

## <sup>1</sup>POSITIVLY LLC PRIVACY POLICY

Last Updated: [September XX, 2020 ] [insert date posted]

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

Positivly 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. In doing so, 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 make purchases if relevant, 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<sup>2</sup> 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 [XX]. 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.

<sup>1</sup> The Policy is not designed to adhere with the California regulations (CCPA) or other similar regulations as discussed. Please track the developments. As you grow – these laws should apply. Most importantly if you share information – please express describe sharing of the information.

<sup>2</sup> Add any other info you collect.

Commented [BH1]: It is out of scope for our work but when you become a RIA, you will need to deliver the privacy policy to customers.

Commented [BH2]: As discussed – once you register as a RIA – we recommend you create an investment advisory agreement (IAA).

### **Information<sup>3</sup> 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. **[Remove if not needed]**
- **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.
- **Location Information:** In accordance with your device permissions, we may collect information about the precise location of your device. You may stop the collection of precise location information at any time (see the [Your Choices](#) section below for details).
- **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 [\[insert link\]](#) and the [Your Choices](#) section below.

### **Information We Collect from Other Sources **[Remove – Once you confirm – Not needed]****

We obtain information from third-party sources. For example, we may collect information about you from credit bureaus, advertising networks, data analytics providers, and mailing list providers. Additionally, if you create or log into your account through a third-party platform (such as Facebook or Google), we will have access to certain information from that platform, such as your name, birthday, and profile picture, in accordance with the authorization procedures determined by such platform.

### **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:

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<sup>3</sup> Confirm and edit as needed.

- Ensure proper functioning of the website or platform;
- Provide content, material and other information or Services on the website;
- Process transactions and send you related information, including confirmations, receipts, invoices, customer experience surveys, and recall notices; [Remove – Once confirm not relevant]
- 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); [Remove – Once confirm not relevant]
- 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 (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<sup>4</sup>

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.
- All authorized users listed on your account may view personal information stored in your account. A primary account holder may view personal information saved in sub-accounts to which it has authorized access. [Remove – Once confirm not relevant]
- We share personal information with third parties for their own platform and marketing purposes, unless you opt out of this type of sharing by [insert opt-out instructions]. [Remove – Once confirm not relevant]

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<sup>4</sup> Please review bullets and confirm this type of sharing is relevant. Go ahead and delete what is not relevant. i.e., public parts of the site, platform.

- 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 [Remove if not relevant]**

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. For more information about interest-based ads, or to opt out of having your web browsing information used for behavioral advertising purposes, please visit [www.aboutads.info/choices](http://www.aboutads.info/choices) (if you are in the US) or <http://www.youronlinechoices.eu/> (if you are in the EU), or change your settings using the consent management tool on our website. [Your device may also include a feature (“Limit Ad Tracking” on iOS or “Opt Out of Interest-Based Ads” or “Opt Out of Ads Personalization” on Android) that allows you to opt out of having certain information collected through mobile apps used for behavioral advertising purposes.]<sup>5</sup>

**[Optional. Remove if not needed]** We also work with third parties to serve ads to you as part of customized campaigns on third-party platforms (such as Facebook). As part of these ad campaigns, we or the third-party platforms may convert information about you, such as your email

<sup>5</sup> You can delete if not relevant – ie., You do not allow data to be collected for interest-based advertising.

address and phone number, into a unique value that can be matched with a user account on these platforms to allow us to learn about your interests and serve you advertising that is customized to your interests. Note that the third-party platforms may offer you choices about whether you see these types of customized ads.

## 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.

[Remove if not accurate] If you are in the European Economic Area, we provide adequate protection for the transfer of personal data to countries outside of the EEA through a series of intercompany agreements based on the Standard Contractual Clauses authorized under EU law. You are entitled to obtain a copy of these agreements by emailing us at XX or calling us at XX.

## 6. YOUR CHOICES

### Account Information

You may update and correct certain account information at any time by logging into your account, emailing us at XX, or calling us at XX. 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 [insert hyperlink].

### Communications Preferences

You may opt out of receiving promotional emails from us by following the instructions in those communications or by calling XX. If you opt out, we may still send you non-promotional emails, such as those about your account or our ongoing business relations.

### 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).

## ADDITIONAL DISCLOSURES FOR INDIVIDUALS IN EUROPE

Commented [BH3]: Recommend you keep this since you will not screen for location of users. As a RIA – you will need to consider on-boarding and screening for customers – OFAC/AML etc.

If you are located in the European Economic Area (EEA), the United Kingdom, or Switzerland, you have certain rights and protections under the law regarding the processing of your personal data, and this section applies to you.

### **Legal Basis for Processing**

When we process your personal data, we will do so in reliance on the following lawful bases:

- To perform our responsibilities under our contract with you (e.g., processing payments for and providing the products and Services you requested).
- When we have a legitimate interest in processing your personal data to operate our business or protect our interests (e.g., to provide, maintain, and improve our products and Services, conduct data analytics, and communicate with you).
- To comply with our legal obligations (e.g., to maintain a record of your consents and track those who have opted out of marketing communications).
- When we have your consent to do so (e.g., when you opt in to receive marketing communications from us). When consent is the legal basis for our processing your personal data, you may withdraw such consent at any time.

### **Data Retention**

We store personal data associated with your account for as long as your account remains active. If you close your account, we will deactivate your account data within [30 days]; otherwise, we will delete your account data after seven years of inactivity. We store other personal data for as long as necessary to carry out the purposes for which we originally collected it and for other legitimate business purposes, including to meet our legal, regulatory, or other compliance obligations.

### **Data Subject Requests**

Subject to certain limitations, you have the right to request access to the personal data we hold about you and to receive your data in a portable format, the right to ask that your personal data be corrected or erased, and the right to object to, or request that we restrict, certain processing. If you would like to exercise any of these rights, please email us at [XX](#).

### **Questions or Complaints**

If you have a concern about our processing of personal data that we are not able to resolve, you have the right to lodge a complaint with the Data Protection Authority where you reside. Contact details for your Data Protection Authority can be found using the links below:

For individuals in the EEA: [https://edpb.europa.eu/about-edpb/board/members\\_en](https://edpb.europa.eu/about-edpb/board/members_en)

For individuals in the UK: <https://ico.org.uk/global/contact-us/>

For individuals in Switzerland: <https://www.edoeb.admin.ch/edoeb/en/home/the-fdpic/contact.html>

### **CONTACT US**

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

Email: [REDACTED]  
Toll-free telephone: [REDACTED]  
Postal address: [REDACTED]