

# Counself Privacy Policy

Effective Date: December 1, 2018

## 1. INTRODUCTION

Your privacy and trust are important to us and this Privacy Policy ("Policy") provides important information about how InfiniGlobe LLC and its affiliated companies, Counself Inc. ("InfiniGlobe," "Counself" "we," or "us") handle personal information (described below). We publish our Privacy Policy so that you can understand our privacy practices and how they help protect your privacy. This Policy applies to any InfiniGlobe/Counself website, application, product, software, or service that links to it (collectively, our "Services").

We participate in the EU-US, Privacy Shield Framework (the "Framework"). Our participation in the Framework applies to personal data received in the United States from the European Union ("EU" about former, current, or prospective corporate customer contacts (collectively "EU Personal Data"). We comply with the EU-US Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from European Union members countries. We have certified that we adhere to the Privacy Shield Principles. If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>. Counself respects individual privacy and values the confidence of its clients, their customers, our business partners, and others. Not only do we strive to store personal information in a manner consistent with the laws of the countries in which we do business, but we also have a tradition of upholding the highest ethical standards in our business practices. Counself is subject to the investigatory and enforcement policies of the Federal Trade Commission. This EU-US Privacy Shield Privacy Policy (the "Policy") sets forth the privacy principles Counself follows with respect to transfers of personal information from the EEA to the United States.

## 2. DEFINITIONS

"Personal information" means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that person.

"Confidential personal information" is a subset of personal information and is generally defined as any information related to racial/ethnic origin, trade union membership, or gender. In some instances, confidential personal information may also include precise geolocation information, financial and bank account numbers, or unique identifiers such as government-issued social security numbers and driver's license.

"Sensitive Personal Information" means Personal Information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns health or sex life.

### **3. PRIVACY PRINCIPLES**

#### **3.1 NOTICE:**

Where Counself receives, stores, or processes personal information from our clients in the EEA, we will use and disclose such information in accordance with the notices provided by our clients, only if consistent with the EU-US Privacy Shield Principles, and the choices made by the individuals to whom such personal information relates. We will endeavor, as much as is practicable, to enable our clients to publish and follow the EU Data Protection Directive on their websites that we host.

#### **3.2 CHOICE:**

We will enable our clients to offer individuals the opportunity to choose (opt-out) whether their personal information is (a) to be disclosed to a third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. We will enable our clients to provide individuals with reasonable mechanisms to exercise their choices. However, individuals may opt-out at any time by emailing us directly at [privacy@counself.com](mailto:privacy@counself.com).

#### **3.3 ACCOUNTABILITY FOR ONWARD TRANSFER:**

Counself does not transfer data to third parties outside of its agents. Counself will obtain assurances from its agents that they will safeguard personal information consistently with this Policy. Examples of appropriate assurances that may be provided by agents include: a contract obligating the agent to provide at least the same level of protection as is required by the relevant EU-US Privacy Shield Principles, being subject to EU Directive 95/46/EC (the EU Data Protection Directive), EU-US Privacy Shield certification by the agent, or being subject to another European Commission adequacy finding (e.g., companies located in Canada). Where Counself has knowledge that an agent is using or disclosing personal information in a manner contrary to this Policy, Counself will take reasonable steps to prevent or stop the use or disclosure. Counself is liable for appropriate onward transfers of personal data to third parties who do not comply with the Privacy Shield principles.

Please be aware that Counself may be required to disclose an individual's personal information in response to a lawful request by public authorities, including to meet national security or law enforcement requirements.

### **4. PERSONAL INFORMATION**

Counself is committed to the responsible handling and protection of personal information. We collect, use, disclose, transfer, and store personal information when needed to provide our Services and for our operational and business purposes as described in this Policy. We want to be clear about our privacy practices so that you can make informed choices about the use of your information, and we encourage you to contact us at any time with questions or concerns.

### **5. PERSONAL INFORMATION WE COLLECT**

We collect personal information from you, for example, if you request information, register, purchase or use our Services, or request customer support. We may ask you to provide information such as your name, address, phone number, email address, user name and password, and information about your device. Not all of the personal information Counself holds about you will always come directly from you. It may, for example, come from your employer, other organizations to which you belong, or your current or previous vendors or clients, if

they use our Services. We also collect personal information from third parties such as our partners, service providers, and publicly available websites, to offer Services we think may be of interest and to help us maintain data accuracy and provide and enhance the Services.

In addition, our servers, logs, and other technologies automatically collect certain information to help us administer, protect, and improve our Services; analyze usage; and improve users' experience. We share personal information with others only as described in this Policy, or when we believe that the law permits or requires it.

Occasionally we collect and process what may be considered confidential personal information.

For example, if you purchase something from us or subscribe to our Services, we will collect payment information, such as financial or bank card information, and other information necessary for us to process the transaction. Some of our Services will ask you to share your precise geolocation so we can customize your experience and increase the accuracy of the Service. Information that is considered confidential under applicable law will be handled in accordance with such laws.

## **6. USAGE OF PERSONAL INFORMATION**

We process personal information for these Service and business-related purposes:

- i. **Account setup and administration:** We use personal information such as your name, email address, phone number, company and location to set up and administer your account, provide technical and customer support and training, verify your identity, and send important account, subscription, and Service information.
- ii. **Personalization:** We use personal information to deliver and suggest tailored business function and to personalize your experience with our Services.
- iii. **Research and development:** We use personal information for internal research and development purposes and to improve and test the features and functions of our Services.
- iv. **Hosted services:** Some of our Services provide data and document storage as an integral part of the product or solution offering. Documents and data stored by our customers may contain personal information in business, financial data, and legal and litigation-related documents, for example. Any information stored by or on behalf of our customers is controlled and managed by and only made accessible to those customers or others our customers may authorize from time to time. Our access to this information is limited to Counsel personnel with a critical business reason, such as technical support.
- v. **Legal obligations:** We may be required to use and retain personal information for legal and compliance reasons, such as the prevention, detection, or investigation of a crime; loss prevention; or fraud. We may also use personal information to meet our internal and external audit requirements, information security purposes, and as we otherwise believe to be necessary or appropriate: (a) under applicable law, which may include laws outside your country of residence; (b) to respond to requests from courts, law enforcement agencies, regulatory agencies, and other public and government authorities, which may include such authorities outside your country of residence; (c) to enforce our terms and conditions; and (d) to protect our rights, privacy, safety, or property, or those of other persons.

## **7. SHARING OF PERSONAL INFORMATION**

Counself shares or discloses personal information when necessary to provide Services or conduct our business operations as described below. When we share personal information, we do so in accordance with data privacy and security requirements. We may occasionally share non-personal, anonymized, and statistical data with third parties. Below are the parties with whom we may share personal information and why.

- i. Within Counself: Our provided Services around the world are supported by a variety of Counself teams and functions, and personal information will be made available to them if necessary for the provision of Services, account administration, sales and marketing, customer and technical support, and business and product development, for instance. All of our employees and contractors are required to follow our data privacy and security policies when handling personal information.
- ii. Our third-party service providers: We partner with and are supported by service providers around the world. Personal information will be made available to these parties only when necessary to fulfill the services they provide to us, such as software, system, and platform support; cloud hosting services; data analytics; and order fulfillment and delivery. Our third-party service providers are not permitted to share or use personal information we make available to them for any other purpose than to provide services to us.
- iii. Third parties for legal reasons: We will share personal information when we believe it is required, such as:
  - To comply with legal obligations and respond to requests from government agencies, including law enforcement and other public authorities, which may include such authorities outside your country of residence.
  - In the event of a merger, sale, restructure, acquisition, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock (including in connection with any bankruptcy or similar proceedings)
  - To protect our rights, users, systems, and Services.

## **8. STORAGE OF PERSONAL INFORMATION**

Counself is operating and providing Services around the world, and your personal information may be stored and processed outside of your home country. We take steps to ensure that the information we collect is processed according to this Privacy Policies and the requirements of applicable law wherever the data is located.

Counself has networks, databases, servers, systems, support, and help desks located throughout our offices around the world. We collaborate with third parties such as cloud hosting services, suppliers, and technology support located around the world to serve the needs of our business, workforce, and customers. We take appropriate steps to ensure that personal information is processed, secured, and transferred according to applicable law. In some cases, we may need to disclose or transfer your personal information within Counself or to third parties in areas outside of your home country. The areas in which these recipients are located will vary from time to time, but may include the United States, Europe and India, and other countries where Counself has a presence or uses contractors.

## **9. SECURING PERSONAL INFORMATION**

Counself takes data security seriously, and we use appropriate technologies and procedures to protect personal information. Our information security policies and procedures are closely aligned with widely accepted international standards and updated as necessary to meet our business needs, changes in technology, and regulatory requirements.

To safeguard your information, we have the following business policies:

- Limit access to Personal Information only to specific named, senior-level employees. Customers will be provided with the list of employees with access to their data at any time they request
- Employees with access to the Personal Information will have undergone a thorough background check, including a search for a criminal record
- All employees and contractors required to use secure (SSL) connections when accessing email and Personal Information

## **10. HOW LONG WE KEEP PERSONAL INFORMATION**

We retain personal information for as long as we reasonably require it for legal or business purposes. In determining data retention periods, Counself takes into consideration local laws, contractual obligations, and the expectations and requirements of our customers. When we no longer need personal information, we securely delete or destroy it.

## **11. YOUR RIGHT TO ACCESS AND CHANGE YOUR PERSONAL INFORMATION**

We respect your right to access and control your information, and we will respond to requests for information and, where applicable, will correct, amend, or delete your personal information.

Counself acknowledges that EU and Swiss individuals have the right to access the personal information that we maintain about them. An EU or Swiss individual who seeks access, or who seeks to correct, amend, or delete inaccurate data, should direct their query to [privacy@counself.com](mailto:privacy@counself.com). If requested to remove data, we will respond within a reasonable timeframe.

- Access to personal information: If you request access to your personal information, we will gladly comply, subject to any relevant legal requirements and exemptions, including identity verification procedures. Before providing data to you, we will ask for proof of identity and sufficient information about your interaction with us so that we can locate any relevant data.
- Correction and deletion: In some jurisdictions, you have the right to correct or amend your personal information if it is inaccurate or requires updating. You may also have the right to request deletion of your personal information; however, this is not always possible due to legal requirements and other obligations and factors.

## **12. HOW ARE END USERS ENCOURAGED TO PROTECT DATA?**

You are responsible for maintaining the secrecy of their unique password and account information at all times. You are required to have your own unique login credentials.

## 13. TRACKING TECHNOLOGIES

### 13.1 Cookies

Counsel and our third-party providers set and use cookies and similar technologies to store and manage user preferences, enable content, and gather analytic and usage data, for example. The use of cookies and other tracking technologies is standard across websites and apps through which information is collected about your online activities across applications, websites, or other services. These are types of Cookies and Logs we may use in our websites:

- i. Required cookies: These cookies are essential to enable you to move around a website and use its features. Without these cookies, the services and application function you have asked for, cannot be provided.
- ii. Performance cookies: These cookies collect information about how you use our websites. Information collected includes, for example, the Internet browsers and operating systems used, the number of visits, average duration of visit, and pages viewed. These cookies don't collect information that personally identifies you and only collect aggregated and anonymous information. Performance cookies are used to improve the user-friendliness of a website and enhance your experience.
- iii. Functionality cookies: These cookies allow the website to remember choices you make (such as your username or ID, language preference, or the area or region you are in) and provide enhanced, more personal features. These cookies can also be used to remember changes you have made to text size, fonts, and other customizable parts of web pages. The information these cookies collect may be anonymized, and they cannot track your browsing activity on other websites.
- iv. Web server & application logs: Our servers automatically collect certain information to help us administer and protect the Services, analyze usage, and improve users' experience. The information collected includes:
  - IP address and browser type
  - Device information including Unique Device Identifier (UDID), MAC address, and similar identifiers we or others may assign
  - Device operating system and other technical facts
  - The city, state, and country from which you access our website
  - Pages visited and content viewed, stored, and purchased
  - Information or text entered
  - Links and buttons clicked
  - URLs visited before and after you use our Services .

### 13.2 Web Beacons

A web beacon is a small graphic image or other web programming code, also known as "1x1 GIF" or "clear GIF." We may download web beacons to Your Device when you access our Sites or through email messages that we send to you. We use web beacons only to count visitors to our Sites and to count how many emails

that we send are actually opened. If a web beacon is used, it does not allow the identification of the user.

### **13.3 Embedded Scripts**

An embedded script is a programming code that is designed to collect information about your interactions with our Sites, such as which links within our Sites you click on, which type of browser or device you use (e.g. mobile or desktop version). We use such information to enhance the user experience, e.g. include a mobile version of our Sites. This code is downloaded onto Your Device when you access our Sites and is deactivated or deleted when you leave our Sites. Identification of the user does not take place.

## **14. ENFORCEMENT**

We will conduct periodic internal compliance audits of our relevant privacy practices to verify adherence to this Privacy Policy. We encourage you to raise any questions or concerns that you may have about the way we process your Personal Information by contacting us at the address set forth below.

We commit to resolve questions and complaints about your privacy and our collection or processing of Personal Information about you. If you believe that we are not complying with the terms of this Privacy Policy or other legal requirements, you should first contact us at the address below, or by email at [INIFINIGLOBE.com](mailto:INIFINIGLOBE.com). We will investigate and will do our best to internally resolve any complaints and disputes you bring to our attention regarding the use and disclosure of your Personal Information.

## **15. DISPUTE RESOLUTION**

In compliance with the Privacy Shield Principles, InfiniGlobe LLC and its affiliated companies, Counself Inc. commit to resolve complaints about our collection or use of your personal information. EU individuals with inquiries or complaints regarding our Privacy Shield policy should first contact us at:

Mori Kabiri,  
CEO  
InfiniGlobe  
LLC  
23 Corporate Plaza,  
Ste 150 Newport  
Beach, CA 92660

We are committed to refer unresolved privacy complaints under the EU-US Privacy Shield Principles to BBB EU PRIVACY SHIELD, a non-profit alternative dispute resolution provider located in the United States and operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit [www.bbb.org/EU-privacy-shield/foreu-consumers](http://www.bbb.org/EU-privacy-shield/foreu-consumers) for more information and to file a complaint.

Finally, as a last resort and in limited situations, EU individuals may seek redress from the Privacy Shield Panel, a binding arbitration mechanism.

## **16. CHANGES TO THE PRIVACY POLICY**

We reserve the right to update this Privacy Policy at any time, without prior notice to you, to the extent permitted by applicable law and the principles of the Framework. We will notify the changes that we make to this Privacy Policy by posting the revised Privacy Policy on the Sites, and such changes will be effective immediately unless otherwise stated.