

## **PRIVACY POLICY**

*Last Updated: September 27, 2023*

**PLEASE READ THIS POLICY CAREFULLY TO UNDERSTAND HOW WE TREAT YOUR PERSONAL INFORMATION AND WHAT CHOICES AND RIGHTS YOU HAVE IN THIS REGARD. IF YOU DO NOT AGREE WITH THE TERMS AND CONDITIONS OF THIS POLICY, YOU SHOULD NOT ACCESS OR USE THE SITE.**

**THE SITE IS INTENDED FOR USERS LOCATED IN THE UNITED STATES, AND IT IS NOT INTENDED FOR USERS LOCATED IN OTHER COUNTRIES, INCLUDING THE EUROPEAN UNION AND THE EUROPEAN ECONOMIC AREA.**

### **INTRODUCTION**

Agency Software, Inc. is committed to protecting the privacy and security of your personal information. We also believe in transparency, and this Policy explains how we treat your personal data. Please read this Policy carefully to learn more about how we process personal information and what rights you may have under applicable law.

**When does this Policy apply?** This Policy describes our practices for the personal information for which we are a “data controller” under applicable law. This includes information collected when you visit our website, <https://agencysoftware.com/> (the “Site”). This Policy does not apply, however, when we process personal data on behalf of a customer. For information about a customer’s data practices, please contact the customer directly. We are not responsible for our customers’ privacy or security practices.

### **HOW DO WE COLLECT AND USE PERSONAL INFORMATION?**

We collect the following types of personal data for the purposes listed below. You may choose not to provide us with any personal information, but you will not be able to access portions of the Site that require personal information.

<b>Category</b>	<b>Description and Purpose</b>
Contact Information	<p>If you contact us or submit a question via our Site, request a demo, or otherwise inquire about our products or services, we collect your name, company name, company address, work email address, and phone number.</p> <p>We process Contact Information to provide our products and services to you, to provide customer support, to ensure the privacy and security of our Site, products, and services, to maintain our databases and back-ups, to manage our relationships with you, to communicate with you, and to keep records of our communications with you.</p>
Account Registration Information	<p>When you purchase or register for our services, we collect your Contact Information and a record of the products and services purchased.</p> <p>We process Account Registration Information to provide our products and services to you, to provide customer support, to ensure the privacy and security of our products and services, to maintain our databases and back-ups, to manage our relationships with you, to communicate with you, and to keep records of our communications with you.</p>

<p>Communications and Inquiries</p>	<p>If you contact us, in addition to your Contact Information, we will receive the subject matter of your message and any comments, content, or other information that you choose to provide.</p> <p>We process Communications and Inquiries to provide our products and services to you, to provide customer support, to ensure the privacy and security of our Site, products, and services, to maintain our databases and back-ups, to manage our relationships with you, to communicate with you, and to keep records of our communications with you.</p>
<p>Cookies and Similar Technologies</p>	<p>We use cookies and use similar technologies as described in the “<i>Cookies and Similar Technologies</i>” section of this Policy. If you choose to disable cookies and similar technologies, some areas and features of the Site may not work properly.</p> <p>We process Cookies and Similar Technologies to operate the Site, to serve you the content and functionality you request, to ensure the privacy and security of our Site, to develop new services, to enhance your experience and provide you with a more personal and interactive experience, and for usage analytics purposes.</p>
<p>Device and Usage Information</p>	<p>When you visit the Site, we automatically collect information from your browser and your device, which includes the date and time of your visit as well as your location, Internet Protocol (IP) address or unique device identifier, domain server, browser type, access time, and data about which pages you visit.</p> <p>We process Device and Usage Information to operate the Site, to serve you the content and functionality you request, to ensure the privacy and security of our Site, to develop new services, to enhance your experience and provide you with a more personal and interactive experience, and for usage analytics purposes.</p>

**Cookies and Similar Technologies**

First and Third-Party Cookies

A “cookie” is a small file created by a web server that can be stored on your device (if you allow) for use either during a particular browsing session (a “session” cookie) or a future browsing session (a “persistent” cookie). “Session” cookies are temporarily stored on your device and remain there until they expire at the end of your browsing session. “Persistent” cookies remain stored on your device until they expire or are deleted by you. Local shared objects (or “flash” cookies) are used to collect and store information about your preferences and navigation to, from, and on a website. First-party cookies are set by the website you are visiting, and they can only be read by that site. Third-party cookies are set by a party other than that website.

Other Similar Technologies

In addition to cookies, there are other data collection technologies, such as Internet tags, web beacons, pixels (clear gifs, pixel tags, and single-pixel gifs), and navigational data collection (log files, server logs, etc.) that can be used to collect data as you navigate through and interact with a website. For example, web beacons are tiny graphics with unique identifiers that are used to understand browsing activity. UTM codes are strings that can appear in a URL when you move from one web page or website to another. The string can represent information about your browsing, such as which advertisement, page, or publisher sent you to the receiving website.

## What Cookies and Similar Technologies Are in Use and Why Do We Use Them?

**Google Analytics.** We may use Google Analytics to collect and process statistical data about the number of people using the Site and to better understand how they find and use the Site. The data collected includes data related to your device/browser, your IP address, and on-site activities to measure and report statistics about user interactions. The information stored is reduced to a random identifier. Any data collected is used in accordance with this Policy and Google's privacy policy. You may learn more about Google Analytics by visiting <https://www.google.com/policies/privacy/partners/> and <https://support.google.com/analytics/answer/6004245>. You can learn more about Google's restrictions on data use by visiting the Google Privacy Policy at: <https://www.google.com/policies/privacy>. To opt-out of Google Analytics, visit <https://tools.google.com/dlpage/gaoptout> and install the opt-out browser add-on feature. For more details, visit the "Google Analytics opt-out browser add-on" page located at <https://support.google.com/analytics/answer/181881?hl=en>.

**Google Tag Manager.** We may use Google Tag Manager, which allows marketed website tags to be managed using an interface. The tool itself (which implements the tags) does not use cookies and does not register identifiable data. The tool causes other tags to be activated which may, for their part, register personal data under certain circumstances. Google Tag Manager does not access this information. Google Tag Manager is subject to the Google Privacy Policy located at <https://www.google.com/intl/en/policies/privacy>.

**HubSpot.** We use Hubspot to track visitors to the Site and to gather demographic information about them. Hubspot keeps track of the pages you visit. This data is used to deliver customized content and promotions to users whose behavior indicates that they are interested in a particular subject area. For more information about Hubspot's Privacy Policy, see <https://legal.hubspot.com/privacy-policy>.

### Other Third-Party Technologies

Some third parties may use data collection technologies to collect information about you when you browse the Internet. We do not control these third parties' technologies or how they may be used. If you have questions about targeted content, you should contact the responsible party directly or consult their privacy policies.

### Choices About Cookies

Most web browsers are set by default to accept cookies. If you do not wish to receive cookies, you may set your browser to refuse all or some types of cookies or to alert you when cookies are being stored. These settings may affect your enjoyment of the Site's functionality. Adjusting the cookie settings may not fully delete all of the cookies that have already been created. To delete them, you should review your web browser settings after you have changed your cookie settings. The links below provide additional information about how to disable cookies or manage the cookie settings:

**Google Chrome:** <https://support.google.com/chrome/answer/95647?hl=en>

**Firefox:** <https://support.mozilla.org/en-US/kb/enable-and-disable-cookies-website-preferences>

**Microsoft Edge:** <https://support.microsoft.com/en-us/microsoft-edge/delete-cookies-in-microsoft-edge-63947406-40ac-c3b8-57b9-2a946a29ae09>

**Safari:** <https://support.apple.com/guide/safari/manage-cookies-sfri11471/mac> and <https://support.apple.com/en-us/HT201265>

For more information about how to modify your browser settings to block or filter cookies, visit <http://www.aboutcookies.org/>. You may learn more about internet advertising practices and related consumer resources at <https://youradchoices.com/control>, <https://thenai.org/about-online-advertising/faq>, and <http://www.networkadvertising.org/choices>.

## HOW DO WE SHARE YOUR PERSONAL INFORMATION?

When we are acting as the data controller or where permitted by applicable law, we may share your personal information in the following contexts.

Category	Disclosure Contexts
Corporate Affiliates	We share personal information with our corporate subsidiaries and affiliates and with their respective officers, directors, employees, accountants, attorneys and agents.
Acquisitions and Similar Transactions	We may disclose your personal information in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our company assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred
Disclosures with Your Consent	We may ask if you would like us to share your personal information with other unaffiliated third parties who are not described elsewhere in this Policy. We will only disclose your personal information in this context with your consent.
Legal Obligations and Rights	We disclose personal information in response to subpoenas, warrants, court orders or other legal process, or to comply with relevant laws. We may also share personal information in order to establish or exercise our legal rights, to defend against a legal claim, and to investigate, prevent, or take action regarding possible illegal activities, suspected fraud, safety of person or property, or a violation of contract. We may also disclose personal information as needed to protect vital interests.
Service Providers	We share personal information with our agents, contractors and service providers. Among other things, service providers help us to administer the Site; support our provision of products and services; send marketing communications; provide technical support; and assist with other legitimate purposes permitted by law.
Professional Advisors	We share personal information with our insurers and other professional advisors, including attorneys, accountants, consultants, and auditors, that need access to your information to provide operational or other support services on our behalf.
Deidentified or Aggregated Data	We share aggregated information and information that does not identify any specific individual, such as groupings of demographic data and customer preferences, (i) for compliance with reporting obligations; (ii) for business or marketing purposes; and (iii) to assist us and others in understanding our users' interests, habits, and usage patterns for certain programs, content, services, marketing, and/or functionality.

## HOW LONG DO WE PROCESS YOUR INFORMATION?

We will keep your information for as long as is necessary to fulfill the purposes for which it was collected, to comply with our business requirements and legal obligations, to resolve disputes, to protect our assets, to operate our business, and to enforce our agreements.

We may delete your information if we believe it is incomplete, inaccurate, or that our continued storage of it is contrary to our objectives or legal obligations. When we delete data, it will be removed from our active servers and databases, but it may remain in our archives when it is not practical or possible to delete it.

We may retain and use anonymous, de-identified, or aggregated information for as long as is permitted under applicable law.

## HOW DO WE PROTECT YOUR PERSONAL INFORMATION?

We have adopted security measures that are designed to protect the personal information under our control. From time to time, we review our security procedures and consider new technologies and methods.

But, no security system is perfect, and no data transmission is 100% secure. Although we strive to protect personal information, we cannot guarantee or warrant the security of any information transmitted to or from the Site. Your use of the Site is at your own risk. We cannot guarantee that your data will remain secure in all circumstances.

If a data breach compromises your personal information, we will notify you and any applicable regulator when we are required to do so by applicable law.

## YOUR RIGHTS AND CHOICES

Please use the “Contact Us” details at the end of this Policy to exercise your rights and choices under this Policy.

**Email Preferences.** If you no longer wish to receive communications from us via email, you may opt-out by clicking the “unsubscribe” link at the bottom of our emails or by contacting us via the “Contact Us” details at the end of this Policy and providing your name and email address so that we may identify you in the opt-out process. Once we receive your instruction, we will promptly take corrective action. Please note that registered users cannot opt out of receiving transactional e-mails related to their account.

**Accuracy and Updating Your Personal Information.** Our goal is to keep your personal information accurate, current, and complete. If any of the personal information you have provided to us changes, please update it in your user/account profile, or let us know via the “Contact Us” details at the end of this Policy. We are not responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

**Complaints.** If you believe that your rights relating to your personal information have been violated, you may lodge a complaint with us by contacting us via the “Contact Us” details at the end of this Policy.

**Nevada Residents.** Nevada residents may submit a verified request to us at [support@agencysoftware.com](mailto:support@agencysoftware.com) to request that we not make any sale (as defined under Nevada law) of any covered information (as defined under Nevada law) that we have collected or will collect about you. Please provide your name and contact information in your request, and we will respond to your request in accordance with Nevada law.

**California Shine the Light.** Under California Civil Code Section 1798.83, California residents who provide personal information in obtaining products or services for personal, family, or household use may be entitled to request and obtain from us once a calendar year information about the information we shared, if any, with other businesses for direct marketing uses. At present, we do not share your personal information with third parties for those third parties' direct marketing purposes. Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing, if any, will be included in our response. As part of the California Online Privacy Protection Act, all users of our Site may make any changes to their information at any time by contacting us at [support@agencysoftware.com](mailto:support@agencysoftware.com).

### **THIRD-PARTY SITES AND SERVICES**

This Policy does not apply to any third-party websites or applications. The Site may contain links to, and media or other content from, third parties. These links are to external resources and third parties that have their own privacy policies. Because of the dynamic media capabilities of the Site, it may not be clear which links are to external, third-party resources. If you click on a third-party link, you will be redirected away from the Site. You can check the URL to confirm whether you have left the Site.

We cannot and do not (1) guarantee the adequacy of the privacy or security practices employed by or the content and media provided by any third parties or their websites, (2) control third parties' independent collection or use of your information, or (3) endorse any third-party information, products, services or websites that may be reached through embedded links on the Site.

Any information provided by you or automatically collected from you by a third party will be governed by that party's privacy policy and terms of use.

### **CHILDREN**

Our Site, products, and services are not directed to children under the age of 13, nor is information knowingly collected from children under the age of 13. No one under the age of 13 may access, browse, or use the Site or provide any information to us. If we learn that we have collected or received personal information from a child under the age of 13 without a parent's or legal guardian's consent, we will take steps to stop collecting that information and delete it. If you believe we have any received information from a child under the age of 13, please contact us using the "Contact Us" details provided below.

For more information about COPPA, please visit the Federal Trade Commission's website at: <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>.

### **UPDATES AND CHANGES TO THIS POLICY**

We may add to, change, update, or modify this Policy from time to time. We will post all changes to this Policy on this page, and the updated policy will be effective immediately upon posting. If we make material changes, we will also notify you through a notice on the homepage of the Site for a reasonable period of time. We may also, in our discretion, notify you of changes to this Policy via email.

You are expected to, and you acknowledge and agree that it is your responsibility to, carefully review this Policy prior to using the Site, and from time to time, so that you are aware of its current terms. Your continued use of the Site after the "Last Updated" date will constitute your acceptance of and agreement to any changes and to our collection and sharing of your information according to the then-current Policy. If you do not agree with this Policy and our practices, you should not use the Site.

## CONTACT US

If you have any questions or concerns, wish to exercise your rights, or want to submit a complaint, please contact us using the information below, and we will do our best to assist you.

**In Writing:** Agency Software, Inc.  
215 W. Commerce Drive  
Hayden Lake, ID 83835

**By Email:** [support@agencysoftware.com](mailto:support@agencysoftware.com)

**Telephone:** 1-800-342-7327