

## CYBERMETRICS PRIVACY POLICY

Last revised: October 10, 2019

This is the privacy policy ("*Privacy Policy*") that governs how CyberMetrics and our affiliated companies ("*CyberMetrics*", "*we*", "*our*" or "*us*"), use Personal Information (defined below) that we process in connection with your use of our websites: <https://cybermetrics.com/>, <https://gagetrak.com/>, and <https://faciliworks.com/> and any other website, extensions, subdomain, and application programming interfaces we operate that links to this Privacy Policy (collectively, our "*Sites*"). This Privacy Policy also applies to the Personal Information CyberMetrics receives when our business partners and customers (collectively, our "*Customers*") use our Sites in connection with CyberMetrics' proprietary hosted and on-premises software and related services under an enterprise relationship (collectively, our "*Software*" and, together with our Sites, collectively, our "*Service*"). CyberMetrics makes its Service available to individuals ("*you*") for your informational and operational support. Please read this Privacy Policy carefully to better understand how we collect, use, and disclose Personal Information about you as you use our Service.

### 1. INTRODUCTION.

We are committed to respecting privacy and recognize the need for appropriate protection and management of any Personal Information that is shared with us as part of using our Service. As used in this Privacy Policy, "*Personal Information*" means any information relating to an identified or identifiable natural person. We may collect Personal Information from you directly through a web-form, or indirectly through document(s) you upload to our Service containing Personal Information, as discussed more fully in Section 3, below.

You may choose whether or not to provide or disclose Personal Information in connection with your use of our Service. If you choose not to provide the Personal Information we request, you may still visit and use parts of our Service, but may be unable to access or use certain features, options, programs, products, and services.

Our Service may contain links to third-party websites, products, services, and advertisements that are not owned or controlled by CyberMetrics. We are not responsible for the privacy practices or the content of those third party websites, products, services, and advertisements, and you visit them at your own risk.

### 2. CATEGORIES OF PERSONAL INFORMATION WE COLLECT.

We and our service providers may collect, and you may consent to provide, the categories of Personal Information set forth below in order to provide our Service to you, or because we are legally required to do so:

- Name;
- Email address;
- Address;
- Employment-related information (e.g. resume information, social security number, and date of birth);
- Payment information;
- Phone number;
- Blog or chat discussions;
- User name;
- Password; and
- Communications you send to us.

### 3. WHEN PERSONAL INFORMATION IS COLLECTED.

CyberMetrics collects certain information that may constitute Personal Information in the following ways:

#### (a) Contact Information.

In various areas of our Service and in printed materials, we provide you the opportunity to submit a form with basic contact information, such as your name, email, or address. With your permission, CyberMetrics uses such information to inform you of new products, technical information and services, and upcoming events that may be of interest. If you no longer wish to receive these emails, the opt-out process is described in Section 10 of this Privacy Policy. In addition, if you choose, you may participate in a CyberMetrics e-mail list server by subscribing within our Service or by contacting CyberMetrics staff directly. You may unsubscribe from these e-mail list servers by following the unsubscribe instructions found within the list email.

**(b) Service Login Information.**

We process the username and password of users to enable secure logging into our Service, and we process information regarding your role to appropriately control access to restricted content. We process this Personal Information only as necessary to provide our Service under our Terms of Use and to further our legitimate interests in protecting our Service and content.

**(c) Payment Information.**

When you purchase services or products from us, third-party service providers acting on our behalf process payment information, including payment card details and billing and shipping addresses, to help us fulfill your orders. Any Personal Information collected by such third parties will be subject to the third parties' privacy policy, rather than this Privacy Policy.

**(d) Personal Information Collected by Third Parties.**

Please note that we use certain third party service providers on our Service to enhance your experience or deliver certain services. These providers may collect Personal Information about you in performing their services and/or functions on our Service. For example, if you request something from CyberMetrics through our Service, such as a particular product or service, we may share information with others, including financial institutions, shipping companies, postal or government authorities (for example, customs authorities) involved in fulfillment. We may also work with certain third party providers as set forth in Section 6(a) below.

**(e) Application for Employment.**

Our Service may allow users to submit an application for employment. If you submit an application for employment, we provide the opportunity for you to submit some or all of the Personal Information listed in Section 2, above. We have a legitimate interest in this information so that we may process your application in accordance with our internal hiring practices. Please be advised that we may require you to submit your name, email, and employment sponsorship needs in connection with any application for employment. This information ensures we can contact you and comply with applicable employment law. You may consent, but may not be required, to submit additional categories of Personal Information as part of the application process. Please check the application for more details.

**(f) Document Submissions.**

Our Service may allow users to upload documents relating to their application for employment (namely, a resume and cover letter). If you choose to submit documents of this nature, you may disclose certain Personal Information through our Service as a product of your submission. CyberMetrics uses commercially reasonable efforts to ensure the appropriate administrative, physical, and technical safeguards are in place as it relates to the Personal Information you provide through our Service as part of any document submission.

**(g) Social Media.**

We have worked with certain third-party social media providers to offer you their social networking services through our Service. For example, you can use third-party social networking services to share information about your experience on our Service with your friends and followers on those social networking services. These social networking services may be able to collect information about you, including your activity on our Service. These third-party social networking services also may notify your friends, both on our Service and on the social networking services themselves, that you are a user of our Service or about your use of our Service, in accordance with applicable law and their own privacy policies. If you choose to access or make use of third-party social networking services, we may receive information about you that you have made available to those social networking services, including information about your contacts on those social networking services.

**4. INFORMATION COLLECTED AUTOMATICALLY.**

Certain information on our Service is collected automatically by means of various software tools. We have a legitimate interest in using such information to assist in log-in, systems administration purposes, information security and abuse prevention, to track user trends, and to analyze the effectiveness of our Service.

**(a) Log Files.**

The information inside the log files includes internet protocol ("IP") addresses, type of browser, Internet Service Provider, date/time stamp, referring/exit pages, clicked pages and any other information your browser may send to us.

**(b) Cookies.**

We use cookies to make interactions with our Service easy and meaningful. When you visit our Service, our servers may send a cookie to your computer. Standing alone, cookies do not personally identify you; they merely recognize your web browser. We may use cookies that are session-based or persistent. Session cookies exist only during one session. They disappear from your computer when you close your browser software or turn off your computer. Persistent cookies remain on your computer after you close your browser or turn off your computer. We use cookies that enable you to navigate our Service and use its features, such as accessing secure areas of our Service. Because required cookies are essential to operate our Service, there is no option to opt out of these cookies. For more information on how we use cookies in our Service, please review our Cookie Policy.

**(c) Do Not Track Signals.**

CyberMetrics does not track users over time and across third party websites to provide targeted advertising. Accordingly, we do not currently respond or take any action with respect to web browser "do not track" signals or other mechanisms that provide consumers the ability to exercise choice regarding the collection of Personal Information about an individual consumer's online activities over time and across third-party websites or online services.

**(d) Analytics Service.**

We may use certain third party analytics services to improve the functionality, features, or delivery of our Service. We may also use these analytics services to record mouse clicks, mouse movements, scrolling activity, as well as any text that you type into our Service. For example, we use Google Analytics on our Service to track user trends and usage. For more information on Google Analytics' processing of Personal Information as it relates to our Service, please see <http://www.google.com/policies/privacy/partners/>. By using a [browser plugin](#) provided by Google, you can opt out of Google Analytics.

**(e) Other Tracking Technologies.**

When you visit our Service, we may collect your IP address for certain purposes such as, for example, to monitor the regions from which you navigate our Service. We may also use web beacons alone or in conjunction with cookies to compile information about your usage of our Service and interaction with emails from us. Web beacons are clear electronic images that can recognize certain types of information on your computer, such as cookies, when you viewed a particular site tied to the web beacon. We may use web beacons to operate and improve our Service.

**5. THE PURPOSES FOR WHICH WE USE PERSONAL INFORMATION.**

If you submit or we collect Personal Information through our Service, then such Personal Information may be used to:

- Provide, analyze, administer, improve, and personalize the Service;
- Contact you in connection with the Service, notifications, events, programs or offerings that you may have registered for;
- Send you updates and promotional materials;
- Provide personalized advertising to you;
- Identify and authenticate your access to the parts of the Service that you are authorized to access;
- For recruiting and human resources administration purposes; and
- Protect our rights and/or our property and to ensure the technical functionality and security of the Service.

**6. HOW WE DISCLOSE PERSONAL INFORMATION.**

We do not sell, lease, rent or otherwise disclose the Personal Information collected from our Service to third parties unless otherwise stated below or with your consent.

**(a) Our Third Party Providers.**

We transfer Personal Information to our third party service providers to perform tasks on our behalf and to assist us in providing our Service. For example, we may share your Personal Information with service providers who assist us in performing core functions (such as hosting, data storage, and security) related to our operation of the Service and/or by making certain interactive tools available to you as a user. We also use third parties for technical and customer support, application development, tracking and reporting functions, quality assurance, and other services. In the performance of our Service, we may share Personal Information

from or about you with these third parties so that we can deliver the highest quality user experience. We use commercially reasonable efforts to only engage with third parties that post a publicly available privacy policy.

**(b) Advertisers.**

From time-to-time, we engage advertising services to assist us in advertising our brand and Service. Those services may target advertisements on third-party websites based on cookies or other information indicating previous interaction with our Service.

**(c) Aggregate Information.**

To better serve our users, business partners, and to improve our Service, CyberMetrics may conduct research on user demographics, interests and behavior based on the Personal Information and other information provided to CyberMetrics. This research may be compiled and analyzed on an aggregate basis, and we may share this aggregated information with our affiliates, agents and business partners. This aggregate information does not identify a user personally. CyberMetrics may also disclose aggregated information in order to describe our Service to current and prospective business partners and to other third parties for other lawful purposes.

**(d) Business Partners.**

From time to time, we may partner with other companies to jointly offer products or services. If you purchase or specifically express interest in a jointly-offered product or service from us, we may share Personal Information collected in connection with your purchase or expression of interest with our joint promotion partner(s). We do not control our business partners' use of Personal Information we collect, and their use of the information will be in accordance with their own privacy policies.

**(e) Customers.**

If you represent a CyberMetrics' Customer, you may visit a CyberMetrics Site intended specifically for CyberMetrics Customer use. We may use information provided on our Site to administer and develop our business relationship with you, the entity you represent, and CyberMetrics Customers generally. For instance, this may involve using your information to send you details of CyberMetrics Customer programs. It may also include sharing certain information with other Customers (subject to any confidentiality obligations that may exist), or CyberMetrics' business prospects. In connection with a particular transaction or program, we may also contact you as part of customer satisfaction surveys or for market research purposes.

**(f) Supplier Administration.**

If you represent a CyberMetrics supplier, you may visit a CyberMetrics Site intended specifically for use by CyberMetrics suppliers. We may use the information provided on that Site in connection with entering into or performing a transaction with you. For example, this may include sharing information with other parts of CyberMetrics, CyberMetrics' Customers, shipping companies, financial institutions or postal or government authorities involved in fulfillment. It may also be used to administer and develop our relationship with you, the supplier you represent and/or other CyberMetrics suppliers generally.

**(g) Quality Control.**

Certain Site-based transactions may also involve your calling us or our calling you. Please be aware that it is CyberMetrics' general practice to monitor and in some cases record such calls for staff training or quality assurance purposes.

**(h) In the Event of Merger, Sale, or Change of Control.**

We may transfer or assign this Privacy Policy and any Personal Information to a third party entity that acquires or is merged with us as part of a merger, acquisition, sale, or other change of control (such as the result of a bankruptcy proceeding).

**(i) Other Disclosures.**

We may disclose Personal Information about you if we have a good faith belief that disclosure of such information is helpful or reasonably necessary to: (i) comply with any applicable law, regulation, legal process or governmental request; (ii) enforce our Terms of Use, including investigations of potential violations thereof; (iii) detect, prevent, or otherwise address fraud or security issues; or (iv) protect against harm to the rights, property or safety of CyberMetrics, our users, or the public.

**7. RETENTION OF PERSONAL INFORMATION.**

We reserve the right to retain any Personal Information as long as the Personal Information is needed to: (i) fulfill the purposes that are described in Section 5, and (ii) comply with applicable law.

## 8. DATA SECURITY.

The privacy and security of Personal Information is very important to us. Taking into account the nature, scope, context and purposes of processing Personal Information as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons, CyberMetrics has implemented appropriate technical and organizational measures to ensure and to be able to demonstrate that its processing of Personal Information is performed in accordance with applicable law. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, while we strive to use commercially acceptable means to protect Personal Information, we cannot guarantee its absolute security.

## 9. CHILDREN'S PRIVACY.

Our Service is intended for individuals over eighteen 18 years of age. We do not target children and do not knowingly collect any Personal Information from children under the age of thirteen (13). When a user discloses Personal Information on our Service, the user is representing to us that he or she is at least eighteen (18) years of age.

## 10. EMAIL COMMUNICATIONS.

You may choose not to receive future promotional or advertising emails from us by selecting an unsubscribe link at the bottom of each email that you receive from us. Additionally, you may send a request specifying your communications preferences to [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com). You cannot opt out of receiving transactional emails related to the performance of our Service. Please note that even if you opt out of receiving the foregoing emails, we may still send you a response to any "Contact" request as well as administrative, maintenance and operational emails (for example, in connection with a password reset request).

## 11. YOUR CALIFORNIA PRIVACY RIGHTS.

If you are a California resident, California Civil Code Section 1798.83 permits you to request information regarding the disclosure of Personal Information about you by CyberMetrics to third parties for the third parties' direct marketing purposes. To make such a request, please send an email to [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com) or write to us:

CyberMetrics  
1523 W. Whispering Wind Drive, Suite 100  
Phoenix, AZ 85085

In performing CyberMetrics' Service for its Customers, CyberMetrics operates as a "Service Provider" under Cal. Civ. Code § 1798.100, otherwise known as the "California Consumer Privacy Act of 2018" or "CCPA". In fulfilling its obligations to our Customers as a Service Provider, CyberMetrics may process certain Personal Information under instruction from our Customers to fulfill a legitimate "Business Purpose" under the CCPA, which may include any one or more of the following activities: maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, providing advertising or marketing services, providing analytic services, or providing similar services. CyberMetrics does not disclose or resell Personal Information for any other commercial purpose, except in certain cases where the Personal Information has been pseudonymized or is considered aggregated consumer information.

Subject to applicable exceptions under the CCPA, CyberMetrics will delete Personal Information of a consumer from its records upon the direction of its Customers in response to a consumer's verifiable request to delete Personal Information. In the event CyberMetrics receives such a request directly, it will forward it to the respective customer without delay and shall not take further action until such time as directed by customer. If you have any questions regarding our role as a Service Provider, or if you would like to request information regarding the disclosure of Personal Information about you by CyberMetrics to third parties for the third parties' direct marketing purposes, please send an email to [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com).

## 12. GDPR POLICY (FOR EUROPEAN DATA SUBJECTS ONLY).

### (a) Introduction.

We have created this General Data Protection Regulation ("GDPR") Policy to explain how we process Personal Information (defined as "personal data" under the GDPR) about you as a data subject. As used in this Section 12, a "data subject" is an identified or identifiable person who is located in the European Union/European Economic Area ("EU/EEA"), and "process" or "processing" means any operation or set of operations which is performed on Personal Information, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

**(b) CyberMetrics’ Basis for Processing.**

The following sets out the lawful basis under the GDPR to which CyberMetrics may process your Personal Information:

Basis	Description
<b>Your Consent</b>	Where you have given us consent to process your Personal Information for one or more specified purposes, such as to provide our Service and other services as requested by you.
<b>To Perform a Contract</b>	Where the processing is necessary for the performance of contract to which you or your employer is a party and to which CyberMetrics is acting as a processor.
<b>Comply with the Law</b>	Where the processing is necessary for compliance with a legal obligation to which we are subject.
<b>Legitimate Interests</b>	Where the processing is necessary for the purposes of the legitimate interests pursued by CyberMetrics or by a third party, except where such interests are overridden by your interests or fundamental rights and freedoms which require protection of Personal Information

**(c) Data Subject Privacy Rights.**

In certain circumstances, local data protection laws and certain local laws (including the GDPR) may give you rights with respect to Personal Information if you are located in the EEA. These rights differ by country/region, but may include the right to request:

Privacy Right	Description
<b>Access to your Personal Information</b>	You may have the right to obtain from us confirmation as to whether or not Personal Information concerning you is being processed, and, where that is the case, to request access to the Personal Information. This access information includes the purposes of the processing, the categories of Personal Information concerned, and the recipients or categories of recipient to whom the Personal Information have been or will be disclosed. You may have the right to obtain a copy of the Personal Information undergoing processing. For further copies requested by you, we may charge a reasonable fee based on administrative costs.
<b>Rectification</b>	You may have the right to obtain from us the rectification of inaccurate Personal Information concerning you. Depending on the purposes of the processing, you may have the right to have incomplete Personal Information completed, including by means of providing a supplementary statement.
<b>Erasure</b>	You may have the right to obtain from us the erasure of Personal Information concerning you and we may be obliged to erase such Personal Information.
<b>Restriction of processing</b>	You may have the right to obtain from us restriction of processing your Personal Information. In such cases, the respective data will be marked and may only be processed by us for certain purposes.
<b>Data portability</b>	You may have the right to receive the Personal Information concerning you, which you have provided to us, in a structured, commonly used and machine-readable format, and you may have the right to transmit those data to another entity without hindrance from us.
<b>Object</b>	You may have the right to object, on grounds relating to your particular situation, at any time to the processing of your Personal Information by us, and we can be required to no longer process your Personal Information. If you have a right to object and you exercise this right, your Personal Information will no longer be processed for such purposes by us. However, such a right to object may in particular not exist if the processing of your Personal Information is necessary to take steps prior to entering into a contract or to perform a contract already concluded.

**(d) How to Exercise Your Rights.**

You may exercise these rights at any time by sending an email to [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com) or write to us at:

CyberMetrics  
 1523 W. Whispering Wind Drive, Suite 100  
 Phoenix, AZ 85085

Depending on where you live, you may have the right to lodge a complaint with a supervisory authority or other regulatory agency if you believe that we have violated any of the rights concerning Personal Information about you. We encourage you to first reach out to us at [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com), so we have an opportunity to address your concerns directly before you do so.

**(e) Personal Information Transferred from the EU, UK, or Switzerland to the United States.**

CyberMetrics complies with the EU-US Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework (Privacy Shield) as set forth by the US Department of Commerce regarding the collection, use, and retention of Personal Information transferred from the EU and the United Kingdom and/or Switzerland, as applicable to the United States in reliance on Privacy Shield. CyberMetrics has certified to the Department of Commerce that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. A violation of our commitment to Privacy Shield may be investigated by the Federal Trade Commission and/or the United States Department of Commerce. If there is any conflict between the policies in this Privacy Statement and the Privacy Shield Principles, the Privacy Shield Principles shall govern.

To learn more about the Privacy Shield program, and to view our certification page, to the extent available, please visit <https://www.privacyshield.gov/list>. In compliance with the Privacy Shield Principles, CyberMetrics commits to resolve complaints about your privacy and our collection or use of Personal Information about you. Persons from the EU or Switzerland who have inquiries or complaints regarding this Privacy Policy should first contact us via email at: [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com).

CyberMetrics has committed to refer unresolved privacy complaints under the Privacy Shield Principles to JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <https://www.jamsadr.com/eu-us-privacy-shield> for more information and to file a complaint.

These recourse mechanisms are available at no cost to you. Damages may be awarded in accordance with applicable law. Please note that if your complaint is not resolved through these channels, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel. In cases of onward transfer to third parties of data of EU or Swiss individuals received pursuant to the Privacy Shield, CyberMetrics is potentially liable.

Pursuant to the Privacy Shield, CyberMetrics remains liable for the transfer of Personal Information to third parties acting as our agents unless we can prove we were not a party to the events giving rise to the damages.

Please contact us at [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com) if you would like to opt-out of Personal Information (i) being disclosed to a third party; or (ii) being used for a purpose that is materially different from the purpose(s) for which it was originally collected or subsequently authorized by you. We will respond to your requests under this Section in accordance with applicable law.

**13. CHANGES TO THIS PRIVACY POLICY.**

As our organization changes over time, this Privacy Policy is expected to change as well. We reserve the right to amend the Privacy Policy at any time, for any reason, without notice to you, other than the posting of the amended Privacy Policy on our Service. We may e-mail periodic reminders of our notices and terms and conditions, but you should check our Service frequently to see the current Privacy Policy that is in effect and any changes that may have been made to it.

**14. CONTACTING US.**

Any comments, concerns, complaints, or questions regarding our Privacy Policy may be addressed to [webmaster@cybermetrics.com](mailto:webmaster@cybermetrics.com).