

Effective as of May 10, 2020, LANGAPI COMPANY, (“Rutter”) and its subsidiaries (collectively, the “Rutter Group” or “we” or “us” or “our”) have updated our Privacy Policy (“Policy”).

## **1. Introduction**

This Policy details our commitment to protecting the privacy of individuals who visit our Websites (as herein defined) (“Website Visitors”), who are authorized to use our Services through a Subscriber’s Account (“Users”), or who attend or register to attend events which we organize or co-organize (“Attendees”). For the purposes of this Policy, the term, “Websites”, shall refer collectively to [www.rutterapi.com](http://www.rutterapi.com) as well as the other websites that the Rutter Group operates and that link to this Policy, the term “Services” shall refer to our on-demand product excellence system, and tools and services made available from the Websites. The term “Subscriber” shall refer to an individual or an entity that has agreed to a Service Agreement for use of our Services, including an individual representing the Subscribing company, the term “Account” shall mean all Prowess accounts or instances created by or on behalf of Subscriber within the Service.

## **2. Scope Of This Policy**

In this Policy, personal information means information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his/her physical, physiological, mental, economic, cultural or social identity.

Personal information does not include “Usage Data” which we define as encoded or anonymized information or aggregated data we collect about a group or category of services, features or users which does not contain personally identifying information. Usage Data helps us understand trends in usage of the Service so that we can better consider new features or otherwise tailor the Service. In addition to collecting and using Usage Data ourselves,

we may share Usage Data with third parties, including our customers, partners and service providers, for various purposes, including to help us better understand our customers' needs and improve the Service as well as for advertising and marketing purposes. We do not share Usage Data with third parties in a way that would enable them to identify you personally.

Our Websites may contain links to other websites and the information practices and the content of such other websites are governed by the privacy statements of such other websites. We encourage you to review the privacy statements of any such other websites to understand their information practices.

If you have purchased a subscription to our Services additional terms relating to data rights are set forth in and governed by our Terms of Service, available here: <https://www.rutterapi.com/terms>, or such other applicable agreement between you and any member of the Rutter Group relating to your access to and use of such Services ("Service Agreement").

We may process certain personal data as a data processor for our Subscribers. Subscribers to our Services act as data controllers and are solely responsible for establishing policies for and ensuring compliance with all applicable laws and regulations, as well as any and all privacy policies, agreements or other obligations, relating to the collection of personal information in connection with the use of our Services by individuals with whom our Subscribers interact. If you are an individual who interacts with a Subscriber using our Services, then you will be directed to contact our Subscriber for assistance with any requests or questions relating to your personal information processed in connection with such interaction.

We may transfer personal information to companies that help us provide our Services to Subscribers. Our processing of personal data under the direction of our Subscribers and transfers to subsequent third parties for these

purposes are governed by the Service Agreements with our Subscribers, including the data processing agreement..

### **3. Information That You Provide To Us**

#### Account and Registration Information:

If you are Subscriber or User, we ask for and collect personal information about you and your Users such as name, address, phone number, email address, instant messaging ID, and credit card information of the Subscriber, as well as certain related information like Subscriber company name and website name email address and name or alias from each User. If you sign-up for a free trial Account, you are not required to enter your credit card information unless and until you decide to continue with a paid subscription to our Services. A third-party intermediary is used to manage credit card processing.

We refer to any information described above as “Account Information” for the purposes of this Policy. By voluntarily providing us with Account Information, you represent that you are the owner of such personal data or are otherwise authorized to provide it to us, specifically, if you as a Subscriber provide us Account Information related to the User, you represent that the User has not objected to such processing.

#### Submissions by the Website Visitor:

We ask for and collect personal information from you when you submit web forms on our Websites or as you use interactive features of the Websites, including, participation in surveys, contests, promotions, sweepstakes, requesting customer support, or communicating with us.

#### Attendee Information:

We ask for and collect personal information such as your name, address, phone number and email address when you register for or attend an event as an Attendee.

#### **4. Information That We Collect From You on our Websites**

##### **Cookies and Other Tracking Technologies:**

We and our authorized partners use cookies and other information gathering technologies for a variety of purposes. These technologies may provide us with personal information, information about devices and networks you utilize to access our Websites, and other information regarding your interactions with our Websites.

We partner with third parties to either display advertising on the Websites or to manage our advertising on other sites. Our third party partners may use technologies such as cookies to gather information about your activities on our Websites and other sites in order to suggest advertisements based upon your browsing activities and interests. If you wish to not have this information used for the purpose of serving you interest-based ads, you may opt-out by contacting [info@rutterapi.com](mailto:info@rutterapi.com). Please note this does not opt you out of being served ads and you will continue to receive generic ads.

Web beacons, tags and scripts may be used on our Websites or in email or other electronic communications we send to you. These assist us in delivering cookies, counting visits to our Websites, understanding usage and campaign effectiveness and determining whether an email has been opened and acted upon. We may receive reports based on the use of these technologies by our third-party service providers on an individual and aggregated basis.

We use Local Storage Objects (“LSOs”) such as HTML5 to store content information and preferences. Various browsers may offer their own management tools for removing HTML5 LSOs. Third parties with whom we

partner to provide certain features on our Websites or to display advertising based upon your Web browsing activity use LSOs such as HTML5 and Flash to collect and store information. For further information on how to manage Flash LSOs see [Flash Player Help](#).

Logs:

As is true with most websites and services delivered over the Internet, we gather certain information and store it in log files when you interact with our Websites and Services. This information includes internet protocol (IP) addresses as well as browser type, internet service provider, URLs of referring/exit pages, operating system, date/time stamp, information you search for, locale and language preferences, identification numbers associated with your devices, your mobile carrier, and system configuration information. Occasionally, we connect personal information to information gathered in our log files as necessary to improve our Websites and Services. In such a case, we would treat the combined information in accordance with this Policy.

Analytics:

We collect analytics information when you use the Websites to help us improve them. We may also share anonymous data about your actions on our Websites with third-party service providers of analytics services.

## **5. Information Collected From Other Sources**

Social Media Widgets:

The Websites include social media features, such as the Facebook Like button, and widgets, such as the Share This button or interactive

mini-programs that run on our Websites. These features may collect your Internet protocol address, which page you are visiting on the Websites, and may set a cookie to enable the feature to function properly. Social media features and widgets are either hosted by a third party or hosted directly on the Websites. Your interactions with these features are governed by the privacy statement of the companies that provide them.

#### Single Sign-On:

You can log into certain Services using sign-in services such as Google Authentication or SAML. These services will authenticate your identity, without the need to sign in with a username and password combination.

#### Information From Third Party Services:

We may also obtain other information, including personal information, from third parties and combine that with information we collect through our Websites. For example, we may have access to certain information from a third party social media or authentication service if you log into our Services through such a service or otherwise provide us with access to information from the service. Any access that we may have to such information from a third party social media or authentication service is in accordance with the authorization procedures determined by that service. By authorizing us to connect with a third party service, you authorize us to access and store your name, email address(es), current city, profile picture URL, and other personal information that the third party service makes available to us, and to use and disclose it in accordance with this Policy. You should check your privacy settings on these third party services to understand and change the information sent to us through these services. For example, you can log in to the Services using sign-in services such as Google Authentication, as further described below.

## **6. How We Use Information That We Collect (Purpose of the processing)**

We use the information we collect about you (including personal information, to the extent applicable) to (a) provide, operate, maintain and improve the Services; (b) enable you to access and use the Services; (c) process and complete transactions, and send you related information, including purchase confirmations and invoices; (d) send transactional messages, including responses to your comments, questions, and requests; provide customer service and support; and send you technical notices, updates, security alerts, and support and administrative messages; (e) send promotional communications, such as providing you with information about products and services, features, surveys, newsletters, offers, promotions, contests, and events; and provide other news or information about us and our partners. (f) process and deliver contest or sweepstakes entries and rewards; (g) monitor and analyze trends, usage, and activities in connection with the Websites and Services and for marketing or advertising purposes; (h) investigate and prevent fraudulent transactions, unauthorized access to the Services, and other illegal activities; (i) personalize the Websites and Services, including by providing features or advertisements that match your interests and preferences; and (j) comply with our legal obligations, including our obligations related to personal data protection.

## **7. Legal grounds for processing**

We process your information for the purposes described in this Policy, based on the following legal grounds:

(i) When we're pursuing legitimate interests

We process your information for our legitimate interests and those of third parties. This means that we process your information for things like: Providing, operating; maintaining, and improving our Services; enabling you to access and use the Services; promoting the Services; sending promotional communications, monitoring and analyzing trends, usage, and activities in

connection with the Websites and Services; investigating and preventing fraudulent transactions, unauthorized access to the Services, and other illegal activities; (i) personalizing the Websites and Services.

(ii) When we're providing a service

We process your data to provide a service you've asked for under the Service Contract or other contract between you and us. This means that we process your information for things like: Enabling you to access and use the Services; processing transactions, and sending you related information; providing customer service and support; personalizing the Websites and Services.

(iii) When we're complying with legal obligations

We'll process your data when we have a legal obligation to do so, for example, if we're responding to legal process or an enforceable governmental request.

(iv) With your consent

We may ask for your agreement to process your information for specific purposes and you have the right to withdraw your consent at any time. For example, we ask for your consent to publish your testimonial, if it includes your identification. If you wish to withdraw your consent, you can contact us at [info@rutterapi.com](mailto:info@rutterapi.com).

## **8. Sharing Of Information Collected**

Third-Party Service Providers:

We share information, including personal information, with our third-party service providers that we use to provide hosting for and maintenance of our Websites, application development, backup, storage, payment processing,

analytics and other services for us. These third-party service providers may have access to or process your personal information for the purpose of providing these services for us. We do not permit our third-party service providers to use the personal information that we share with them for their marketing purposes or for any other purpose than in connection with the services they provide to us.

#### Compliance with Laws and Law Enforcement Requests; Protection of Our Rights:

In certain situations, we may be required to disclose personal information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. We may disclose personal information to respond to subpoenas, court orders, or legal process, or to establish or exercise our legal rights or defend against legal claims. We may also share such information if we believe it is necessary in order to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, violations of our Service Agreement, or as otherwise required by law.

#### Testimonials:

From time to time, we may post testimonials on the Websites that may contain personal information. We obtain your consent to post your name along with your testimonial. If you wish to update or delete your testimonial, you can contact us at [info@rutterapi.com](mailto:info@rutterapi.com).

#### Referrals:

If you choose to use our referral service to tell a friend about our products and services, we will ask you for your friend's name and email address. We will automatically send your friend an email inviting him or her to visit the Websites and will store this information for the purpose of sending this initial

email, tracking the success of our referral program and other marketing activities. Your referral may contact us at [info@rutterapi.com](mailto:info@rutterapi.com) to request that we remove his/her information from our database.

#### Community Forums:

The Websites may offer publicly accessible blogs, community forums, comments sections, discussion forums, or other interactive features (“Interactive Areas”). You should be aware that any information that you post in an Interactive Area might be read, collected, and used by others who access it. To request removal of your personal information from an Interactive Area, contact us at [info@rutterapi.com](mailto:info@rutterapi.com). 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.

#### Rutter Group Sharing:

We may share information, including personal information, with any member of the Rutter Group.

#### With Your Consent:

We may also share personal information with third parties when we have your consent to do so.

### **9. International Transfer Of Information Collected**

We primarily store personal information about Website Visitors and Subscribers within the United States.

### **10. Choice and Communications Preferences**

We offer those who provide personal contact information a means to choose how we use the information provided. You can opt-out of receiving marketing and non-transactional communications by clicking on the “unsubscribe” link located on the bottom of our marketing emails or you may send a request to [info@rutterapi.com](mailto:info@rutterapi.com).

## **11. Accessing, Exporting and Removing Your Information and Other Available Rights**

Upon request, we will provide you with information about whether we hold and otherwise process, or process on behalf of a third party, any of your personal information. To request this information please contact us at [info@rutterapi.com](mailto:info@rutterapi.com). Subscribers to our Services may update or change their Account Information by editing their profile or organization record or by contacting [info@rutterapi.com](mailto:info@rutterapi.com) for more detailed instructions. To make a request to have personal information maintained by us returned to you or removed, please email [info@rutterapi.com](mailto:info@rutterapi.com). Requests to access, change, or remove your information will be handled within 30 days.

An individual who seeks access to, or who seeks to correct, amend, or delete inaccuracies in personal information stored or processed by us on behalf of a Subscriber should direct his/her query to the Subscriber (the data controller). Upon receipt of a request from one of our Subscribers for us to remove the data, we will respond to their request within thirty (30) days. We will retain personal information that we store and process on behalf of our Subscribers for as long as needed to provide the Services to our Subscribers. We will retain and use this personal information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

If you are a Subscriber or otherwise provide us with personal information in connection with your use of our Websites or Services, we will delete this information upon your request, provided that, notwithstanding such request, this information may be retained for as long as you maintain an account for our Services, or as needed to provide you with our Services (in particular for

Accounts with multiple Users where we need to retain the interaction with Users who continue to use the Services), comply with our legal obligations, resolve disputes and enforce our agreements.

If you reside in EEA and provided us with your personal information based on a contract with us, you may ask us to export such personal information in a structured, commonly used and machine-readable format and you have the right to transmit those data to another controller. To request such export please contact us at [info@rutterapi.com](mailto:info@rutterapi.com).

If you reside in EEA, you may object to the way and scope how we process your personal data. To do so please contact us at [info@rutterapi.com](mailto:info@rutterapi.com). You can object to receiving of marketing and non-transactional communications also by clicking on the “unsubscribe” link located on the bottom of our marketing emails.

If you reside in EEA, you may lodge a complaint with a local supervisory authority if you consider that our processing of your personal data relating infringes applicable data protection laws. We would be happy if you reach to us before filing the complaint.

## **12. Security**

The security of your personal information is important to us. We follow generally accepted, reasonable, and appropriate standards to protect the personal information submitted to us, both during transmission and once it is received. In deciding what is reasonable and appropriate we take into account the risks involved and the nature of the information. If you have any questions about the security of your personal information, you can contact us at [info@rutterapi.com](mailto:info@rutterapi.com).

## **13. Children’s Personal Information**

We do not knowingly collect any personal information from children under the age of 16. If you are under the age of 16, please do not use or submit any personal information through our Websites or Services. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce this Policy by instructing their children never to provide personal information through the Websites or Services without parental permission. If you have reason to believe that a child under the age of 16 has provided personal information to us through the Websites or Services, please contact us at [info@rutterapi.com](mailto:info@rutterapi.com), and we will use commercially reasonable efforts to delete that information.

#### **14. Business Transactions**

We may assign or transfer this Policy, as well as your account and related information and data, including any personal information, to any person or entity that acquires all or substantially all of our business, stock or assets, or with whom we merge.

#### **15. Changes To This Policy**

If there are any material changes to this Policy, you will be notified by our posting of a prominent notice on the Websites prior to the change becoming effective. We encourage you to periodically review this page for the latest information on our privacy practices. Your continued use of the Websites or the Services constitutes your agreement to be bound by such changes to this Policy. Your only remedy, if you do not accept the terms of this Policy, is to discontinue use of the Websites and the Services.

#### **16. Contact Us**

If you have questions regarding this Policy or about the privacy practices of Prowess, please contact us by email at [info@rutterapi.com](mailto:info@rutterapi.com), or at:

Rutter.

Attn: Privacy Officer

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United States of America