

## Prosocial Applications, Inc.

### Privacy Policy

*Last Modified April 14, 2014*

This Privacy Policy discloses the privacy practices of Prosocial Applications, Inc. ("Prosocial," "we" or "us") and the possible uses of the information that we gather via <http://www.thesmartphr.com> and any related web sites (collectively, the "Site") along with software applications for mobile and desktop platforms.

You should also read our Terms of Service located at <http://www.thesmartphr.com> (the "Terms of Service"). Capitalized terms that are used but not defined in this Privacy Policy have the same meaning and description as stated in the Terms of Service.

If you do not agree to the terms and conditions of this Privacy Policy, including having your personally identifiable information used in any of the ways described in this Privacy Policy, you may be precluded from using much of the Services and your account with us may be terminated and suspended.

### Information Collected

Prosocial collects information on our users in various ways, such as, by your voluntary submissions, participation in services provided via the Site and the Applications, from third parties, and through cookie and other tracking technology. Prosocial collects the following information:

- *Personal Information.* Personal Information, such as PHI or PII, refers to information that tells us specifically who you are, such as your name, phone number, email address, postal address, and possibly information relating to certain support or customer service issues. Much of this Personal Information is collected when you, or someone to whom you have given adequate Record Permissions, create or update a Record using our Services.
- *Financial Information.* We may also collect and store credit card, bank account or other payment information in order to periodically charge you for the use of any paid components of the Service.
- *Group Data.* Prosocial may create, retain and disclose Group Data for: optimizing performance of Services, reporting to Distributors, marketing and advertising, medical and pharmaceutical research, reporting about the company, and developing software applications. Prosocial creates Group Data by removing all personal identifiers (e.g., John Smith, born 12-15-1970, zip code 80309) from User-specific information (e.g., total usage of Services in December) and calculating the results for a group of Users (e.g., average usage of Services in December across all male Users). Prosocial creates Group Data only when removal of personal identifiers from User-specific information is feasible and successful. Prosocial retains and discloses Group Data through the use of

proprietary methods that reasonably limit the risks of data re-identification.

- *Aggregate Information* We may collect general, non-personal, statistical information about the use of the Site and Services, such as how many visitors visit a specific page on the Site, how long they stay on that page, and which hyperlinks, if any, they click on. This information represents a generic overview of our users, including their collective viewing habits, and allows us and other third parties to modify information, promotions, offers and/or discounts on products and services based on user traffic and behavior. We collect this information through the use of technologies such as 'cookies' and web beacons, which are discussed in greater detail below. We collect this information in order to help enhance the Site and Services.
- *Third Party Information* We may supplement information you provide to us with information from other sources, such as information to validate or update your address, payment card or other demographic and lifestyle information. We use this information to help us maintain the accuracy of the information we collect, to enable us to provide the Service, to target our communications so that we can inform you of products, services and offers that may be of interest, and for internal business analysis or other business purposes consistent with the Service.
- *Cookies* Prosocial may automatically collect non-personally identifiable information and data through the use of cookies. Cookies are small text files a website uses to recognize repeat users, facilitate the user's ongoing access to the website and facilitate the use of the website. Cookies also allow a website to track usage behavior and compile site usage information that will allow for the improvement of content and target advertising. Most browsers allow you to control cookies, including whether or not to accept them and how to remove them. You may set your browsers to notify you if you receive a cookie, or you may choose to block cookies with your browser. However, please be aware that some features of the Service may not function or may be slower if you refuse cookies. You may also get cookies from our advertisers or other third parties with links on the Site as described below. We do not control these cookies. The use of advertising cookies sent by third party ad servers is standard in the Internet industry.
- *Other Tracking Technologies* Tracking technologies may record information such as Internet domain and host names; Internet protocol (IP) addresses; browser software and operating system types; clickstream patterns; and dates and times that our Site and Services are accessed. An IP address is a number that is automatically assigned to your computer whenever you are surfing the web. Web servers, the computers that 'serve up' webpages, automatically identify your computer by its IP address. The Site and Services may also use technology called "tracer tags". These may also be referred to as "Pixels", "Clear GIFs" or "Web Beacons". This technology allows us to understand which pages you visit on our Site and other ways you interact with our Site and the Service. These tracer tags are used to help us to optimize and tailor our Site and Services for you and other users of our Site and the Service. We may link the information we record using tracking technologies to Personal Information we collect.

## **Use of Information**

The information Prosocial collects is used in a variety of ways, including:

- to provide access to the Services by Record Administrators and others who have been granted appropriate Record Permissions;
- to provide customer service and improve the Site and the Services;
- to notify you about updates to the Site and the Services;
- to verify the legitimacy of User Data and Record Content;
- responding to requests from insurers, employers, or Distributors;
- for marketing and advertising our Services as well as those of our service contractors ("Service Providers");
- to optimize third-party offers of products and/or services;
- developing additional software applications;
- for internal review; and
- internal business analysis or other business purposes consistent with our mission.

## **Disclosures and Transfers of Information**

Except as otherwise stated in this Privacy Policy, we do not sell, trade, rent or otherwise share for marketing purposes the Personal Information that we collect with third parties, unless you ask or authorize us to do so.

We may provide your Personal Information to third-party service providers or affiliates who work on behalf of or with us to provide some of the services and features of Prosocial and to help us communicate with you. Examples of such services include sending e-mail, analyzing data, providing marketing assistance, processing payments (including credit card payments) and providing customer service. We limit information provided to the aforementioned affiliate and third party service providers to the extent necessary for them to provide the services and require such service providers to promise not to use such information except as necessary to provide the relevant services to us.

In the event we go through a business transition such as a merger, acquisition by another company or sale of all or a portion of our assets, your Personal Information may be among the assets transferred. You acknowledge that such transfers may occur and are permitted by this Privacy Policy, and that any successor company may continue to process your Personal Information as set forth in this Privacy Policy.

We may disclose your Personal Information if we believe in good faith that such disclosure is necessary to (a) comply with relevant laws or to respond to subpoenas or warrants served on us; (b) protect and defend our rights or property, you, or third parties; (c) enforce these terms and (d) protect injury or loss of life. You hereby consent to us sharing your Personal Information under the circumstances described herein.

If you are a California resident, you may request that we provide to you (i) a list of the categories of personal information about you that Prosocial has disclosed to third parties for the third parties' direct marketing purposes during the calendar year

preceding your request, (ii) the names and addresses of such third parties, and (iii) if the nature of the third parties' business cannot reasonably be determined from their names, examples of the products or services marketed, if known to Prosocial, sufficient to give you a reasonable indication of the nature of the third parties' business. To submit your request, please e-mail [privacy@thesmartphr.com](mailto:privacy@thesmartphr.com).

### **Opting Out of Certain Communications**

We offer you choices regarding the collection, use and sharing of your Personal Information. You have a right at any time to stop us from contacting you for marketing purposes. When you receive promotional communications from us, you may indicate a preference to stop receiving further promotional communications from us and you will have the opportunity to "opt-out" by following the unsubscribe instructions provided in the promotional e-mail you receive. You cannot, however, unsubscribe from receiving certain emails, such as account status and billing related emails.

We may provide certain Personal Information as a service to others for their marketing purposes. If you properly notify us that you no longer want us to share your Personal Information with such third parties, we will cease sharing your Personal Information. However, except as otherwise stated in this Privacy Policy, we do not control the third parties to which we share such Personal Information and you will need to further notify such third parties directly if you would like them to cease use of your Personal Information.

### **Data Security, Integrity, and Access**

The Personal Information you provide and we collect is stored within databases that we control directly or through our Administrative Service Providers. As we deem appropriate, we use security measures consistent with industry standards, such as firewalls, to protect your Personal Information. We also use industry standard encryption technology to protect credit card and password information. However, since no security system is impenetrable, we cannot guarantee the security of our databases, nor can we guarantee that information you supply will not be intercepted while being transmitted to us over the Internet.

Your information may be transferred to, and maintained on, computers located outside of your state, province, or country where the privacy laws may not be as protective as those where you live. If you are located outside the United States and choose to provide information to us, please be aware that we transfer Personal Information to the United States and process and store it there. By submitting your Personal Information, you consent to having your personal data transferred to, processed, and stored in the United States.

Any user ID and password associated with your account may only be used by you. You may not share your user ID and password with anyone else, and you are solely

responsible for maintaining and protecting the confidentiality of your user ID and password. You are fully responsible for all activities that occur under your user ID and password. You can access and update your login information on your account webpage.

### **Third Party Websites and Links**

Please note that you may have cookies placed on your computer by third party websites that refer you to the Site. Although we do not share your Personal Information with these third party websites unless you have authorized us to do so, they may be able to link certain non-personally identifiable information we transfer to them with Personal Information they previously collected from you.

Our Site and the Service may contain links (including advertising banners) to other sites operated by third parties. Please review the privacy policies of each website you visit to better understand their privacy practices. Prosocial does not control such other sites and is not responsible for their content, their privacy policies, or their use of Personal Information. Prosocial's inclusion of such links does not, by itself, imply any endorsement of the content on such sites or of their owners or operators except as disclosed on the Site and Services. Any information submitted by you directly to these third parties is subject to that third party's privacy policy. While we support the protection of our customer's privacy on the Internet, Prosocial expressly disclaims any and all liability for the actions of third parties, including but without limitation to actions relating to the use and/or disclosure of Personal Information by third parties.

### **Children's Privacy**

Prosocial does not intend the Site and the Service to be used by individuals under the age of 18 without the supervision of a parent or guardian 18 years of age or older. Prosocial relies upon parents or guardians 18 years of age or older to determine if the Site and the Service is appropriate for the viewing, access, or participation by such individuals under the age of 18. If an individual under the age of 18 uses the Site and the Service, such individual may only use the Site and the Service under the supervision of a parent or guardian 18 years of age or older.

We do not seek or knowingly collect any Personal Information about children under 13 years of age. If we become aware that we have unknowingly collected Personal Information from a child under the age of 13, we will make commercially reasonable efforts to delete such information from our database.

### **Governing Law; Visitors Residing Outside the United States**

This Privacy Policy and the privacy practices of Prosocial will be subject exclusively to the laws of Colorado, without regard to its conflict of law principles. Prosocial makes no representation that this Privacy Policy and such practices comply with the laws of any country outside the United States.

## **Changes to Privacy Policy**

Prosocial may update this Privacy Policy from time-to-time in our sole discretion. It is your responsibility to review the Privacy Policy for any changes each time that you use the Site and Services and you are bound by such changes. Use of the Site and Services by you following us posting a new privacy policy on our Site constitutes your acceptance of the Privacy Policy as modified.

## **How To Contact Us**

All requests, questions or concerns about your Personal Information or this Privacy Policy, please contact our us by mail or email at the following:

Postal Mail:

Prosocial Applications, Inc.

1630-A 30<sup>th</sup> Street #505

Boulder, CO 80301

Attn: Privacy Officer

E-mail: [privacy@thesmartphr.com](mailto:privacy@thesmartphr.com).

We welcome your questions and comments.