



## Privacy Policy

**Last Updated: October 2020**

This is the Privacy Policy of the Redtail website (the “Site”), operated by Redtail Technology, Inc. (together with our affiliates and subsidiaries, “Redtail”, “we”, “us”, “our” and terms of similar meaning) and our products and services. It describes the information that we collect from you as part of the normal operation of our Site and our products and services, and how we use and disclose this information.

Redtail created this Privacy Policy in order to demonstrate our commitment to customer privacy. Privacy on the Site and through our products and services is of great importance to us. Because we gather important information from our visitors and customers, we have established this Privacy Policy as a means to communicate our information gathering and dissemination practices. In order to keep this policy up to date in accordance with the latest laws and regulations, Redtail reserves the right to change this Privacy Policy. Thus, this Privacy Policy may change from time to time, and if a material should occur, we will notify users of these changes on our Site.

By using the Site and/or our products and services, you signify your assent to this Privacy Policy. If you do not agree to this Privacy Policy, please do not use our Site or our products and services. This Privacy Policy is also incorporated with and subject to our Terms of Use. If you are a visitor from outside the United States, please note the personal information you provide may be transferred to, stored, and processed within the United States and the state of California.

In this Privacy Policy, we use the following terms to describe different types of visitors to our Site. Redtail “Subscribers” are also known as “Customers” and together with their registered staff, these people are collectively described in this Privacy Policy as “Users” of our Site, while Redtail’s Customer’s clientele are called “Clients”.

## Security

Redtail strives to protect your personal information. Our Site and our products and services have security measures in place to help protect against the loss, misuse, and alteration of the data under our control. For security of transactions, we use the Secure Sockets Layer (SSL) protocol, which encrypts any information, such as credit card number and billing information that you send to us electronically. The encryption process protects your information, by scrambling it before it is sent to us from your computer. Once Redtail receives your transmission, we make commercially reasonable efforts to ensure its security on our system. Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure. As a result, while we strive to protect your personal information, we cannot warrant the security of any information you transmit to us. More information about security is available on the Site please see our Terms of Use and Security statement.



## What Information Do We Collect?

Our primary purpose in collecting personal information from you is to provide you with a safe, smooth, efficient, and customized experience. This allows us to provide services and features designed to meet your needs, and to customize our service to make your experience safer and easier. We only collect personal information about you that we consider necessary for achieving this purpose.

### **User Information:**

Once you become a User, we require you to provide us with contact and identity information, billing, and other personal information as indicated on the relevant forms on the Site (which vary, depending on what kind of User you are), and you are no longer anonymous to us. When filling out the forms, we indicate (where possible) which fields are required and which are optional.

In addition, as you use the Site, you can from time to time enter or send to us personal information. For example, if you are a Subscriber, you can enter your own email server settings. As you use the Site you can also from time to time enter personal information about third parties. For example, if you are a Subscriber, you can enter personal information about your Customers and/or your staff. However, you represent and agree that with respect to the personal information of other persons such as your Customers or staff which you collect, use and disclose on the Site or through our products and services, that you have all necessary consents, permissions and rights to collect, use and disclose such personal information, and you agree that the indemnity you give to us in the Terms of Use applies to any non-compliance by you with the foregoing. Redtail does not own, control or direct the use of any of this third party information stored or processed by a Customer or User via the Site.

You may opt not to provide information by declining to become a User or by not using the particular feature of the Site or our products and services for which the information is being collected.

As a User you provide certain Personally Identifiable Information (“PII”) to Redtail when choosing to participate in various activities on the Site such as registering as a member of the Site, ordering various products or services, uploading content, taking advantage of promotions, responding to surveys, or subscribing to newsletters or other mailing lists. PII includes information such as your name, street address, town or city, state, zip code, telephone number, instant-messenger nickname, blog or other personal website URL, date of birth, email address and any other information that would allow someone to identify you or contact you. PII also includes information about your personal preferences, survey responses and your transactions or relationship with us, if you have been a user of the Site or you have provided this type of information to us. For example, if you order any of our products, we will also collect and maintain your billing and shipping address, product selections your order number, and information about your computer’s internet address and website, which may have referred or directed you to the Site. Sensitive Customer PII that may be input to Redtail products, such as



social security numbers, driver's license numbers, and credit or debit card numbers are collected via a secure transmission.

### **Personal Information:**

Personal information is collected when you visit the Site and input information, whether you are registering to use any services, features, or functions of the Site, participating in promotions, ordering or purchasing products or services, or in the course of other exchanges of information, transactions, or activities. We may use this information to tailor your experience on the Site, provide and improve our products and services, display content we think may be of interest to you, or customize what you see when you visit the Site according to your preferences.

We automatically track certain information about you based upon your behavior on our Site and use this information to do internal research on our User's demographics, interests, and requests in order to better understand, protect, and serve you and our community. This information may include the URL that you just came from (whether this URL is on our Site or not), which URL you next go to (whether this URL is on our Site or not), your computer browser information, and your IP address.

### **Cookies:**

"Cookies" are small files placed on your device that assist us in providing our services. We use cookies to allow you to enter your password less frequently during a session, and we use data collection devices (such as Google Analytics), including cookies, on certain pages of the Site to help analyze our web page flow, measure performance, and promote trust and safety, to offer certain features that are only available through the use of a cookie and to allow us to provide information that is targeted to your account.

Standing alone, cookies do not identify you personally. They merely recognize your browser. Unless you choose to identify yourself to Redtail by responding to a promotional offer, opening an account, or registering for a 30-day trial, you remain anonymous to Redtail. In order to begin using Redtail services and create a trial account you will be required to provide Redtail with your name, address, phone number, and email address.<sup>[1]</sup> Cookies come in two types: Session and Persistent.

### **Session Cookies**

Session cookies are temporary cookies that exist only during an online session and are not stored on your computer or mobile device. They are used as part of the login, authentication and session management flows of the SaaS platform websites. Redtail uses Session cookies containing encrypted information to allow the system to uniquely identify you while you are logged in. This information allows Redtail Technology to process your online transactions and requests. Session cookies help us make sure you are who you say you are after you have logged in and are required in order to use the Redtail application. Certain session cookies are also used to understand, for example, if a user interacting with our company website is a new visitor or a visitor returning as part of the same browsing session. These session cookies are erased when you close your browser, or after extended inactivity.



## **Persistent Cookies**

Persistent cookies are those placed on your computer or mobile device for a pre-determined length of time when you visit this site. Redtail uses persistent cookies that only the Site can read and use, to identify the fact that you are a Subscriber or prior Site visitor (whatever the case may be). We are especially careful about the security and confidentiality of the information stored in persistent cookies. For example, we do not store account numbers or passwords in persistent cookies. They are used on both the SaaS platform and company websites, for reasons including, for example, to store user preferences, understand through Analytics tools what areas of our websites and platform are most popular and how customers and users engage with them as well as storing user preference data such as filters for various functions within the software.

Users can control the use of cookies at the individual browser level. Users who disable their browser's ability to accept cookies will be able to browse our Site but will not be able to use our service successfully.

## **How We Use Your Information**

We use personal and other information obtained from your current and past activities on the Site in order to provide to you with our products and services offered by the Site and other features such as resolution of service or billing disputes; troubleshoot problems; bill any amounts due from you; measure consumer interest in our products and services, inform you about online and offline offers, products, services, events and updates; deliver information to you that may be relevant to your interests, i.e., product news; ways to customize your experience; detect and protect against error, fraud and other criminal activity; enforce our Terms of Use; provide you with system or administrative messages, and as otherwise described to you at the time of collection. On occasion we use email addresses or other contact information to contact our Subscribers to ask them for their input on our services, forward media opportunities, and even to invite them to dinner.

We may also use personal information about you to improve our marketing and promotional efforts, to analyze Site usage, to improve our content and product offerings, and to customize the Site's content, layout, and services. These uses enable Redtail to improve the Site and our products and services, and better tailor them to meet your needs, providing you with a smooth, efficient, safe, and customized experience while using the Site and our products and services. Redtail does not use your personal information for making automated decisions.

## **Our Disclosure of Your Information**

We will not sell or rent your personal information to third parties without your explicit consent. The following describes some of the ways that your personal information may be disclosed in the normal scope of business to provide our services:

### **Subscribers and Customers, Etc.**

In the normal operation of the Site, Subscriber customer data (including information entered by "staff" members) and activities are disclosed to the applicable Customer, and Client information



is disclosed to the applicable Subscriber. In general, information you enter on the Site is available to the other persons – whether they are Customers, Subscribers, staff members or others – to whom you give access to your account or to whom you give access to the information through the normal operation of the Site. We do not own, control or direct the use of any of the PII stored or processed by a Customer or User via the Site.

### **Payment Information**

All financial and billing information that we collect through the Site is used solely to bill for our products and services. This billing information is not used by Redtail Technology for marketing or promotional purposes. Redtail Technology uses a PCI Standards Council valid, third-party intermediary (Nationwide through Tri Counties Bank) to manage the credit card processing. This intermediary is solely a link in the distribution chain, and is not permitted to store, retain, or use the information provided, except for the sole purpose of credit card processing. If at any point you wish to cancel your Redtail subscription you may request that Redtail delete personal information pertaining to your billing account.

### **Forum**

If you post on our forum or blog your username and other information you include is displayed in your postings or comments, and is therefore available to the public. All of your activities in the public areas of the forum will be identifiable to your User ID, and other people can see your published content.<sup>[L]</sup>Subsidiaries and Affiliates; Service Providers

### **Subsidiaries and Affiliates; Service Providers**

We may from time to time use the services of affiliates, subsidiaries and unrelated service providers in the operation of the Site, and may disclose personal information to them in the course of our use of their services. For example, we may use the services of third-party partners to integrate with the Site. This may involve the exchange of data, including personal information, on servers operated by those partner companies. We take care to use only partners that we believe are reputable and able to live up to our and your expectations, including about the handling of confidential information.

### **Your rights under data protection laws**

Here is a list of the rights that individuals have under data protection laws. They don't apply in all circumstances. If you wish to use any of them, we'll explain at that time if they are engaged or not.

- The right to be informed about the processing of your personal information
- The right to have your personal information corrected if it is inaccurate and to have incomplete personal information completed
- The right to object to processing of your personal information
- The right to restrict processing of your personal information
- The right to have your personal information erased (the “right to be forgotten”)



- The right to request access to your personal information and to obtain information about how we process it
- The right to move, copy or transfer your personal information (“data portability”)
- Rights in relation to automated decision making which has a legal effect or otherwise significantly affects you

If you have any questions or concerns regarding these rights please contact us via the contact information below.

### **We Rely on the Following Legal Grounds to Use Your Personal Information:**

Where it is needed to provide you with our products, services, or use of our Site.

Where it is in our legitimate interests to do so, such as: managing our products and services, to follow guidance and recommended best practice of government and regulatory bodies, for management and audit of our business operations including accounting, to carry out monitoring and to keep records of our communications with you and our staff, for market research and analysis and developing statistics, for direct marketing communications and related profiling to help us to offer you relevant products and services, subject to the appropriate controls to provide insight and analysis of our customers to business partners, for some of our profiling and other automated decision making, and/or where we need to share your personal information in order to run our business or comply with any legal and/or regulatory obligations.

To comply with our legal obligations or for a public interest.

With your consent or explicit consent: for some direct marketing communications; for some of our profiling and other automated decision making; and/or for some of our processing of special categories of PII.

### **Your Use of Other Persons’ Information**

In order to facilitate the services provided, the Site allows you in certain circumstances to give other Users limited access to the personal information of other persons. For example, if you are a Subscriber, you may use the Site to give access to a staff member to the personal information of your Customers. By entering into our Terms of Use, you agree that, with respect to the personal information of other persons that you collect, use and disclose on the Site, you have all necessary consents, permissions, and rights to collect, use and disclose that information as described in this Privacy Policy, and you agree that the indemnity you give to us in the Terms of Use applies to any non-compliance by you with the foregoing.

### **Data Controller and Data Processor**

Redtail does not own, control or direct the use of any of the PII stored or processed by a Customer or User via the Site. Only the Customers or Users are entitled to access, retrieve and



direct the use of such PII. We are largely unaware of what PII is actually being stored or made available by a Customer or User to the Site and do not directly access such PII except as authorized by the Customer, or as necessary to provide services to the Customer and its Users. Because we do not collect or determine the use of any PII and because we do not determine the purposes for which such data is collected, the means of collecting such data, or the uses of such data, Redtail is not acting in the capacity of data controller in terms of the European Union's General Data Protection Regulation (Regulation (EU) 2016/679, hereinafter "GDPR"), the California Consumer Privacy Act ("CCPA"), or other applicable data protection laws (collectively with CCPA and GDPR, "Data Protection Laws"), and does not have the associated responsibilities under the Data Protection Laws. Redtail should be considered only as a processor on behalf of its Customers and Users as to any PII that is subject to the requirements of the Data Protection Laws. Except as provided in this Privacy Policy, Redtail does not independently cause PII stored in connection with the services to be transferred or otherwise made available to third parties. Such actions are performed or authorized only by the applicable Customer or User.

The Customer or the User is the data controller under the Data Protection Laws, meaning that such party controls the manner such PII is collected and used as well as the determination of the purposes and means of the processing of such data.

### **Other Information Collectors**

Except as otherwise expressly included in this Privacy Policy, this document only addresses the use and disclosure of information we collect from you. To the extent that you disclose your information to other parties through the Site, whether they are Subscribers or Customers or otherwise, different rules may apply to their use, collection and disclosure of the personal information you disclose to them. Since we do not control the information use, collection or disclosure policies of third parties, you are subject to their privacy policies. We encourage you to ask questions before you disclose your personal information to others.

### **Special Note on Text Messaging**

We do not use your phone number to send commercial or marketing text messages without your consent or except as part of a specific program or feature for which you will have the ability to opt-in or opt-out. If you choose to opt-in to receive text messages, you consent to receive promotions from us, our affiliates, brands, and third parties with whom we do business or have a contractual relationship. Notwithstanding the foregoing, we may, however, use your phone number without further consent to send you text messages for non-marketing or administrative purposes (such as notifying you of major Site changes or for customer service purposes).

### **How to Access and Change Your Personal Information, or Opt-Out**

You may use your account to access, correct, or change any personal information that you have provided to us or that is associated with your account. Unless otherwise required by law, we reserve the right to require verification of identity and reject opt-out requests in our sole discretion. Of course we are unable to remove any information about you from databases



operated by third parties. We do not accept opt-out requests via fax or mail. If we are processing your Personal Information based upon the lawful ground of your consent, you have the right to withdraw your consent for such processing at any time without affecting the lawfulness of the processing based on consent before it is withdrawn. You may also contact us to request access to, transfer of, and rectification or erasure of your PII, or restriction of processing; and to object to processing. Specify the nature of your request and the information that is subject to your request. Please note that changes you request may not be effective immediately. Note that despite any request for removal of or change to personal information, we may need to retain certain information for recordkeeping purposes and there may also be residual information that will remain within our databases and other records, which will not be removed or changed.

After registering, you may also review and request to make changes to your personal information at any time. You may review and/or make changes to your personal information by logging into your account and making such changes in the Manage Your Subscription area. If you disclose personal information in any posting in our forum or blog and wish to have it removed, please contact us at the support contact information posted on the Site.

### **Third-Party Websites**

Our Site may contain links to third-party websites, which may have privacy policies that differ from our own. Except as otherwise expressly included in this Privacy Policy, this document only addresses the use and disclosure of information we collect from you. To the extent that you disclose your information to other parties through these third-party websites, different rules may apply to their use, collection and disclosure of the personal information you disclose to them. Since we do not control the information use, collection or disclosure policies of third parties, you are subject to their privacy policies. We are not responsible for the activities and practices that take place on these sites. Accordingly, we recommend that you review the privacy policy posted on any site that you may access through our Site.

### **Our Commitment to Children's Privacy**

Protecting the privacy of young children is especially important. For that reason, Redtail does not knowingly collect or maintain Personal Information or non-Personal Information on the Site from persons under 18 years of age, and no part of our Site is directed to persons under 18. If you are under 18 years of age, then please do not use or access the Site at any time or in any manner. If Redtail learns that Personal Information of persons under 18 years of age has been collected on the Site without verified parental consent, then Redtail will take the appropriate steps to delete this information.

### **Compliance with Maine Predatory Marketing Law**

Redtail does not knowingly collect or maintain PII on the Site from persons under the age of 18 whose IP address shows that person is located in Maine. If you are under 18 and are located in Maine, please do not use or access the Site at any time or in any manner.



## **Special Note to Non-California Users and International Users**

The Site is hosted in the United States and is intended for and directed to Users in the State of California. If you are a User accessing the Site from the European Union, Asia, or any other region or state other than California with laws or regulations governing personal data collection, use, and disclosure, that differ from United States or the state of California laws, please be advised that through your continued use of the Site, which is governed by U.S. law and California law, this Privacy Policy, and our Terms of Service, you are transferring your Personal Information to the United States.

## **California Customers – Your California Privacy Rights**

California’s “Shine the Light” law, Civil Code section 1798.83, requires certain businesses to respond to requests from California customers asking about the businesses’ practices related to disclosing personal information to third parties for the third parties’ direct marketing purposes. Alternately, such businesses may have in place a policy not to disclose personal information of customers to third parties for the third parties’ direct marketing purposes if the customer has exercised an option to opt-out of such information-sharing. We have such a policy in place. As discussed above, if you wish to opt-out of our sharing of your information with third parties for the third parties’ direct marketing purposes or to find out more about your opt-out rights, please contact us at [support@redtailtechnology.com](mailto:support@redtailtechnology.com).

The California Consumer Privacy Act (“CCPA”) provides specific protections and rules with respect to California’s own definition of “Personal Information,” which includes information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household.

The chart on page 10 provides additional detail on the categories of Personal Information we collect and the purposes for which we use Personal Information.



## Categories of Personal Information Collected

## Business Purposes for Collection

	Marketing (including for example advertising, customer acquisition and lead generation, performance media, audience segmentation, event organization, web traffic analytics, brand promotion and analytics, surveys and consumer research, campaigns, management of partner relationships, social media content distribution and analytics, mobile communications, contest administration, and customer engagement and analytics)
Personal Identifiers (e.g., name, email address, date of birth, delivery address, credit card number)	Operational purposes and customer service (including service and product processing, payment processing, anti-fraud, sales data reporting, third-party coordination, and mobile and web services and analytics)
	Employment and recruiting (including conducting background checks and employment eligibility verification, for interview purposes, payroll administration and employee timekeeping, benefit administration, creation of tax forms, office administration, business expense processing, industry benchmarking, and internal communications)
	Legal compliance
Commercial information (e.g., purchasing activity)	Marketing (see above examples)
	Operational purposes and customer service (see above examples)
Internet or other electronic activity information (e.g., clickstream data and information regarding interaction with a web site)	Marketing (see above examples)
	Operational purposes and customer service (see above examples)
Inferences drawn from personal information (e.g., preferences)	Employment and recruiting (see above examples)
	Marketing (see above examples)
	Employment and recruiting (see above examples)
Miscellaneous categories of consumer information (e.g., household income, gender, marital status, dietary habits, allergies)	Marketing (see above examples)
	Operational purposes and customer service (see above examples)



In addition, pursuant to Cal. Civ. Code §§ 1798.110 and 1798.115, you have the right to request once every 12 months, free of charge, the disclosure of the categories of personal information collected by us, the categories of sources from which your personal information is collected, the business or commercial purpose for collecting or selling such information, the categories of third parties with whom we share your information, the specific information we have collected about you, and the personal information that was sold, if any, to third parties in the preceding 12 months. If you want to review, verify or correct your personal information, please contact us as discussed below. However, please note, there are instances where applicable law or regulatory requirements do not allow us to provide all of the information that we hold about you and/or such information may have already been destroyed, erased or made anonymous in accordance with our record retention obligations and practices. We will not sell or rent your Personal Information to third parties without your explicit consent.

Pursuant to Cal. Civ. Code § 1798.125, we are also forbidden from discriminating against you because of your exercise of a right under the California Consumer Privacy Act (Cal. Civ. Code § 1798.100 et seq.) by denying your goods or services, by charging different prices or rates for goods or services, by providing a different level or quality of goods or services, or suggesting any of the foregoing.

## **Legal Process and Other Disclosures**

Consistent with our privacy commitments, we will scrutinize third party requests for information about you for compliance with the law, including those coming from governmental agencies or civil litigants. We may access, use, preserve or disclose information about you only when we have a good faith belief that it is reasonably necessary to do so to satisfy the applicable law, regulation, legal process or lawful governmental request of any country, or to protect the rights, property or safety of Redtail, its users or the public. We will provide notice of legal process or governmental requests unless prohibited to do so by law or the circumstances warrant otherwise.

## **In the Event of Merger, Sale, or Bankruptcy**

In the event that Redtail is acquired by or merged with a third party entity, we reserve the right, in any of these circumstances, to transfer or assign the information we have collected from our Users as part of such merger, acquisition, sale, or other change of control. In the unlikely event of our bankruptcy, insolvency, reorganization, receivership, or assignment for the benefit of creditors, or the application of laws or equitable principles affecting creditors' rights generally, we may not be able to control how your Personal Information and/or PII is treated, transferred, or used.

## **Questions and Comments**

If you have any questions regarding these Terms or your use of the Site, please contact us here:

***Redtail Technology, Inc.***

***3131 Fite Circle Sacramento, California 95827***

(800) 206-5030 (toll free) (916) 352-6538 (fax) [support@redtailtechnology.com](mailto:support@redtailtechnology.com)

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