



## POSITIVLY LLC PRIVACY POLICY

**Last Updated: September 7, 2020**

Positively LLC's ("Positively," "**we**," "**our**," or "**us**") Privacy Policy explains how we and our [affiliated](#) companies collect, use, and disclose information about you. This Privacy Policy applies when you use our website, Positively.com, complete any tests or surveys, request a referral and otherwise use our services (collectively, our "**Services**").

Positively may change this Privacy Policy from time to time. If we make changes, we will notify you by revising the date at the top of this policy and, when material, we will provide you with additional notice (such as adding a statement to our website or sending you a notification) and consent when required under applicable law. Your continued use of any Services after we make such changes is deemed to be acceptance of those changes when permissible. We encourage you to review this Privacy Policy periodically to stay informed about our information practices and the choices available to you.

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## 1. COLLECTION OF INFORMATION

### Information You Provide to Us

To use our Services, you must agree to our Terms of Use and/or create an account. Certain services may be subject to an additional Investment Advisory Agreement, which solely governs investment advice provided pursuant to that agreement. When you use our Services we collect information you provide directly to us. For example, you share information directly with us when you create an account, fill out a survey form, submit content through our website or platform, communicate with us via third-party platforms or otherwise use our Services, such as initiate subscriptions, request customer support, or otherwise communicate with us. The types of personal information we may collect include your name, email address, investment preferences, professional or employment-related information such as company name or representatives' names, financial status, investment experience, current portfolio holdings and any other information you choose to provide.

These Services are not directed to and should not be by children under the age of 16. If a parent or guardian becomes aware that his or her child has provided us with personal information without your consent, please contact us at [hello@positivly.com](mailto:hello@positivly.com). If we become aware that a child under the age of 16 has provided us with personal information, we will take commercially reasonable efforts to delete such personal information.

### Information We Collect Automatically When You Interact with Us

When you access or use our Services or otherwise transact business with us, we automatically collect certain information, including:

- **Activity Information:** We collect information about your activity on our website, such as data displayed.
- **Transactional Information:** When you make a subscription purchase, we collect information about the transaction, such as product details, purchase price, and the date and location of the transaction.
- **Device and Usage Information:** We collect information about how you access our Services, including data about the device and network you use, such as your hardware model, operating system version, mobile network, IP address, unique device identifiers, browser type, and app version. We also collect information about your activity on our website, such as access times, pages viewed, links clicked, and the page you visited before navigating to our website.

- **Information Collected by Cookies and Similar Tracking Technologies:** We (and our service providers) use tracking technologies, such as cookies and web beacons, to collect information about you. Cookies are small data files stored on your hard drive or in device memory that help us improve our Services and your experience, see which areas and features of our website or platform are popular, and count visits. Web beacons (also known as “pixel tags” or “clear GIFs”) are electronic images that we use online and in our emails to help deliver cookies, count visits, and understand usage and campaign effectiveness. For more information about cookies and how to disable them, see our Cookie Policy and the [Your Choices](#) section below.

### **Information We Derive**

We may derive information or draw inferences about you based on the information we collect. For example, we may make inferences about your location based on your IP.

## **2. USE OF INFORMATION**

We use the information we collect to provide, maintain, administer and improve our Services. We may also use the information we collect to:

- Ensure proper functioning of the website or platform;
- Provide content, material and other information or Services on the website;
- Personalize and improve your online experience;
- Identify and/or diagnose problems on or related to our Services;
- Send you technical notices, security alerts, and support and administrative messages;
- Provide requested information or technical support;
- Respond to your comments and questions and provide customer service;
- Communicate with you about products, Services, virtual events we may offer and provide news and information we believe will interest you (see the [Your Choices](#) section below for information about how to opt out of these communications at any time);
- Monitor and analyze trends, usage, and activities in connection with our Services;
- Personalize the advertisements you see on third-party platforms and websites (for more information, see the [Advertising and Analytics](#) section below);
- Personalize the advertisements you see when you use our website or platform based on information provided by our advertising partners;

- Target prospective customers with our products or Services or products or services provided by an affiliate (with your consent, where legally required);
- Detect, investigate, and prevent security incidents and other malicious, deceptive, fraudulent, or illegal activity and protect our and others' rights and property;
- Debug to identify and repair errors in our website or platform;
- Comply with our legal and financial obligations;
- Carry out any other purpose described to you at the time the information was collected; and/or
- For other reasonable internal use or uses aligned with your relationship with us and the context in which we collected the information.

### 3. SHARING OF INFORMATION

We share personal information in the following circumstances or as otherwise described herein:

- We share personal information with vendors, service providers, and consultants that need access to personal information in order to perform services for us, such as trade processing, data management, fraud prevention, customer service, marketing and advertising.
- We may disclose personal information if we believe that disclosure is in accordance with, or required by, any applicable law or legal process, including lawful requests by public authorities to meet national security or law enforcement requirements.
- We may share personal information if we believe that your actions are inconsistent with our user agreements or policies, if we believe that you have violated the law, or if we believe it is necessary to protect the rights, property, and safety of Positively, our users, the public, or others.
- We share personal information with our lawyers and other professional advisors where necessary to obtain advice or otherwise protect and manage our business interests.
- We may share personal information in connection with, or during negotiations concerning, merger, sale of company assets, financing, bankruptcy, business closure, or acquisition of all or a portion of our business by another company.
- Personal information is shared between and among Positively and our current and future parents, affiliates, and subsidiaries and other companies under common control and ownership. This information may be used to provide you with offers, services, or

products that may be of interest to you and provide you with their products and services. Any such corporate affiliate may use your personal information only according to the terms of this Privacy Policy. If you are located in a jurisdiction where such sharing requires your permission, we will only share such information with your consent. If you decide you no longer wish to receive these promotional communications, please follow the instructions provided in [Your Choices](#) section below.

- We share personal information with your consent or at your direction.

We also share aggregated or de-identified information that cannot reasonably be used to identify you.

#### **4. ADVERTISING AND ANALYTICS**

We allow others to provide analytics services and serve advertisements on our behalf across the web and in mobile apps. These entities may use cookies, web beacons, device identifiers, and other technologies to collect information about your use of our website or platform and other websites and applications, including your IP address, web browser, mobile network information, pages viewed, time spent on pages or in mobile apps, links clicked, and conversion information. This information may be used by Positively and others to, among other things, analyze and track data, determine the popularity of certain content, deliver advertising and content targeted to your interests on our website or platform and other websites, and better understand your online activity.

#### **5. TRANSFER OF INFORMATION TO THE UNITED STATES AND OTHER COUNTRIES**

We are headquartered in the United States, and we have operations and service providers in the United States and India. Therefore, we and our service providers may transfer your personal information to, or store or access it in, jurisdictions that may not provide levels of data protection that are equivalent to those of your home jurisdiction. We will take steps to ensure that your personal information receives an adequate level of protection in the jurisdictions in which we process it.

#### **6. YOUR CHOICES**

##### **Account Information**

You may update and correct certain account information at any time by logging into your account, emailing us at [hello@positivly.com](mailto:hello@positivly.com). If you wish to deactivate your account, please [insert instructions], but note that we may retain certain information as required by law or for our legitimate business purposes.

## **Cookies**

Most web browsers are set to accept cookies by default. If you prefer, you can usually adjust your browser settings to remove or reject browser cookies. Please note that removing or rejecting cookies could affect the availability and functionality of our website or platform. For more information about cookies and how to disable them, see our Cookie Policy.

## **Communications Preferences**

You may opt out of receiving promotional emails from us by following the instructions in those communications or by emailing [hello@positivl.com](mailto:hello@positivl.com). If you opt out, we may still send you non-promotional emails, such as those about your account or our ongoing business relations.

## **7. YOUR CALIFORNIA PRIVACY RIGHTS**

California law, including the California Consumer Privacy Act or "CCPA" (Cal. Civ. Code § 1798.100 *et seq.*) and the Shine the Light law (Cal. Civ. Code § 1798.83), afford consumers residing in California certain rights with respect to their personal information. If you are a California resident, this section applies to you.

### ***California Consumer Privacy Act (CCPA)***

In the preceding 12 months, we have collected the following categories of personal information: identifiers, commercial information, internet or other electronic network activity information, professional or employment-related information, and inferences. For details about the precise data points we collect and the categories of sources of such collection, please see the [Collection of Information](#) section above. We collect personal information for the business and commercial purposes described in the [Use of Information](#) section above. In the preceding 12 months, we have disclosed the following categories of personal information for business purposes to the following categories of recipients:

<i>Category of Personal Information</i>	<i>Categories of Recipients</i>
Identifiers	advertising networks, internet service providers, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, legal and compliance.
Commercial information	advertising networks, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, legal and compliance.
Internet or other electronic network activity information	advertising networks, internet service providers, data analytics providers, government entities, operating systems and platforms, data brokers, legal and compliance.
Professional or employment-related information	advertising networks, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, legal and compliance.
Financial profile information	advertising networks, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, legal and compliance.
Inferences	advertising networks, internet service providers, data analytics providers, government entities, operating systems and platforms, social networks, data brokers, legal and compliance.

California law requires that we provide transparency about personal information we “sell,” which, for the purposes of the CCPA, broadly means scenarios in which Positivly has shared personal information with third parties in exchange for valuable consideration. We “sell” personal information for the following commercial purposes: to advertise our products or products provided by our affiliates to you and to advertise products offered by third-parties. In the preceding 12 months, we have “sold” the following categories of personal information to the following categories of third parties

for the business and commercial purposes described in the [Use of Information](#) section above:

<i>Category of Personal Information</i>	<i>Category of Third Parties</i>
Identifiers	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.
Commercial information	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.
Internet or other electronic network activity information	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.
Professional or employment-related information	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.
Financial profile information	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.
Inferences	advertising networks, data analytics providers, social networks, data brokers, and investment advisory or brokerage firms.

You have the right to opt out of these sales at any time by emailing [hello@positivly.com](mailto:hello@positivly.com). We do not knowingly sell personal information about consumers under the age of 16.

Subject to certain limitations, you have the right to (1) request to know more about the categories and specific pieces of personal information we collect, use, and disclose, and sell, (2) request deletion of your personal information, (3) opt out of any “sales” of your personal information that may be occurring, and (4) not be discriminated against for exercising these rights. You may make these requests by emailing us at

hello@positivly.com. We will verify your request by asking you to provide information related to your recent interactions with us, such as personal information provided or information about transactions completed on the Platform. We will not discriminate against you if you exercise your rights under the CCPA.

If we receive your request from an authorized agent, we may ask for evidence that you have provided such agent with a power of attorney or that the agent otherwise has valid written authority to submit requests to exercise rights on your behalf. If you are an authorized agent seeking to make a request, please contact us.

### ***Shine the Light***

California law permits residents of California to request certain details about how their information is shared with third parties for direct marketing purposes. If you are a California resident and would like to make such a request, please email us at hello@positivly.com.

### ***Do Not Track Signals***

Our Services do not respond to "Do Not Track" signals communicated by your browser. We do not knowingly track your online activity over time across third party websites when you use, nor do we allow third parties to do so on our site. For more information about Do Not Track, please visit [www.allaboutdnt.com](http://www.allaboutdnt.com).

## **CONTACT US**

If you have any questions about this Privacy Policy, please contact us at:

Email: [hello@positivly.com](mailto:hello@positivly.com)