



# Privacy Policy

**PLEASE READ THIS DOCUMENT CAREFULLY. IT CONTAINS IMPORTANT INFORMATION THAT YOU SHOULD KNOW BEFORE USING THE CLOWDER APPLICATION, WEBSITE, AND SERVICES. BY USING THE CLOWDER APPLICATION, WEBSITE, AND SERVICES YOU WILL BE DEEMED TO HAVE ACCEPTED THIS PRIVACY POLICY.**

Your (further referred to herein as “*you*” or “*User*”) use of the Clowder® Application, Website, and Services (as each of these terms are defined in this Privacy Policy), including any dispute concerning privacy, is subject to this privacy statement (“*Privacy Policy*”) and Clowder’s Terms of Service (located at <https://clowder.com/terms>). By using the Clowder® Application, Website, and Services, you are accepting the guidelines and practices set out in this Privacy Policy and in Clowder’s Terms of Service.

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## **A. Background Information**

Clowder, LLC (“Clowder™”), a Delaware limited liability company registered as Clowder Mobile, LLC with an office in Virginia, and an affiliated company of Advanced Solutions International (“ASI”) (“*Clowder*” or “*we*”, “*us*”, “*our*”) has created this Privacy Policy in order to disclose its information gathering and dissemination practices for Clowder's® mobile applications, distributed through the iTunes App Store and Google Play (“*Clowder*

*Applications*”), the Clowder website located at <https://clowder.com> (“*Website*”), and any services available or enabled by/or through the Clowder Applications and Website (“*Services*”).

Clowder is the developer and owner of the Clowder platform (“*Clowder platform*”). Through the Clowder platform, Clowder provides “Application as a Service” (“AaaS”) to an entity of which you are an employee, member, and/or customer (“*Client*”). If you download an application bearing the Clowder® brand, you are using an application which was created for Client by Clowder. In such instance, Client has commissioned Clowder to create a specific native application based on the Clowder platform, designed for the management of Client’s members, employees, and/or customers, enhancing user experience and otherwise furthering Client’s goals (“*Clowder Application*,” and together with Clowder applications, “*Applications*”). Since you are a member, employee, or customer of the Client’s organization, you have already signed up, subscribed, or are otherwise affiliated with the Client and provided certain login, data, and personal information (“*Membership Data*”) to the Client which is now stored and hosted on the Clowder Application as an extension of the Client’s service to its members, employees, and/or customers, including the Client’s use of the Clowder Application. Client has provided such Membership Data to Clowder solely for purposes of creating Clowder Application for the Client and as an extension of its mobile and/or web services through the Clowder platform to its members, employees, and/or customers. Additionally, you may enter or may have entered such Membership Data in the Clowder Application. Your relationship with the Client, including the use of the Clowder Application by Client, is governed by the Client’s terms of use and privacy policy and your use of the Clowder Application and your relationship with Clowder is governed by this Clowder Privacy Policy and the Clowder’s Terms of Service (located at <https://clowder.com/terms>). You may choose to provide Clowder and the Clowder Applications with additional information and Membership Data to enjoy certain functionalities as outlined in this Privacy Policy.

## **B. Word from Clowder**

Clowder is committed to providing superior service to all of our customers and visitors, and recognizes the importance of protecting the privacy rights of the individual in relation to personal information that can be used to personally identify you. In this Privacy Policy, personal information or personally identifiable information means information that is about you and which identifies you. We understand that you may have questions about how the Clowder Applications, Website, and the Services collect and use your personal information; we have prepared this statement to inform you of the governing privacy principles.

This Privacy Policy contains numerous general and technical details describing the steps we take to respect your privacy and protect your personal information. We have organized this Privacy Policy by major topic areas so that you can quickly refer to the information that is of most interest to you. Upon reading this Privacy Policy, you will, inter alia, be informed regarding the following:

1. description of personally identifiable information (belonging to you and third parties) collected by the Applications, Website, and Services;
2. how the collected information is used;
3. with whom the collected information may be shared;
4. choices available to you regarding the collection, use, and distribution of such information;
5. security procedures that are in place to protect against the loss, misuse, or alteration of personally identifiable information under Clowder's control; and
6. instructions on how you can access and correct inaccuracies in the information collected about you.

To the extent that anything in this Privacy Policy conflicts with an existing written (including electronic) agreement between you and Clowder regarding the use of the Applications, the Website, or Services, including specific licenses, terms of use, or privacy disclosures relating to Services (collectively, "**Product Agreements**"), the terms of the Product Agreements shall govern.

If you have questions regarding this Privacy Policy, or concerns relating to compliance with the policies outlined in this Privacy Policy, please contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com).

### **Changes in the Privacy Policy**

Clowder reserves the right to modify this Privacy Policy at any time by posting such changes on this page. Please check the revision date to determine if this Privacy Policy has been modified since you last reviewed it. Your continued use of any portion of the Clowder Applications, Website, or Services subsequent to the posting of an updated Privacy Policy will constitute your acceptance of all such changes.

All personal information we collect and maintain will be subject to the version of the Privacy Policy in effect at the time of such collection. If the Privacy Policy changes in any material respect, we will not use the personal data we have collected from you in a manner that is inconsistent with the version of the Privacy Policy in effect at the time that such data was collected without your prior consent, provided, however, that your continued use of the Applications shall be deemed to constitute an explicit consent to such changes.

If as the result of any such changes, you wish to alter the ways in which Clowder is allowed to use your personal information, you may do so by following the steps described in the [Choices Available to You](#) section of this Privacy Policy.

### **Legal Issues**

The Clowder Applications and Website are United States-based services. However, because access to the Clowder Applications, Website, and Services may use the internet infrastructure of different jurisdictions, use of the Clowder Applications, Website, and Services may be subject to

the laws of various jurisdictions, including the laws of the United States, the European Union and/or the United Kingdom, including but not limited to EU Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector, and Regulation (EU) 2016/679, the European General Data Protection Regulation, and/or the UK GDPR and Data Protection Act 2018 (the “**GDPR**”) and/or U.S. state privacy laws, as applicable.

Clowder may disclose your personally identifiable information without your permission if it has a good-faith belief that disclosure is reasonably necessary to meet any applicable law, regulation, legal process, or enforceable government request; or to investigate or protect against harmful activities to Clowder’s guests, users, associates, or property (including the Applications and Website), or to others. We may also disclose personally identifiable information when we have reason to believe that disclosing this information is necessary to identify, contact, or bring legal action against someone who may be violating this Privacy Policy, the terms of their agreements with the Clowder (such as the Terms of Service), or to protect the safety of our users and the public. We may also disclose personally identifiable information under confidentiality and licensing agreements with certain third parties who assist us in developing, operating and maintaining the Applications, Website, and Services, including the content therein.

Clowder may also be required by law enforcement or judicial authorities to provide personally identifiable information to appropriate governmental authorities. If requested by law enforcement or judicial authorities, Clowder will provide this information upon receipt of appropriate documentation. Clowder may also provide information to law enforcement to protect its property and the health and safety of individuals as permitted by statute.

### **C. Information We Collect**

#### **Information We Collect Through Applications and Information Made Available by Client**

The Clowder Applications may be used by users with User Accounts (“**Registered Users**”) as well as users without User Accounts (“**Unregistered Users**”). However, Clowder Applications’ functionality may be significantly limited or unavailable for Unregistered Users. The Clowder Application will only be available to Registered Users who have provided or made available all of the required Membership Data to the Client.

The Applications collect information from both Registered Users and Unregistered Users. This information includes information that Registered Users and Unregistered Users voluntarily provide to Clowder, including usernames, passwords, user profile information (the Registered User’s name, picture, phone number), User Content (as defined in this Privacy Policy), as well as communications between Registered Users and Clowder (for instance, as e-mails sent from users to Clowder). If a user logs into the Clowder Application (other than Clowder Application) using an authorized third party social network account, such as a Facebook or Instagram account, Clowder may collect certain information as to that user’s activities and information in that third party social network. Additionally, the Clowder Application may collect certain technical information automatically from both Registered and Unregistered Users, including the model,

manufacturer and OS version of the mobile device used, MAC (Media Access Control) address, device identifiers, International Mobile Equipment Identity (IMEI), and time-stamped logs of messages sent and received, and network status (WiFi, etc.).

As a Registered User, you may also be permitted to provide your exact location if you choose to enable your mobile device to send us and other Registered Users such information. We may use and store this information to provide certain Services, such as tagging the uploaded User Content with your location and may otherwise use this information to improve your experience with the Services and to provide you with additional functionality.

The Membership Data and/or personally identifiable information described above, may also be provided or made available by Client to Clowder, which then, in turn is being populated into the accounts of the Registered Users for purposes of creating, operating, and updating the Applications.

### **Information We Collect Through the Website**

When you request a page from the Website, our servers log the information provided in the HTTP request header, JavaScript or similar technical tools, including the IP address, the time of the request, the URL of your request, and other information. We collect this information in order to make the Website function correctly and provide you the Website's functionality. We also use this information to better understand how visitors use the Website and how we can better adjust the Website, its contents, and functionality to meet the needs of our users. In some jurisdictions, this information is considered personal information. This information is not associated with your name or your e-mail address unless you voluntarily and knowingly provide us with such additional information.

When you use the Website, Clowder or trusted third parties authorized by Clowder may also collect certain technical and routing information about your computer (also known as environmental variables) to facilitate your use of the Website and the Services enabled thereby. When you browse the Internet, your Internet browser (such as Mozilla Firefox, Google Chrome, or Microsoft Internet Explorer) automatically transmits some information to Clowder every time you access content on one of our internet domains. Examples of such information include the URL of the particular Web page you visited, the IP (Internet Protocol) address of the computer you are using, or the browser version that you are using to access the Website. All of this information may be collected by Clowder and used to help improve our offerings to you.

Our processing for these purposes includes both automated and human methods of processing. This includes AI-assisted processing of business records for operational, financial, customer/vendor management, analytics, and security purposes. As part of our efforts to improve and develop our products and services we may use non-personally identifiable, anonymized data to train predictive AI models.

## **User Content**

The Applications and Services allow Registered Users to upload content to share with other users (“*User Content*”). Because the Applications are social networking, entertainment, and/or membership engagement tools, some of the information you provide to us when uploading User Content may be made public. This includes information provided along with User Content, such as the date and time that the User Content was posted, as well as User Content that you like and dislike or comment on, or other public interactions in the Services. Furthermore, other Registered Users may “follow” your User Account and thereby access all information you have made public.

## **Providing Information to Clowder**

From time to time Clowder may seek your consent for a particular proposed collection, handling, use and disclosure of your personal information. You may withhold your consent to any or all such requests. However, should you choose to withhold certain required information, Clowder may not be able to provide you with some or all of the Services. For instance, a User Account is necessary to enjoy all of the Clowder Application’s features. Some of the information we ask you to provide may be identified as mandatory or optional. If you do not provide the mandatory information with respect to a particular activity, you may not be able to engage in that activity or make such a purchase. Clowder will inform you of the mandatory or optional nature of the requested or required information.

If you have consented to a particular purpose for our use and disclosure of your personal information, then we may rely on your consent until you withdraw it. You may withdraw your consent by contacting our representative to whom you originally gave your consent or by contacting us via the contact details provided in the [How to Contact Us](#) section below.

When you submit personal information to Clowder through the Applications or Website, you understand and agree that this information may be transferred across international boundaries and may be stored and processed in any of the countries in which Clowder, located in the United States, and its related corporate affiliates maintain offices or web hosting servers, including Advanced Solutions International, Inc. located in the United States, Advanced Solutions International (Asia-Pacific) Pty Ltd located in Australia, Advanced Solutions International-Canada Inc. located in Ontario, Canada, Advanced Solutions International (Europe) Limited located in the United Kingdom, OpenWater Software, LLC located in the United States and WBT Systems Limited located in Ireland. You also acknowledge that in certain countries or with respect to certain activities, the collection, transferring, storage, and processing of your information may be undertaken by trusted vendors of Clowder. Such vendors are bound by an obligation not to use your personal information for their own purposes or provide it to any third parties.

Clowder may establish relationships with various third party providers whose services may become available to you via the Applications, Website or third party websites to the Website or through the Applications (“**Providers**”). Typically, these Providers will offer services that

Clowder users may find useful, such as those that can be used in conjunction with the Applications, Website, or Services. In order to use these third party services, you may be required to provide personal information to such Providers. Unless expressly provided to the contrary, personal information that you provide while you are visiting a Provider's website will be subject to the privacy policy posted on that Provider's website, and personal information that you provide while on the Website in conjunction with a Provider's service will be subject to this Privacy Policy. For instance, credit card or PayPal® information entered as part of the filling out a purchase form or registration process collected by a third party's registration and/or merchant services is subject to that third party's privacy policies. You should be aware that Clowder's agreements with these service providers often provide that they will share personal information collected from you, with Clowder. In such instances, Clowder may use this information in a manner consistent with this Privacy Policy.

You may be provided an opportunity to subscribe to periodic newsletters and product updates provided by Clowder's advertisers and Providers. These newsletters and product updates are marketing tools that allow Clowder's advertisers to inform you of new services, products, and updates, as well as other news which may be relevant to you. Subscription to such newsletters may require you to provide your first and last name, your email address, and other information. You will be given the opportunity to choose the type of information such advertisers will provide to you and you will be provided with an opportunity to opt-out from receiving such information by either making appropriate choice in your User Account or by writing to [info@clowder.com](mailto:info@clowder.com).

We may utilize artificial intelligence technologies, such as Gong note taker or Teams, with your consent, to record sales calls with prospective clients and current clients, as part of our sales process, to provide requested service, and for quality assurance, customer service, and training purposes. We do not use any biometric information for identification or authentication purposes. We may utilize business tools, including Microsoft Copilot and Gong to take notes of meetings and other similar artificial intelligence powered tools as part of our business activities. These notes may be summarized and processing of the notes of the meeting may be accomplished through automated processing methods and artificial intelligence technologies.

### **User Account**

Clowder encourages all users of the Applications to sign up for User Accounts in order to access the full range of features offered by the Applications. When registering for a User Account, Clowder will ask you to provide certain information. Such information may include Membership Data and/or other personally identifiable information. Additionally, for some of Clowder Applications, if and as such functionality is available, you may log into the Clowder Application using an authorized third party social network account, such as a Facebook or Instagram account. In the event that you log into the Clowder Application using a third party social network account, Clowder may collect certain information from your third party social network account profile as well as information regarding your activities on the third party social network. It is completely optional for you to register for a User Account or engage in activities requiring a User Account.

Once you create a User Account, you will be deemed a Registered User and will be able to access, review, and update your User Account information through the Clowder Application. You may also request to access and change your personal information and privacy preferences by contacting us at [privacy@clowder.com](mailto:privacy@clowder.com).

If you wish to deactivate your User Account, you can do so by contacting Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) and/or the Client as indicated on the “Contact Us” information in the Application. When you deactivate your User Account, some or all of the information stored and maintained as part of your account may be retained from our servers, including the User Content uploaded via the Clowder Application and Services.

### **Third Party Websites and Services**

The Applications and Website may contain links to websites owned and operated by third parties. Such links are presented for your convenience and information. Clowder does not control these third party websites and is not responsible for their privacy practices or content. Clowder does not control the information collection and distribution policies on such websites other than those that are under the control of Clowder itself. Content on third party websites may not reflect products, services, and/or information provided by Clowder. Third parties may also set their own cookies and/or use web beacons, which may be used to identify some of your preferences or to recognize you if you have previously had contact these third parties. Clowder does not control the use of such technology by third parties, the information they collect, or how they use such information. You should direct all concerns regarding any third-party website to the site administrator or webmaster of such website

Clowder also uses third party advertising companies to serve ads when you visit the Website or the Application. These companies may use general information about your visits to the Website or the Application as well as other websites in order to provide advertisements about goods and services of interest to you. If you would like more information about this practice and your choices as to not having your information used by these companies, please direct such concerns to the respective company’s administrator or webmaster.

### **Third Party Applications**

Clowder may make third party applications or services available to you through the Applications, Website, or Services. The information collected by Clowder when you enable a third party application or services is processed under this Privacy Policy. Information collected by the third party application or service provider is governed by the provider’s privacy policies.

### **Information Relating to Children**

The Children's Online Privacy Protection Act (COPPA) provides parents with specific rights regarding their children's privacy. For additional information and resources on COPPA, please visit the Federal Trade Commission Website at <http://www.ftc.gov/>. The Clowder Applications, Website, and Services are not directed at children under 13 years of age and we do not knowingly collect, keep or use any information provided by or relating to children under 13

years of age and, therefore, COPPA does not apply. If you believe that a child may have provided us with personal information without such parental consent, please contact us. Parents and legal Guardians may request us to review, delete, or stop the collection of the personally identifiable information of their child. You may do so by contacting us by letter (using the address information provided at the bottom of this page) or e-mail, at [privacy@clowder.com](mailto:privacy@clowder.com).

California consumers: We will not knowingly share the personal information of California consumers who are 16 years old or younger.

EU residents: We do not collect or process personal information of data subjects in the EU under the age of 16 without explicit consent from a parent or guardian. Our sites are not directed toward children.

### **Sensitive Information**

We will not intentionally collect or maintain (and do not want you to provide) any “sensitive information,” including information or an opinion about your or another individual’s racial or ethnic origin, political opinions, membership in a political association or professional or trade association, philosophical or religious beliefs or affiliations, sexual preferences, criminal record, health or genetic information.

US residents: We will not intentionally collect or maintain any citizenship status information, biometric information, or social security or governmental identification, and we will only collect precise geolocation with your consent. We only collect and process payment card information as necessary to provide products and services to you and we only share that information with third party payment processing providers to the extent necessary to provide those services. We only collect your location information with your consent.

### **Cookies and Web Beacons**

The Website uses “cookie” and “web beacon” technology. “Cookies” are short pieces of data generated by a web server that a website stores on a user’s computer. Certain pages on our Website may require the use of a cookie for purposes of keeping information you enter on multiple pages together. Cookies also enable us to customize our Website and offerings to your needs and provide you with a better online experience with us. In addition, cookies are used to:

- measure usage of various pages on our Website to help us make our information; more pertinent to your needs and easy for you to access;
- provide functionality such as online orders, Clowder services and other functionality that we believe would be of interest and value to you;
- identify and categorize the internet webpages from which the visitor came to the Website and observe the browsing patterns; and
- remember your preferences for tools found on our websites, so you don't have to reenter them each time you switch a page or each time you visit.

Some of these cookies use session replay technology and artificial intelligence technologies to help us understand how users interact with our website. The types of cookies that we use are referred to as “session” cookies and “persistent” cookies. Session cookies are temporary and are automatically deleted once you leave the Website. Persistent cookies remain on your computer hard drive until you delete them. We do not use cookies to gather information concerning your visits to other websites. Cookies do not, under ordinary circumstances, corrupt or damage your computer, programs, or computer files. In some cases, the information used by cookies may be considered personal information if you are reasonably identifiable based on information readily available to us.

In addition, the service providers we use to serve and host our advertisements, and/or deliver our e-mails use session and persistent cookies, to track the number of times the Website is accessed and whether the site was accessed from an advertisement. There are no cookies in the advertisements or e-mails. A cookie is placed on your computer only if and when you click on an advertisement or open the e-mail. The cookie generated from the advertisement or e-mail will remain on your hard drive until you delete it.

You may set your browser or mobile device to block cookies so that your device does not accept them (consult the instructions for your particular browser on how to do this), although doing so may adversely affect your ability to perform certain transactions, use certain functionality and access certain content on our Website. Web beacons are used in combination with cookies to help website operators understand how visitors interact with their websites. A web beacon is typically a transparent graphic image (usually 1 pixel x 1 pixel) that is placed on a site. As opposed to cookies, which are stored on a user’s computer hard drive, web beacons are embedded invisibly on Web pages and are about the size of the period at the end of this sentence. The use of a web beacons allows the site to measure the actions of the visitor opening the page that contains the web beacon. It makes it easier to follow and record the activities of a recognized browser, such as the path of pages visited at a website. Clowder uses the information provided by web beacons to develop a better understanding of how the Website’s visitors use the Website, and to facilitate those visitors' interactions with the Website. Clowder may make the aggregate data obtained from web analytics (including from our third party analytics providers, if applicable) publicly available. If this data is made available, it will be made available in aggregate form and will not contain personal information.

You can manage your cookie preferences for our website at any time using our Cookie management tool. You may find more information about cookies, including how to opt out of interest-based advertising, at [www.cookiesandyou.com](http://www.cookiesandyou.com).

If you are concerned about third party cookies generated by advertisers from Europe, you can turn some of these off by going to the [Your Online Choices](#) site.

#### **D. Purpose for Processing/Use and Disclosure of Information**

##### **How Your Personal Information Is Processed/Used**

Clowder collects information from you in order to record and support your participation in the activities provided by Clowder. Clowder recognizes and appreciates the importance of responsible use of information collected through the Applications, Website, and Services. Clowder will communicate information to you regarding products, services, or special offers available from Clowder or its affiliates in accordance with your consent choices, as applicable, although we may find it necessary to communicate with you regarding your use of the Applications or Services. Except as described in this Privacy Policy, Clowder will not share, sell, rent or disclose your personal information. Clowder may combine, share and exchange your personal information with and among our related corporate affiliates, including Advanced Solutions International, Inc. located in the United States, Advanced Solutions International (Asia-Pacific) Pty Ltd located in Australia, Advanced Solutions International-Canada Inc. located in Ontario, Canada, Advanced Solutions International (Europe) Limited located in the United Kingdom, OpenWater Software, LLC located in the United States and WBT Systems Limited located in Ireland, in an effort to assist Clowder and its affiliated companies in managing, administering and providing products and services to you, and for marketing purposes.

- We may use your e-mail address to send a confirmation e-mail when you sign up for a User Account and, if necessary, may use other information you provide to contact you for help to process the purchase or service you have selected. Your personal information also may be used to keep you informed about new services, service upgrades, special offers, and other Services.
- Clowder may collect information about your use of the Applications, Website, and Service (such as the types of services used and how many users we receive daily.) Clowder may use this statistical data for statistical analysis, marketing, or similar promotional purposes.

### **Disclosure of Information to Third Parties**

In operating the Clowder Applications, Website, and Services, Clowder may engage third parties, such as e-mail service providers, purchase shipping and order processing merchants, and marketing companies that act as independent contractors on behalf of Clowder. These parties are contractually prohibited from using your personally identifiable information for any purpose other than for the purpose Clowder specifies, and they are required to maintain the confidentiality of your personal information.

- We provide personal information to certain service providers for the purpose of performing their contractual obligations to us. Contracted service providers may also deliver artificial intelligence and generative artificial intelligence capabilities to analyze data and create AI-generated responses or other content as part of our business activities. We prohibit the sale or transfer of personal information to entities outside of the Clowder' affiliates for their use without your approval.
- We provide personal information to our trusted third party Providers to enable our Providers to provide you with information about services, special offers, and promotions of interest to you.

### **Disclosure of Information to Other Users**

Through the use of the Clowder Applications, Website, and Services, you may have the option to disclose personally identifiable information about yourself to other users. Certain personally identifiable information you disclose may be available to all users, such as information in your publicly-accessible account profile (“**Public Information**”). Other personally identifiable information may be intended only for particular users (“**Private Information**”), such as a private correspondence to such users. Any disclosure of Public Information or Private Information is undertaken willingly by you and you agree that Clowder is not responsible for the contents or consequences of any such disclosure. Clowder encourages you to exercise extreme caution when disclosing any information about yourself to other users, especially Private Information. Although Clowder will not disclose your Private Information, you agree that Clowder is not responsible for any consequence whatsoever of your willing disclosure of Private Information or Public Information to other users.

The Applications and Services may also allow you to communicate with other users. The rules and guidelines governing such communications are set out in the Terms of Service accompanying this Privacy Policy ([www.clowder.com](http://www.clowder.com)). You expressly agree that Clowder is not responsible for contents or consequences of any such communication or any information you choose to disclose through any such communication. You also acknowledge that Clowder may access and review any such communications. Please exercise due caution when engaging in any such communication.

### **Securing the Transmission and Storage of Information**

Clowder is committed to protecting the security of your personally identifiable information. We use a variety of security technologies and procedures to help protect your personal information. Clowder operates secure data networks protected by industry standard firewall and password protection systems. Our security and privacy policies are periodically reviewed and enhanced as necessary, and only authorized individuals have access to the information provided by our users. Clowder takes steps to ensure that your information is treated securely and in accordance with this Privacy Policy. Unfortunately, no data transmission over the Internet can be guaranteed secure. As a result, while we strive to protect your personal information, we cannot guarantee the security of any information you transmit to us or from our online products or services, and you use these services at your own risk.

We treat the information you provide to us as confidential information; accordingly, it is subject to our company’s security procedures and corporate policies regarding protection and use of confidential information. After personally identifiable information reaches Clowder, it is stored on a server with physical and electronic security features as are customary in the industry, including utilization of login/password procedures and electronic firewalls designed to block unauthorized access from outside of Clowder. Because laws applicable to personal information vary by country, our offices or other business operations may put in place additional measures that vary depending on the applicable legal requirements. Information collected on the sites covered by this Privacy Policy is processed and stored in the United States and possibly other

jurisdictions and also in other countries where Clowder and its service providers conduct business. All Clowder employees are obligated by our privacy and security policies. Your information is only accessible to those employees who perform technical support of the service.

A password is used to help protect your accounts and personal information. It is your responsibility to keep your password confidential. Do not share this information with anyone. If you are sharing a computer with anyone you should always log out before leaving any site or service to protect access to your information from subsequent users.

### **Effect of Change in Control**

We may disclose your personal information to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of the assets or equity interests of Clowder. If, as a result of such business transition, your personal information will be used in a materially different manner than as described herein, you will be given a choice consistent with our policy regarding notification of changes.

### **Compliance with Law**

Clowder may disclose your personal information without your permission if it has a good-faith belief that disclosure is reasonably necessary to meet any applicable law, regulation, legal process, or enforceable government request, or as otherwise described in the Legal Issues section above. We may also disclose your personal information to any other third-party organization expressly authorized by you or for any other purpose disclosed by us when you provided the information.

## **E. Choices Available to You**

### **Disclosure Choices**

Unless strictly necessary for the Website, Applications and Services to function, you may always choose whether or not to disclose personal information and that choice will not prevent you from using the Website and having limited access to the Applications and Services. Please note, however, if you should choose to withhold certain requested information, we may not be able to provide you with some or all of the Services dependent upon the collection of this information. You will be given an opportunity to “opt-in” and make your preference choices for any items that are optional and which are not prerequisite for our rendering such services. You can manage your cookie preferences for our website at any time using our Cookie management tool.

### **Opt-Out Options**

You can choose at any time to opt-out of receiving emails from Clowder by clicking the unsubscribe link at the bottom of any email you receive from Clowder or by contacting Clowder directly at [privacy@clowder.com](mailto:privacy@clowder.com). If you elect to opt-out, we will not, as applicable, share your personal information with unaffiliated third parties other than to provide the Services or send you emails. However, we may continue to use your personal information for internal purposes, to enhance your user experience or as necessary to administer the site or comply with applicable

law.

### **Registration Email and Contact by Clowder**

We reserve the right to send a one-time registration confirmation e-mail, and infrequent service alert messages to users to inform them of specific changes that may impact their ability to use a service they have previously signed up for, regardless of email contact opt-in status. We also reserve the right to contact you if compelled to do so as part of a legal proceeding or if there has been a violation of any applicable licensing, warranty, or purchase agreements. Clowder is retaining this right because in limited cases we feel that we may need to contact you as a matter of law or regarding matters that will be important to you. This does not allow us to contact you to market a new or existing service if you have asked us not to do so, and issuance of these types of communications is rare.

### **User Account Preferences**

When you create a User Account with Clowder and/or provide your e-mail address and other personal identification information, based on your personal preferences, we may periodically contact you via e-mail and provide information about special offers and promotions that may be of interest to you. These communications will relate to Clowder and its affiliates' offers and/or the promotions of select, reputable third parties with whom Clowder has a strategic marketing relationship because they offer products or services that we believe would be of interest to you. We may use a third party e-mail service provider to send e-mails to you. This service provider is prohibited from using your e-mail address for any purpose other than to send Clowder related e-mail. If you do not wish to receive e-mails with updates and information please unsubscribe by sending an email to: [unsubscribe@clowder.com](mailto:unsubscribe@clowder.com). In addition, every time you receive an e-mail, you will be provided the choice to opt-out of future e-mails by following the instructions provided in the e-mail. You may also opt-out online by updating your User Account as described in the User Account section of this Privacy Policy (above).

To ensure that your request is honored, you must provide Clowder with information sufficient for us to accurately identify and access your records. The information we require is your full name, address and the email address you provided to Clowder when you requested services or products. Clowder reserves the right to contact you to verify that we have accurately identified your record.

### **F. How to Access and Update Your Personal Information; Your Rights**

The European Union's General Data Protection Regulation, ("**GDPR**"), the United Kingdom's Data Protection Act 2018 and UK GDPR and other countries' privacy laws provide certain rights for data subjects. A good explanation of them (in English) is available on the website of the United Kingdom's Information Commissioner's Office ([A guide to individual rights | ICO](#)).

In the U.S., some states have enacted privacy laws that provide certain rights for persons residing in those states, including the California Consumer Privacy Act (as amended by the California

Privacy Rights Act of 2020) (“CCPA”). You may find more information about the rights granted to California residents under the CCPA here: <https://www.oag.ca.gov/privacy/ccpa>.

### **Data Controller**

When and if Clowder receives your personal information directly from you through its Applications, it performs the functions of a Data Controller and has the ability to determine how personal information is collected, for what purposes, and how this data is to be processed. As the controller, Clowder has implemented many technical and operational measures to ensure the most complete protection of personal information processed through its Applications, Website, and Services. Contact information can be found at the top and bottom of this Privacy Policy.

### **Data Processor**

When Clowder receives your Membership Data from Clients, it functions as a Data Processor and will maintain and process the data according to instruction from the Client or its own standards in accordance with the Data Processing Agreement between Clowder™ and the Client. If and when Clowder operates solely as a Data Processor, the Client of which you are an employee, member, or customer is then Data Controller. You can contact the Client through the contact information provided in each Client’s Clowder Application by accessing the settings.

### **GDPR and Consent**

If you are a natural person located in the European Union or the United Kingdom, consents concerning your personal information are handled in compliance with the GDPR. Where and if consent requirements under this Privacy Policy conflict with the GDPR, the GDPR prevails if the regulation applies to you.

### **GDPR and Legal Basis for Processing**

Art. 6(1) a. of the GDPR serves as the legal basis for processing operations for which we obtain consent for a processing purpose. If the processing of personal data is necessary for the performance of a contract to which you are a party, as is the case, for example, when processing operations are necessary to provide a service, the processing is based on Article 6(1) b. The same applies to such processing operations which are necessary for carrying out pre-contractual measures, for example in the case of inquiries concerning our products or services. If our company is subject to a legal obligation by which processing of personal data is required, such as for the fulfillment of tax obligations, the processing is based on Art. 6(1) c. If the processing of personal data may be necessary to protect your vital interests or of another natural person, then the processing is based on Art. 6(1) d. Finally, processing operations could be based on Article 6(1) f., if processing is necessary for the purposes of the legitimate interests pursued by our company or by a third party, except where such interests are overridden by your fundamental rights and freedoms under the GDPR.

### **Your Rights:**

#### **(i) Right of Confirmation and Right to Know**

You may obtain confirmation of whether or not your personal information is being processed. You may also request information about: the purpose of the collection and processing of your personal information; the categories of personal information concerned; who else outside Clowder or its affiliates might have received the personal information from Clowder; what the source of the information was (if you did not provide it directly to Clowder); the business or commercial purpose for collecting, selling or sharing personal information; and how long it will be stored. If you are a California resident, you also have the right to know the specific pieces of information collected about you. If you wish to exercise your right of confirmation or right to know, you may contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) or at the address or phone number provided in the [How to Contact Us](#) section below.

#### **(ii) Right of Access**

You may obtain information about your stored personal information at any time and a copy of this information. If you wish to exercise your right of access, you may contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) or at the address or phone number provided in the [How to Contact Us](#) section below, or Client.

#### **(iii) Right to Rectification**

You may request the rectification/correction of inaccurate personal information. Taking into account the purposes of the processing, you have the right to have incomplete personal information completed, by means of providing a supplementary statement. If you wish to exercise your right of rectification/correction, you may contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) or at the address or phone number provided in the [How to Contact Us](#) section below, or Client.

#### **(iv) Right to Erasure (Right to be Forgotten)**

You may request the erasure of your personal information by contacting Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) or at the address or phone number provided in the [How to Contact Us](#) section below, or Client. Furthermore, you may delete your User Account information by accessing your User Account settings page on the Applications. Please note that while any changes you make will be reflected in active user databases within a reasonable time, we may retain all information you submit for the prevention of fraud and abuse, analytics, satisfaction of legal obligations, or where we otherwise reasonably believe that we have a legitimate reason to do so, such as for archiving purposes within the public interest.

#### **(v) Right of Restriction of Processing**

You have the right to restrict processing where one of the following applies:

- The accuracy of the personal information is contested by the data subject, for a period enabling the Controller to verify the accuracy of the personal information.
- The processing is unlawful and the data subject opposes the erasure of the personal information and requests instead the restriction of their use instead.

- The controller no longer needs the personal information for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defense of legal claims.
- The data subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the data subject.

**(vi) Right to Data Portability**

You may request to receive your personal information in a structured, commonly used and machine-readable format. You have the right to transmit this data to another controller without interference.

Furthermore, you may have the personal information transmitted directly from one controller to another, where technically feasible and does not adversely affect the rights and freedoms of others.

**(vii) Right to Object to Automated Decision Making**

You may object to decisions based solely on automated processing, including profiling, which produces legal effects or similarly significantly affects you, as long as the decision is not necessary for entering into, or performance of, a contract between you and Clowder and/or Client; or is not authorized by European Union or Member State or UK law to which you are subject; or is not based on the data subject's explicit consent.

**(viii) Right to Object to Processing**

You may object to the processing of your personal information, unless there are legitimate grounds for the processing within the public interest, or for the establishment, exercise or defense of legal claims.

If Clowder processes personal information for direct marketing purposes, you shall have the right to object at any time to the processing of your personal information for such marketing. This applies to profiling to the extent that it is related to such direct marketing. If you object to Clowder to the processing for direct marketing purposes, then we will no longer process the personal information for these purposes.

We will not unlawfully discriminate against you because you exercise any of your rights.

**Retention Policy**

We only retain the personally identifiable information about you for as long as your User Account remains active or for a limited period of time as long as we need it to provide you with services or otherwise fulfill the purposes for which we have initially collected it, unless otherwise required by law. We will retain and use information as necessary to comply with our legal obligations, archival purposes, resolve disputes, and enforce our agreements. The criteria used to determine retention periods includes the legal limitation of liability period, agreed contractual provisions, applicable regulatory requirements, and industry standards.

### **Cross Border Data Transfers from the EU and UK**

Clowder is a global company with its headquarters in the United States and we have affiliated companies in the United States, the United Kingdom, Ireland, Canada and Australia. This means that personal information may be used, processed and transferred to the United States and other countries or territories and those countries or territories may not offer the same level of data protection as the country where you reside, including the European Economic Area. For this reason, Clowder has self-certified compliance to the Department of Commerce that it adheres to the Data Privacy Framework Principles of the EU-U.S. Data Privacy Framework, the UK Extension to the EU-U.S. Data Privacy Framework and the Swiss-U.S. Data Privacy Framework and the rights of EU and UK individuals and Swiss individuals as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom and Switzerland to the United States. For more information, see the Supplemental Data Privacy Framework section below. Where the Applications allow for users to be located in the European Union or the UK, their personal information is transferred to countries outside of the EU or UK. Clowder has also entered into the EU Standard Contract Clauses and/or the UK Addendum to permit data transfers from the EU or the UK to its affiliated company located in Australia. Clowder collects and transfers from the EU and the UK to the U.S. personal data only: with your consent; to perform a contract with you; or to fulfill a compelling legitimate interest of Clowder in a manner that does not outweigh your rights and freedoms. Clowder endeavors to provide suitable safeguards to protect the privacy and security of your personal data and to use it only consistent with your relationship with Clowder and the practices described in this Privacy Policy.

### **Supplemental EU-U.S. Data Privacy Framework, UK Extension to the EU-U.S. Data Privacy Framework and Swiss-U.S. Data Privacy Framework Policy**

Clowder complies with the EU-U.S. Data Privacy Framework (“EU-U.S. DPF”), the UK Extension to the EU-U.S. Data Privacy Framework (“UK Extension”) and the Swiss-U.S. Data Privacy Framework (“Swiss-U.S. DPF”) and to the rights of EU and UK individuals and Swiss individuals as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom and Switzerland to the United States. Clowder has certified to the Department of Commerce that it adheres to the EU-U.S. DPF and the UK Extension, and the Swiss-U.S. DPF Principles (“DPF Principles”) and to the rights of EU and UK individuals and Swiss individuals with respect to such information. If there is any conflict between the terms in this Privacy Policy and the DPF Principles, the DPF Principles shall govern. To learn more about the Data Privacy Framework program, and to view our certification, please visit <https://www.dataprivacyframework.gov>.

To view our supplemental Data Privacy Framework Policy, please visit [www.advsol.com/privacyframework](http://www.advsol.com/privacyframework).

Clowder remains potentially liable under the DPF Principles if an agent processes Personal Data of EU and UK individuals and Swiss individuals covered by this DPF Policy in a manner

inconsistent with the DPF Principles, except where Clowder is not responsible for the event giving rise to the damage.

Adherence to the DPF Principles may be limited: (a) to the extent necessary to comply with a court order or meet public interest, law enforcement, or national security requirements, including where statute or government regulation create conflicting obligation; (b) by statute, court order or government regulation that creates explicit authorizations, which shall be limited to the extent necessary to meet the overriding legitimate interests furthered by such authorization; or (c) if the effect of the GDPR is to allow exceptions or derogations, under the conditions set out therein, provided they are applied in comparable contexts. Clowder is required to disclose personal information in response to lawful requests by public authorities, including to national security or law enforcement requirements.

### **G. How to Contact Us with Privacy Related Inquiries and Complaints**

Clowder takes and addresses its users' privacy concerns with utmost respect and attention. If you believe that there was an instance of non-compliance with this Privacy Policy with regard to your personal information or you have other related inquiries or concerns, you may write or contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com) or as set forth below:

Clowder, LLC  
1800 Diagonal Road, Suite 600  
Alexandria, VA 22314  
Phone: (833) 256-9337

In your message, please describe in as much detail as possible the nature of your inquiry or the ways in which you believe that the Privacy Policy has not been complied with. We will investigate your inquiry or complaint promptly.

To comply with the General Data Protection Regulation (2016/679) Clowder has appointed a European representative. If you wish to contact them, their details are as follows:

Bird & Bird GDPR Representative Services SRL  
Avenue Louise 235  
1050 Bruxelles  
Belgium  
[EUrepresentative.ASI@twobirds.com](mailto:EUrepresentative.ASI@twobirds.com)

If you are located in Australia and are not satisfied with the resolution of your complaint by Clowder, you may contact the Office of the Australian Information Commissioner at:

[enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Tel: 1300 363 992  
Post: GPO Box 5218 Sydney NSW 2001

In compliance with the DPF Principles, Clowder commits to resolve complaints about our collection or use of your personal information. EU and UK individuals and Swiss individuals with inquiries or complaints regarding our Data Privacy Framework Policy should first contact Clowder at [privacy@clowder.com](mailto:privacy@clowder.com). Clowder is subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC) with respect to the EU-U.S. DPF and the UK Extension, and the Swiss-U.S. DPF. Under certain circumstances, EU and UK individuals and Swiss individuals may invoke binding arbitration before the Data Privacy Framework Panel. See for additional information: <https://www.dataprivacyframework.gov/framework-article/ANNEX-I-introduction>. Clowder's independent recourse mechanism for EU-U.S. DPF and UK Extension, and the Swiss-U.S. DPF complaints for use by EU and UK individuals and Swiss individuals is JAMS, at <https://www.jamsadr.com/DPF-Dispute-Resolution>.

Clowder has further committed to cooperate with the panel established by the EU data protection authorities (DPAs) and the UK Information Commissioner's Office ("ICO") with regard to unresolved EU-U.S. DPF and the UK Extension complaints concerning human resources data transferred from the EU and the UK in the context of the employment relationship. If you do not receive timely acknowledgment of your complaint from us, or if we have not addressed your complaint to your satisfaction, please contact the EU DPAs and the UK ICO for more information or to file a complaint. The services of EU DPAs and the UK ICO are provided at no cost to you.

### **Additional disclosures for California residents**

This section applies to you only if you are a California resident.

The California Privacy Act (as amended by the California Privacy Rights Act) requires businesses to disclose whether they sell or share personal information with third parties. As a business covered by the CCPA, we do not sell personal information. We may share personal information (in the form of identifiers and internet activity information) with third party advertisers for purposes of targeting advertisements on third party websites, applications and services. In addition, we may allow third parties to collect personal information from our sites or services if those third parties have agreed to contractual limitations as to their use, disclosure and retention of such personal information, or if you use Clowder's sites or services to interact with third parties to direct us to disclose your personal information to third parties.

If you are a California resident, you can request a notice disclosing the categories of personal information that we may share with third parties for their direct marketing purposes during the preceding calendar year. To request this notice, please submit your request to [privacy@clowder.com](mailto:privacy@clowder.com). Please allow 30 days for a response. For your protection and the protection of all of our users, we may ask you to provide proof of identity before we can answer such a request.

You have the right to opt out of the sale or sharing of your personal information. For more information on how to exercise your rights, see the [How to access and update your personal information; your rights](#) section of this Privacy Policy. You may exercise this right using the

Cookie management found at <https://www.clowder.com/#nosell>. You may also opt-out of targeted advertising by sending an opt-out preference signal supported by your device or browser. Your use of an opt-out preference signal will apply only to your device or browser and not to other consumer information that is not linked to your device or browser.

We endeavor to respond to a privacy rights request within the required timeframe. If we need more time, we will inform you of the reason and extension period in writing. If we do not take action on your privacy rights request within the 45 days response period, or in the event of an extension, within the maximum 90-day response period, we will inform you in writing of the reasons for not taking action, as well as provide an explanation of any rights you have to appeal the decision.

#### *Authorized Agents*

You may designate an authorized agent to make a request on your behalf subject to proof of identity and written authorization. Requests made through an authorized agent should be made by email at [privacy@clowder.com](mailto:privacy@clowder.com) or via phone at 833-256-9337. As part of our verification process, we may request that the agent provide, as applicable, proof concerning his or her status as an authorized agent. In addition, we may require that you verify your identity or confirm that you provided the agent permission to submit the request. We will respond to your request consistent with the CCPA.

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