail address, work telephone number, or other contact information for the purpose of requesting a demonstration of our Services, customer support or other information, or for the purpose of subscribing or unsubscribing to our Promotions, Services' alerts, blogs, or other service-related information.

### 2. Via our Services

While using our Services, you may choose to provide Personal Information as a Customer, or a Customer's authorized user, when you:

- Register for an account, and create or modify your profile and online account;
- Access, use or request information in connection with the Services;
- Participate in any interactive features of the Services, request customer support, or otherwise communicate with us;

- Upload, download, collaborate on or share data, files, tasks, reports or other information within the Software; or
- Participate or complete an online form in connection with a task that was assigned to you, such as an invitation to collaborate on Content, projects, surveys, questionnaires, training, tests, self-assessments, audits, declarations, certifications, documents, corrective action, or other tasks and online activities.

## B. Information We Collect Automatically

### 1. Via our Public Website and Promotions

Log Information: When interacting with our Public Website or responding to Promotions, we may automatically collect public information about you, including a) browser type, name, version, platform and capabilities, and your b) Internet Protocol ("IP") address. Our Public Website may also utilize analytics or other technologies to collect information, which may include saving cookies to your computer or mobile device. Cookies are small data files stored on your hard drive or in device memory that help us to: i) count visitors to our Public Website, ii) improve the Public Website and your experience, and iii) understand which areas and features of the Public Website are most popular. We may also collect information using Web beacons in connection with Promotions. A Web beacon is a graphic image, such as a pixel tag or clear GIF, which is placed on a Web page or in an e-mail message to monitor user activity, such as whether the Web page or e-mail message is accessed or clicked. Some of our Web pages and HTML-formatted e-mail newsletters may use Web beacons in conjunction with cookies. For more information about cookies and how to disable them, please see "Your choices to protect your Personal Information" below in Section XII.

### 2. Via our myComplianceManager Services

When you use our Services, our system automatically collects Log Information (described above) and Usage Information of Customers and their authorized users. Collecting Usage Information means that our system monitors user activity in connection with our Services and automatically collects information about the applications and features you use, the sizes, names and types of data, files or folders you upload, download, share or access while using the Services, the Content you access and any actions you take in connection with your access and use of Content in the Services. Our Services may also utilize analytics or other technologies to collect information, which may include saving cookies to your computer or mobile device. Cookies are small data files stored on your hard drive or in device memory that help us to: i) support single-sign-on or facilitate your access and use of the Services, ii) improve the Services and your experience, iii) understand which areas and features of the Services are most popular; and iv) monitor user activity, such as which web pages you access and actions you perform. For more information about cookies and how to disable them, please see "Your choices to protect your Personal Information" below in Section XII.

## C. Information we collect from other sources

We may also obtain information from third parties –including you, our Customers, or government entities and other third parties from which public information and public records are obtained– and combine that

with information we collect through our Public Website and the Services. For example, we may have access to certain information from a Customer with whom you are associated, such as Customer-Controlled Personal Information.

## IX. Purposes and uses for collected data

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We may collect, process, retain, use, delete or disclose information about you for a variety of purposes, including to:

- Provide, operate, maintain and improve our Public Website or the Services;
- Provide Services and perform our obligations in accordance with each of our Customer contracts and applicable laws;
- Enable you to access and use the Services, including uploading, downloading, collaborating on and sharing Content and sending e-mails on your behalf;
- Send you or your authorized users technical notices, updates, security alerts, and support and administrative messages;
- Provide and deliver the Services and features you or your authorized users request, process and complete transactions, and send you or your authorized users related information, including e-mail confirmations and invoices;
- Respond to your comments, questions, and requests, and provide customer service and support;
- Communicate with you or your authorized users about Services, Promotions, features, updates, upgrades, events, and provide other news or information about MarkBIS and our Services;
- Monitor and analyze trends, usage, and activities in connection with our Public Websites or the Services and for marketing or advertising purposes;
- Investigate and prevent fraudulent transactions, unauthorized access to the Services, and other illegal activities;
- Personalize and improve the Services, and provide content, features, and/or marketing information that match your interests and preferences or otherwise customize your experience on the Services;
- Link or combine with other information we receive from third parties to help understand your needs and provide you and your authorized users with better service;
- Enable you to communicate, collaborate, and share Content with users you designate; and
- For other purposes about which we notify you.

## X. Data Integrity and Purpose Limitation

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Consistent with the Data Privacy Framework Principles, MarkBIS limits its collection of Personal Information to only the information that is relevant for processing and the purposes described in Section IX above, and will take reasonable steps to ensure that Personal Information is reliable for its intended use, accurate, complete, and current. For Customer-licensed Software, our Customers are responsible for ensuring that Personal Information is reliable for its intended user, accurate, complete and current. We and our Customers typically achieve data integrity and purpose limitation by 1) narrowly limiting the scope of

Personal Information initially requested, and 2) redacting or deleting Personal Information that is out of scope or irrelevant for the purpose of processing.

## XI. Sharing and disclosure of data

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We will never sell your Personal Information to any third parties. We also will not collect, use, retain or disclose your Personal Information except as described in this Privacy Policy and any subsequent Privacy Notice to you. For example, we may share Personal Information about you as follows:

### A. Sharing of collected data regardless of its source

#### 1. Compliance with Laws

We may disclose your Personal Information to a third party if (a) we believe that disclosure is reasonably necessary to comply with any applicable law, regulation, legal process or governmental request, (b) to enforce our agreements, policies and terms of service, (c) to protect the security or integrity of the Services, (d) to protect MarkBIS, our customers or the public from harm or illegal activities, or (e) to respond to an emergency which we believe in good faith requires us to disclose information to assist in preventing the death or serious bodily injury of any person. Please note that we may be required to release Personal Information in response to a lawful request by public authorities including to meet national security or law enforcement requirements.

#### 2. Business Transfers

We may share or transfer your information in connection with, or during negotiations of, any merger, sale of company assets, financing, or acquisition of all or a portion of our business to another company. Should such a sale or transfer occur, MarkBIS will use reasonable efforts to direct the transferee to use your Personal Information and Content in a manner that is consistent with this Privacy Policy.

#### 3. Aggregated or Anonymized Data

We may also share aggregated or anonymized information with third parties that does not directly identify you.

### B. Sharing of Public Website and Promotion collected data

We may share data collected from our Public Website and Promotions as follows:

#### 1. Vendors, Consultants and Other Service Providers

We may share your information with certain third party vendors, consultants and other service providers who have first signed a contractual obligation of confidentiality and non-disclosure, and who are working on our behalf and require access to your Personal Information to carry out that work, such as to manage, maintain and improve our Public Website, Services and Promotions, and to otherwise fulfill the purposes described in Section IX above.

### C. Sharing of Services collected data

Data collected from our Services may be shared as follows:

### 1. Vendors, Consultants and Other Service Providers

We may share your information with certain third party vendors, consultants and other service providers who have first signed a contractual obligation of confidentiality and non-disclosure, and who are working on our behalf and require access to your information to carry out that work, such as to manage, maintain and improve our Public Website, Services and Promotions, process billing, provide customer support, and otherwise fulfill the purposes described in Section IX above.

### 2. Organizations Related to You

If you use or access the Services as part of, or at the invitation of, one of our Customers (e.g.: our Customer may be your employer, university, business partner, customer, supplier, or contractor), then that Customer is the Controller, and has independent access and control over the Personal Information and Content you upload or provide into the Services, such as Customer-Controlled Personal Information. In these situations, our Customer may share your Customer-Controlled Personal Information and Content. We cannot control, and are not responsible for, how our Customers collect, process, retain, use, delete, disclose or otherwise share your Personal Information and Content. Therefore, except for our responsibility as a Processor of such information, MarkBIS disclaims all liability. We encourage you to review the privacy statements of that Customer to learn more about their information and privacy practices, before connecting to or using our Services and before providing any Personal Information or Content.

### 3. For Collaboration

With regards to Software, your information may be shared when you choose to use collaboration features in the Software that by their nature support sharing with third parties who you choose. Your name, e-mail address, information from your profile and online account, and any Content you choose to share will be shared with such third parties, and such third parties may communicate with you (such as by responding to surveys or tasks, posting comments, entering Content or e-mailing you) in connection with your use of the collaboration features of the Software. For example, third parties who you invite to collaborate with you as Software users may, by using the collaboration features of the Software, modify Content that you have shared, upload/download data and documents or other Content you have shared, share such Content outside of the Services, and provide other third parties with rights to view the Content you have shared.

### 4. Third Party Applications

Our Services may provide you with opportunities to connect with third-party web sites, applications or services, such as through URLs displayed on system pages. If you choose to use any such third-party web site, applications or services, we may share information about you including your username and any Content you choose to use in connection with those web sites, applications and services, and such third parties may contact you directly as necessary. This Privacy Policy does not apply to your use of such third-party web sites, applications and services, and we are not responsible for how those third parties collect, process, retain, use, delete, disclose or otherwise share your Personal Information and Content. We encourage you to review the privacy policies of those third parties before connecting to or using their web sites, applications or services to learn more about their information and privacy practices.

## XII. Your choices to protect your Personal Information

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The following describe the choices and means we offer individuals to limit the use and disclosure of their Personal Information.

### A. Information you voluntarily provide

#### 1. You can choose not to provide information

Your first choice is simply to not provide us with your Personal Information. Except for a User ID and password needed to login to any myComplianceManager Service, we do NOT require you to provide Personal Information to use or access our Public Website or our Services. Please note that we will never ask you in an e-mail, postal letter or telephone call for sensitive Personal Information such as your User ID, password, social security number, or any of the “Prohibited information” described above. In addition, MarkBIS will never intentionally use your Personal Information for any purpose that is materially different from the purpose(s) for which it was collected or authorized, and the purposes described in Section IX above, without first obtaining your affirmative express consent or providing you notice and opportunity to opt-out via a clear and conspicuous on-screen mechanism, e-mail or other direct notification.

#### 2. Opt-out via myComplianceManager Services

If you use or access our Software as part of, or at the invitation of, one of our Customers, then that Customer may permit you to opt-out of uploading, downloading or collaborating on Personal Information or Content by following the opt-out instructions provided either in the task assignment e-mail or the on-screen Privacy Notice. For example, in most cases the Customer will identify Personal Information fields as optional or request your affirmative express consent (opt-in) when those fields are required.

#### 3. Right to access your Personal Information

You have the right to access your Personal Information, and to correct, amend, or delete that information where it is inaccurate, or, in the case of EU, UK and Swiss International Consumers, has been Processed in violation of the Data Privacy Framework Principles, except where the burden or expense of providing access would be disproportionate to the risks to the individual’s privacy in the case in question, or where the rights of persons other than the individual would be violated. You can request access to your Personal Information by contacting us as described in Section VI.B.

### B. Account Information & Retention

You may update, correct or delete information about you at any time by logging into your myComplianceManager Services’ online account and modifying your user information or preferences. You can also e-mail us at [info@mycm.com](mailto:info@mycm.com). Your personal information will be retained for the period necessary to fulfill the purposes outlined in this Privacy Policy. If you wish to deactivate your account, please e-mail us at [info@mycm.com](mailto:info@mycm.com), but note that certain information may be retained as required by law or for legitimate business purposes. We may also retain cached, back-up or archived copies of information about you for a certain period of time. We will respond to your access request within 30 days. To request removal of Personal Information from our blog or testimonials, contact us at the e-mail address listed

above. In some cases, we may not be able to remove your Personal Information, in which case we will let you know if we are unable to do so and why.

We will retain your information for as long as your account is active or as needed to provide you Services. We will retain and use your information to comply with our legal obligations, resolve disputes and enforce our agreements.

### C. Promotional Communications

You may opt out of receiving Promotion e-mails from MarkBIS by following the opt-out instructions provided in those e-mails. You may also opt-out of receiving Promotion e-mails and other Promotional communications from us at any time by e-mailing [info@mycm.com](mailto:info@mycm.com) with your specific request. If you opt out, we may still send you non-promotional communications, such as security alerts and notices related to your access to or use of the Services or those about your online account or our ongoing business relations.

### D. Cookies

Most web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove or reject browser cookies or to prompt you before accepting such a cookie. Please note that, if you choose to remove or reject browser cookies, this could affect the availability or functionality of the Services.

## XIII. Security

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While no service is completely secure, MarkBIS employs reasonable and appropriate measures to protect Personal Information from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into due account the risks involved in the processing and the nature of the Personal Information. For example, we accomplish this by:

- Establishing policies and procedures for securely managing information;
- Limiting employee access to sensitive information;
- Encrypting your information and Content in transit over the Internet to the Public Website and our Services;
- Protecting against unauthorized access to Personal Information by using data encryption, authentication, virus detection technology, threat management and intrusion detection systems (IDS), as required;
- Requiring service providers with whom we do business to comply with relevant legal and regulatory requirements;
- Conducting background checks on employees and providing data privacy training to our team members; and
- Continually assessing our data privacy, information management and data security practices.



Additionally, the servers related to our Services, on which Personal Information is stored, are kept in a controlled environment with limited access. While we take reasonable efforts to guard Personal Information, no security system is impenetrable. In addition, we cannot guarantee that any passively collected Personal Information you choose to include in documents you store on our systems are maintained at levels of protection to meet specific needs or obligations you may have relating to that information.

We further protect information by requiring all users to access account information and our Services only through the use of an individual user ID and password. To protect the confidentiality of Personal Information and Content, you must keep your password confidential and not disclose it to any other person. Please advise us immediately if you believe your password has been misused. In addition, always logout and close your browser when you finish your session. Please note that we may be required to release personal information in response to a lawful request by public authorities including to meet national security or law enforcement requirements.

## XIV. Enforcement

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MarkBIS is subject to the investigatory and enforcement powers of the Federal Trade Commission (“FTC”) as well as US state agencies that may have jurisdiction over us.

In addition, our privacy protection program includes procedures to periodically investigate and assess the effectiveness of our privacy practices. These procedures require both internal self-assessments, as well as independent, third party audits and assessments of our data center’s physical security, operational security and system security. For example, independent third-party auditors annually verify the data protection controls at our data centers pursuant to internationally accepted standards such as ISO 27001, and AICPA SSAE-18 (SOC 1, SOC 2 or SOC 3).

## XV. Blogs

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Our Public Website may offer publicly accessible blogs or community forums. You should be aware that any information you provide in these areas may be read, collected, and used by others who access them.

## XVI. Testimonials

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We display personal testimonials of satisfied Customers and users of our Services on our Public Website in addition to other endorsements. We may post your testimonial along with your name or company name.

## XVII. Third Party Websites

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We may place links on our Public Website or the Software. When you click on a link to a third-party website, your activity and use on the linked website is governed by that website's policies, not by those of MarkBIS. We encourage you to visit their websites and review their privacy statement and user policies.

## XVIII. Our Policy Toward Children

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Our Services are not directed to individuals under 13. We do not knowingly collect personal information from children under 13. If you become aware that a child has provided us with personal information, please contact us at [info@mycm.com](mailto:info@mycm.com). If we become aware that a child under 13 has provided us with Personal Information, we will take steps to delete such information.

## XIX. Definitions

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For purposes of this Privacy Policy:

- "Content" means all data, files, tasks, reports or other information that an individual uploads, downloads, collaborates on, shares or otherwise processes in, from or through the Services.
- "Controller" means a person, entity or organization which, alone or jointly with others, determines the purposes and means of the processing of Personal Information or Content.
- "Customer" means any person, entity or organization that purchases, licenses, installs or activates our Services, including licensing our Software.
- "Customer-Controlled Personal Information" has the meaning set forth in Section II.D.
- "Data Concerning Health" means any information which relates to the physical or mental health of an individual, or to the provision of health services to the individual.
- "Genetic Data" means all data, of whatever type, concerning the characteristics of an individual which are inherited or acquired during early prenatal development.
- "International Consumer" means any natural person who is located in the European Economic Area (EEA), the United Kingdom or Switzerland, whose Personal Information has been processed by MarkBIS.
- "MarkBIS" means Mark Business Intelligence Systems LLC, a Nevada limited liability corporation.
- "Personal Information" means any information that (i) is processed in any form, (ii) identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular natural person or household, and (iii) does not include publicly available information.
- "Privacy Notice" has the meaning set forth in Section V.

- “process” or “processing” means any operation or set of operations which is performed upon Personal Information or sets of Personal Information, whether or not by automated means, such as collection, recording, retrieval, use, erasure or destruction.
- “Processor” means a natural or legal person or entity which processes Personal Information at the direction of, or on behalf of, a Controller.
- “Promotions” has the meaning set forth in Section II.B.
- “Public Website” has the meaning set forth in Section II.A.
- “Services” has the meaning set forth in Section II.C.
- “Software” has the meaning set forth in Section II.C.