

Privacy Policy

effective May 25th, 2018

Protecting your privacy is really important to us. Accordingly, we're providing this Privacy Policy to explain our practices regarding the collection, use and disclosure of information that we process in the course of our business, including information we receive through our Services and other online or offline offerings. This Privacy Policy doesn't apply to any third-party websites, services or applications, even if they are accessible through our Services. Also, please note that, unless we define a term in this Privacy Policy, all capitalized words used in this Privacy Policy have the same meanings as in our Terms of Service. This Privacy Policy is incorporated by reference into our Terms of Service. So, please make sure that you have read and understand our Terms of Service.

All individuals whose responsibilities include the processing of any information relating to an identified or identifiable natural person ("Personal Information") on behalf of Adaptiv are expected to protect that data by adherence to this Privacy Policy. This Privacy Policy is intended to meet requirements globally, including those in North America, Europe, APAC, and other jurisdictions.

Revisions to this Privacy Policy

Any information that is collected via our Services is covered by the Privacy Policy in effect at the time such information is collected. We may revise this Privacy Policy from time to time. If we make any material changes to this Privacy Policy, we'll notify you of those changes by posting them on the Services or by sending you an email or other notification as required by applicable law, and we'll update the "Last Updated Date" above to indicate when those changes will become effective. You understand and agree that you will be deemed to have accepted the updated Privacy Policy if you use the Services after the updated Privacy Policy is posted on the Services. If at any point you do not agree to any portion of the Privacy Policy then in effect, you must immediately stop using the Services. Additionally, before we use Personal Information for any new purpose not originally authorized by you, we will endeavor to provide information regarding the new purpose and give you the opportunity to opt-out. Where consent of the Individual for the Processing of Personal Information is otherwise required by law or contract, Adaptiv will endeavor to comply with the law or contract.

Transparency / Notice — Types of Personal Information We Collect and How We Use It

The types of Personal Information we may collect (directly from you or from third party sources) and our privacy practices depend on the nature of the relationship you have with Adaptiv and the requirements of applicable law. Some of the ways that we may collect Personal Information include:

- You may provide Personal Information directly to us through interacting with the Services, participating in surveys, and requesting Services, or information.
- As you navigate the Services, certain passive information may also be collected about your visit, including through cookies and similar technologies as described below.

We endeavor to collect only that information which is relevant for the purposes of Processing. Below are the ways we collect Personal Information and how we use it.

Collection and Use of Information

Our primary goals in collecting information are to provide and improve our Services, to administer your use of the Services, and to enable you to enjoy and easily navigate our Services.

Types of Personal Information We Collect

Adaptiv collects Personal Information regarding its current, prospective, and former clients, customers, users, visitors, guests, and employees (collectively “Individuals”).

Information You Provide Directly to Us

When you use the Services or engage in certain activities, such as responding to surveys, requesting Services or information, or contacting us directly, we may ask you to provide some or all of the following types of information:

Communications with Us

- We may collect Personal Information from you such as email address, phone number or mailing address when you choose to request information about our Services, register for Adaptiv’s newsletter or a program that we may offer from time to time, request to receive customer or technical support, or otherwise communicate with us.

Surveys

- From time to time, we may contact you to participate in online surveys. If you decide to participate, you may be asked to provide certain information which may include Personal Information. All information collected from your participation in our surveys is

provided by you voluntarily. We may use such information to improve our products, Sites and/ or Services and in any manner consistent with the policies provided herein.

Posting on the Site

- Adaptiv may offer publicly accessible blogs, private messages, or community forums. You should be aware that, when you disclose information about yourself in on Adaptiv's blogs, private messages, and community forums, the Site will collect the information you provide in such submissions, including any Personal Information. If you choose to submit content to any public area of the Site, such content will be considered "public" and will not be subject to the privacy protections set forth herein.

Automatic Data Collection

- We may collect certain information automatically through our Services or other methods of web analysis, such as your Internet protocol (IP) address, cookie identifiers, mobile carrier, mobile advertising identifiers, MAC address, IMEI, Advertiser ID, Game Center ID, and other device identifiers that are automatically assigned to your computer or device when you access the Internet, browser type and language, geolocation information, hardware type, operating system, Internet service provider, pages that you visit before and after using the Services, the date and time of your visit, the amount of time you spend on each page, information about the links you click and pages you view within the Services, and other actions taken through use of the Services such as preferences.

Information Submitted Via Services

You agree that Adaptiv is free to use the content of any communications submitted by you via the Services, including any ideas, inventions, concepts, techniques, or know-how disclosed therein, for any purpose including developing, manufacturing, and/or marketing goods or Services. We will not release your name or otherwise publicize the fact that you submitted materials or other information to us unless: (a) you grant us permission to do so; (b) we first send notice to you that the materials or other information you submit to a particular part of a Service will be published or otherwise used with your name on it; or (c) we are required to do so by law.

Information from Other Sources

We may receive information about you from other sources, including through third party services and organizations to supplement information provided by you.

Information Collected Using Cookies and other Web Technologies

Like many website owners and operators, we, as well as third parties that provide content, advertising, or other functionality on our Services, may use cookies, pixel tags, local storage, and other technologies ("Technologies") to automatically collect

information through the Services. We use Technologies that are essentially small data files placed on your computer, tablet, mobile phone, or other devices (referred to collectively as a “device”) that allow us to record certain pieces of information whenever you visit or interact with our sites, services, applications, messaging, and tools, and to recognize you across devices. We use automated data collection tools such as Cookies and Web Beacons to collect certain information.

Cookies

- “Cookies” are small text files that are placed on your device by a web server when you access our Services. We may use both session cookies and persistent cookies to identify that you’ve logged in to the Services and to tell us how and when you interact with our Services. We may also use cookies to monitor aggregate usage and web traffic routing on our Services and to customize and improve our Services. Unlike persistent cookies, session cookies are deleted when you log off from the Services and close your browser. Although most browsers automatically accept cookies, you can change your browser options to stop automatically accepting cookies or to prompt you before accepting cookies. Please note, however, that if you don’t accept cookies, you may not be able to access all portions or features of the Services. Some third-party services providers that we engage (including third-party advertisers) may also place their own cookies on your device. Note that this Privacy Policy covers only our use of cookies and does not include use of cookies by such third parties.

Pixels

- “Pixels”/“Web Beacons” (also known as Web bugs, pixel tags or clear GIFs) are tiny graphics with a unique identifier that may be included on our Services for several purposes, including to deliver or communicate with Cookies, to track and measure the performance of our Services, to monitor how many visitors view our Services, and to monitor the effectiveness of our advertising. Unlike Cookies, which are stored on the user’s hard drive, Web Beacons are typically embedded invisibly on web pages (or in an e-mail).

Widgets

- “Social Media Widgets” such as the Facebook “Like” button and LinkedIn (that might include widgets such as the share this button or other interactive miniprograms) may be on our Site. These features may collect your IP address, which page you are visiting on our site, and may set a cookie to enable the feature to function properly. These social media features are either hosted by a third party or hosted directly on our Website. Your interactions with these features are governed by the privacy policy of the company providing it.

Analytics

- We may also use Google Analytics and Google Analytics Demographics and Interest Reporting to collect information regarding visitor behavior and visitor demographics on some of our Services, and to develop website content. This analytics data is not tied to any Personal Information. For more information about Google Analytics, please visit

www.google.com/policies/privacy/partners/. You can opt out of Google's collection and Processing of data generated by your use of the Services by going to tools.google.com/dlpage/gaoptout.

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

Operationally Necessary

- We may use cookies, web beacons, or other similar technologies that are necessary to the operation of our sites, services, applications, and tools. This includes technologies that allow you access to our sites, services, applications, and tools; that are required to identify irregular site behavior, prevent fraudulent activity and improve security; or that allow you to make use of our functions such as shopping-carts, saved search, or similar functions.

Performance Related

- We may use cookies, web beacons, or other similar technologies to assess the performance of our websites, applications, services, and tools, including as part of our analytic practices to help us understand how our visitors use our websites, determine if you have interacted with our messaging, determine whether you have viewed an item or link, or to improve our website content, applications, services, or tools

Functionality Related

- We may use cookies, web beacons, or other similar technologies that allow us to offer you enhanced functionality when accessing or using our sites, services, applications, or tools. This may include identifying you when you sign into our sites or keeping track of your specified preferences, interests, or past items viewed so that we may enhance the presentation of content on our sites;

Social Media Platforms

Adaptiv's Services may include publicly accessible blogs, community forums, or private messaging features. The Site and our other Services may also contain links and interactive features with various social media platforms (e.g., widgets). If you already use these platforms, their cookies may be set on your device when using our Site or other Services. You should be aware that Personal Information which you voluntarily include and transmit online in a publicly accessible blog, chat room, social media platform or otherwise online, or that you share in an open forum may be viewed and used by others without any restrictions. We are unable to control such uses of your information when interacting with a social media platform, and by using such services you assume the risk that the Personal Information provided by you may be viewed and used by third parties for any number of purposes.

Third-Party Payment Processing

We may sell subscriptions or merchandise through our Services. When you make purchases through the Services, we process your payments through a third party application, including the Apple App Store, Google Play App Store, Amazon App Store (together with any similar applications, “App Stores”), Social Networking Sites (“SNS”) such as Facebook, and other third-party payment processors, including Stripe. The third party application may collect certain financial information from you to process a payment on behalf of Adaptiv, including your name, email address, address and other billing information.

How We Use Your Information

We acquire, hold, use, and process Personal Information about Individuals for a variety of business purposes, including:

To Provide Products, Services, or Information Requested

We may use information about you to fulfill requests for products, Services, or information, including information about potential or future Services, including to:

- Generally manage Individual information
- Respond to questions, comments, and other requests
- Provide access to certain areas, functionalities, and features of Adaptiv’s Services
- Contact you to answer requests for customer support or technical support
- Allow you to register for events

Administrative Purposes

We may use Personal Information about you for administrative purposes, including to:

- Measure interest in Adaptiv’s Services
- Develop new products and Services
- Ensure internal quality control
- Process payment for products or services purchased
- Process applications and transactions
- Prevent potentially prohibited or illegal activities
- Enforce our Terms

Marketing Adaptiv Products and Services

We may use Personal Information to provide you with materials about offers, products, and Services that may be of interest, including new content or Services. We may

provide you with these materials by phone, postal mail, facsimile, or email, as permitted by applicable law. Such uses include:

- To tailor content, advertisements, and offers
- To notify you about offers, products, and services that may be of interest to you
- To provide Services to you
- For other purposes disclosed at the time that Individuals provide Personal Information, or
- Otherwise with your consent

You may contact us at any time to opt-out of the use of your Personal Information for marketing purposes, as further described in this Privacy Policy.

Research and Development

We may use Personal Information to create nonidentifiable information that we may use alone or in the aggregate with information obtained from other sources, in order to help us to optimally deliver our existing products and Services or develop new products and Services. From time to time, Adaptiv may perform research (online and offline) via surveys. We may engage third party service providers to conduct such surveys on our behalf. All survey responses are voluntary, and the information collected will be used for research and reporting purposes to help us better serve Individuals by learning more about their needs and the quality of the products and services we provide. The survey responses may be utilized to determine the effectiveness of our Services, various types of communications, advertising campaigns, and/or promotional activities. If an Individual participates in a survey, the information given will be used along with that of other study participants. We may share anonymous Individual and aggregate data for research and analysis purposes.

Direct Mail, Email and Outbound Telemarketing

Individuals who provide us with Personal Information, or whose Personal Information we obtain from third parties, may receive periodic emails, newsletters, mailings, or phone calls from us with information on our or our business partners' products and services or upcoming special offers/events we believe may be of interest. We offer the option to decline these communications at no cost to the Individual by following the instructions in this Privacy Policy.

Services via Mobile Devices

From time to time, Adaptiv may provide Services that are specifically designed to be compatible and used on mobile devices. We will collect certain information that your mobile device sends when you use such Services, like a device identifier, user settings, location information, mobile carrier, and the operating system of your device. Mobile versions of our Services may require that users log in with an Account. In such cases, information about use of mobile versions of the Services may be associated with

Accounts. In addition, Adaptiv may enable Individuals to download an application, widget, or other tool that can be used on mobile or other computing devices. Some of these tools may store information on mobile or other devices. These tools may transmit Personal Information to Adaptiv to enable Individuals to access Accounts and to enable us to track use of these tools. Some of these tools may enable users to email reports and other information from the tool. We may use personal or non-identifiable information transmitted to Adaptiv to enhance these tools, to develop new tools, for quality improvement and as otherwise described in this Privacy Policy or in other notices Adaptiv provides.

Anonymous and Aggregated Information Use

We may use Personal Information and other information about you to create anonymized and aggregated information, such as de-identified demographic information, de-identified location information, information about the computer or device from which you access Adaptiv's Services, or other analyses we create. Anonymized and aggregated information is used for a variety of functions, including the measurement of visitors' interest in and use of various portions or features of the Services. Anonymized or aggregated information is not Personal Information, and we may use such information in a number of ways, including research, internal analysis, analytics, and any other legally permissible purposes. We may share this information within Adaptiv and with third parties for our or their purposes in an anonymized or aggregated form that is designed to prevent anyone from identifying you.

Other Uses

We may use Personal Information for which we have a legitimate interest, such as direct marketing, individual or market research, anti-fraud protection, or any other purpose disclosed to you at the time you provide Personal Information or with your consent.

Information That We Share With Third Parties

We will not share any Personal Information that we have collected from or regarding you except as described below

Information Shared with Our Services Providers

We may engage third party service providers to work with us to administer and provide the Services. These third-party services providers have access to your Personal Information only for the purpose of performing services on our behalf. The types of service providers (processors) to whom we entrust Personal Information include service providers for: (i) provision of IT and related services; (ii) provision of information and services you have requested; (iii) payment processing; (iv) customer service activities;

and (v) in connection with the provision of the Site. Adaptiv has executed appropriate contracts with the service providers that prohibit them from using or sharing Personal Information except as necessary to perform the contracted services on our behalf or to comply with applicable legal requirements.

If you don't want Adaptiv to use your information for these purposes, you can opt out by contacting us at support@adaptivlearning.com.

Information Shared with Other Third Parties

We may share aggregated information and non-identifying information with third parties for industry research and analysis, demographic profiling and other similar purposes.

Information Disclosed in Connection with Business Transactions

Information that we collect from our users, including Personal Information, is considered to be a business asset. As a result, if we go out of business or enter bankruptcy or if we are acquired as a result of a transaction such as a merger, acquisition or asset sale, some or all of our assets, including your Personal Information, may be disclosed or transferred to a third-party acquirer in connection with the transaction.

Information Disclosed for Our Protection and the Protection of Others

We cooperate with government and law enforcement officials and/or private parties to enforce and comply with the law. We may access, preserve, and disclose any information about you to government or law enforcement officials or private parties as we, in our sole discretion, believe necessary or appropriate: (i) to respond to claims or legal process and comply with law enforcement or national security requests (including subpoenas, warrants or court orders); (ii) to protect your, our, or other's property, rights and safety and the rights, property and safety of a third party or the public in general; (iii) to prevent or stop any activity we consider illegal, unethical or legally actionable activity; (iv) to respond to your requests; (v) to collect amounts owed to us; (vi) when we believe disclosure is necessary or appropriate to prevent physical harm or financial loss or in connection with an investigation or prosecution of suspected or actual illegal activity; or (vii) if we, in good faith, believe that disclosure is otherwise necessary or advisable.

In addition, from time to time, server logs may be reviewed for security purposes – e.g., to detect unauthorized activity on the Services. In such cases, server log data

containing IP addresses may be shared with law enforcement bodies in order that they may identify users in connection with their investigation of the unauthorized activities.

Your Choices & Opt-Out

You have the right to opt out of certain uses and disclosures of your Personal Information. Where you have consented to Adaptiv's processing of your Personal Information, you may withdraw that consent at any time and opt-out to further processing by contacting us at support@adaptivlearning.com. Even if you opt-out, we may still collect and use non-Personal Information regarding your activities on our Sites and/ or information from the advertisements on third party websites for non-interest based advertising purposes, such as to determine the effectiveness of the advertisements.

We may periodically send you free newsletters and e-mails that directly promote our Services. When you receive such promotional communications from us, you will have the opportunity to "opt-out" (either through your Account or by following the unsubscribe instructions provided in the e-mail you receive). We do need to send you certain communications regarding the Services and you will not be able to opt out of those communications – e.g., communications regarding updates to our Terms of Service or this Privacy Policy or information about billing.

Mobile Devices

We may occasionally send you push notifications through our mobile applications with updates and other notices that may be of interest to you. You may at any time opt-out from receiving these types of communications by changing the settings on your mobile device. We may also collect location-based information if you use our mobile applications. You may opt-out of this collection by changing the settings on your mobile device.

Responding to Do Not Track Signals

Do Not Track ("DNT") is a privacy preference that users can set in certain web browsers. DNT is a way for users to inform websites and services that they do not want certain information about their webpage visits collected over time and across websites or online services. Our Services do not have the capability to respond to "Do Not Track" signals received from various web browsers.

Cookies and Interest-Based Advertising

As noted above, you may stop or restrict the placement of cookies on your computer or remove them from your browser by adjusting your web browser preferences. Please note that cookie-based opt-outs are not effective on mobile applications. However, on many mobile devices, application users may opt out of certain mobile ads via their device settings.

The online advertising industry also provides websites from which you may opt-out of receiving targeted ads from our data partners and our other advertising partners that participate in self-regulatory programs. You can access these, and also learn more about targeted advertising and consumer choice and privacy, at www.networkadvertising.org/managing/opt_out.asp, or youronlinechoices.eu/ and aboutads.info/choices. You can also choose not to be included in Google Analytics here.

To be clear, whether you are using our opt-out or an online industry opt-out, these cookie-based opt-outs must be performed on each device and browser that you wish to have opted-out. For example, if you have opted-out on your computer browser, that opt-out will not be effective on your mobile device. You must separately opt-out on each device. Advertisements on third party websites that contain the AdChoices link and that link to this Privacy Policy may have been directed to you based on anonymous, non-Personal Information collected by advertising partners over time and across websites. These advertisements provide a mechanism to opt-out of the advertising partners' use of this information for interest-based advertising purposes.

Rights of Access, Rectification, Erasure, and Restriction

You may inquire as to whether Adaptiv is Processing Personal Information about you, request access to Personal Information, and ask that we correct, amend or delete your Personal Information where it is inaccurate. Where otherwise permitted by applicable law, you may contact us at support@adaptivlearning.com or use any of the methods set out in this Privacy Policy to request access to, receive (port), seek rectification, or request erasure of Personal Information held about you by us. Please include your full name, email address associated with your Account, and a detailed description of your data request. Such requests will be processed in line with local laws.

Although Adaptiv makes good faith efforts to provide Individuals with access to their Personal Information, there may be circumstances in which we are unable to provide access, including but not limited to: where the information contains legal privilege, would compromise others' privacy or other legitimate rights, 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 it is commercially proprietary. If we determine that access should be restricted in any particular instance, we will provide you with an explanation of

why that determination has been made and a contact point for any further inquiries. To protect your privacy, we will take commercially reasonable steps to verify your identity before granting access to or making any changes to your Personal Information.

Data Retention

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

The Security of Your Information

We take reasonable administrative, physical and electronic measures designed to protect the information that we collect from or about you (including your Personal Information) from unauthorized access, use or disclosure. When you enter sensitive information on our forms, we encrypt this data using SSL or other technologies. Please be aware, however, that no method of transmitting information over the Internet or storing information is completely secure. Accordingly, we cannot guarantee the absolute security of any information. We do not accept liability for unintentional disclosure.

By using the Site or providing Personal Information to us, you agree that we may communicate with you electronically regarding security, privacy, and administrative issues relating to your use of the Site. If we learn of a security system's breach, we may attempt to notify you electronically by posting a notice on the Site or sending an e-mail to you. You may have a legal right to receive this notice in writing.

Links to Other Sites

Our Services may contain links to websites and services that are owned or operated by third parties (each, a "Third-party Service"). Any information that you provide on or to a Third-party Service or that is collected by a Third-party Service is provided directly to the owner or operator of the Third-party Service and is subject to that owner's or operator's privacy policy. We're not responsible for the content, privacy or security practices and policies of any Third-party Service. To protect your information we recommend that you carefully review the privacy policies of all Third-party Services that you access.

International Transfer

Your Personal Information may be transferred to, and maintained on, computers located outside of your state, province, country or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you're located outside the United States and choose to provide your Personal Information to us, we may transfer your Personal Information to the United States and process it there. By choosing to visit the Site, utilize the Services or otherwise provide information to us, you agree that any dispute over privacy or the terms contained in this Privacy Policy will be governed by the laws of the United States and the State of Pennsylvania, and the adjudication of any disputes arising in connection with Adaptiv or the Site will be in accordance with the Terms.

Our Policy Toward Children

Our Services are not directed to children under 13 and we do not knowingly collect Personal Information from children under 13. If we learn that we have collected Personal Information of a child under 13 we will take steps to delete such information from our files as soon as possible. If you are under the age of 18, you must have your parent's permission to access the Services.

Questions?

Please contact us at support@adaptivlearning.com if you have any questions about our practices or this Privacy Policy.