

# Clerkie Advisory LLC Privacy Policy & Disclaimers

Last Updated: October, 2018

Clerkie Advisory LLC ("we", "us", or "our") is committed to protecting your privacy. We have prepared this Privacy Policy to describe to you our practices regarding the Personal Information (as defined below) we collect from users of our Mobile Application and website, located at [www.clerkie.io](http://www.clerkie.io) (collectively referred to as the "Mobile Application") and services ("Services").

## **A Note to Users Outside of the United States.**

If you are a non U.S. user of the Mobile Application or Services, by visiting the Mobile Application and/or providing us with information, you acknowledge and agree that your Personal Information may be processed for the purposes identified in the Privacy Policy. In addition, your Personal Information may be processed in the country in which it was collected and in other countries, including the United States, where laws regarding processing of Personal Information may be less stringent than the laws in your country. By providing your information, you consent to such transfer.

So we are clear about the terminology we are using, when we use the phrase "*Personal Information*" in this Privacy Policy, we mean information that allows someone to identify or contact you, including, for example, your name, address, telephone number, e-mail address, as well as any other non-public information about you that is associated with or linked to any of the foregoing information. When we use the phrase "*Anonymous Information*" in this Privacy Policy, we mean information that is not associated with or linked to your Personal Information. Anonymous Information does not enable identification of or contact with individual persons.

## **Children**

Our Services and Mobile Application are not directed to children and children are not eligible to use our Services. Protecting the privacy of children is very important to us. We do not collect or maintain Personal Information from people we actually know are under 13 years of age, and no part of our Mobile Application or Services is designed to attract people under 13 years of age. If we later learn that a user is under 13 years of age, we will take steps to remove that user's Personal Information from our databases and to prevent the user from utilizing the Mobile Application and the Services.

## **How We Collect Information**

### **Personal Information**

In general, the Personal Information we gather enables us to provide the Services to you and helps us learn more about the use of the Mobile Application and/or Services. We collect Personal Information that you submit to us voluntarily at registration and in the course of your use of the Mobile Application and/or Services. To use certain features of the Mobile Application, we require you to create an "*Account*" by providing your name, email address, password and birthday. When you create an Account, we will collect information about your investment accounts and transactions (such as purchases, sales, account balances, holdings, inquiries, etc.). When you communicate with us by sending us an email, we will collect and store any information that is contained in your communications with us. You can choose not to provide us with certain information, but this may limit the features of the Mobile Application or Services you are able to use.

We may also receive Personal Information about you from your authorized representatives (such as your attorney, accountant, etc.). We consider such information to be Personal Information and may use and disclose it in accordance with this Privacy Policy.

We require you to provide your account credentials, including users' names and passwords, for third party accounts, including your 401(k) provider account ("*Third Party Credentials*"). We will use your Third Party Credentials solely to provide the services you request. We encourage you to use user names and passwords that are different from Third Party Credentials on those accounts that you do not use with the Services.

When you order Services, our third party payment processor will collect payment and billing information in order to process the complete the transaction.

**Our Relationship with Third Party Accounts.** We created interfaces that allow you to connect with third party accounts, including 401(k) providers (*each a "Third Party Account"*), through the Services. By providing us with your credentials, you authorize Clerkie Advisory to access your Third Party Account information. You can revoke our access to any Third Party Account at any time by emailing [support@clerkie.io](mailto:support@clerkie.io) or making changes to your linked accounts in the Mobile Application.

### **Anonymous Information**

We collect the following types of Anonymous Information:

**Information Collected by Our Servers:** As is true of most Mobile Applications, we gather certain information automatically and store it in log files. Our servers (which may be hosted by a third party service provider) collect information from you, including but not limited to your browser type, operating system, geographic location, Internet Protocol ("*IP*") address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), domain name, and/or a date/time stamp for your visit, clickstream data and referring/exit pages. We use this information to analyze trends, administer the Mobile Application, track users' movements around the Mobile Application, gather demographic information about our user base as a whole, and better tailor our Services to our users' needs. For example, some of the information may be collected so that when you visit the Mobile Application or the Services again, it will recognize you.

**Log Files:** As is true of most Mobile Applications, we gather certain information automatically and store it in log files. This information includes IP addresses, device type, browser type, Internet service provider ("*ISP*"), referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information to analyze trends, administer the Services, track users' movements around the Services, gather demographic information about our user base as a whole, and better tailor our Services to our users' needs. For example, some of the information may be collected so that when you visit the Services again, it will recognize you and the information could then be used to serve advertisements and other information appropriate to your interests.

**Cookies:** Like many online services, we use cookies to collect information. "*Cookies*" are small pieces of information that a Mobile Application sends to your computer's hard drive while you are viewing the Mobile Application. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on our Mobile Application. This type of information is collected to make the Mobile Application more useful to you and to tailor the experience with us to meet your special interests and needs

## **Disclosure – Analytics**

We may partner with third party services, such as ad networks and tracking services such as Google Analytics, to track and analyze Personal Information and Anonymous Information from users of our Mobile Application. Such third party services may use Cookies to help track user behavior. The use of these Cookies by third parties is not covered by our Privacy Policy. Some features that may be utilized include but are not limited to remarketing, audiences, demographic or location information.

We do not have access or control over these Cookies. For example, Google Analytics plants a persistent Cookie on your web browser to identify you as a unique user the next time you visit the Mobile Application. This Cookie cannot be used by anyone but Google. Google's ability to use and share information collected by Google Analytics about your visits to the Mobile Application is restricted by the Google Analytics Terms of Service and the Google Privacy Policy. We may also obtain Information from Partners, Business Associates and Unrelated Entities and combine that with Personal Information we collect about you.

## **Disclosure – Information Collected Automatically**

When a person visits any of our sites, or opens one of our emails, a variety of information is automatically collected through standard web technologies. Some of this data is Anonymous Information. This data may be linked with your Account and Personal Information to better assist our clients. Automatically-collected information might include: the operating system on your computer, the type of Web browser you are using, your IP address, and the links you followed to enter and leave our site.

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## **How We Use Information**

### **Personal Information**

We will use your Personal Information to:

- Identify you as a user in our system
- Facilitate the creation of, secure, and administer your Account
- Provide you with Services, including personalizing the Services for you
- Provide you with customer support
- Market to you our products and services (and those of third parties) that we believe may interest you
- Help understand your needs and tailor the features and content of the Service to you
- Respond to your requests, resolve disputes and/or troubleshoot problems
- Verify your compliance with your obligations in our Client Agreement and Terms and Conditions
- Improve the quality of the Mobile Application and the Services
- Communicate with you about the Mobile Application and the Services

We may also use your Personal Information to create Anonymous Information records by excluding information that makes the information personally identifiable to you.

### **Anonymous Information**

Generally, we use Anonymous Information in statistical analysis to help us analyze patterns in the use of our Services. We may, through our use of Cookies, keep you logged into our Mobile Application, collect

your click-stream data, tailor web content to you and personalize your experience on the Mobile Application. We may also use your Anonymous Information to improve our internal operations, notify visitors of updates to our Mobile Application and Services, and software and customize the content and layout of the Mobile Application and/or Service. However, we reserve the right to use Anonymous Information for any purpose.

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## **How We Disclose Information**

### **Personal Information**

We disclose certain Personal Information:

- To third parties to whom you ask us to send Personal Information, including to 401(k) providers, brokers and investment advisors authorized by you
- To third parties as necessary to effect the transactions and provide the services that you authorize (such as broker-dealers, custodians, independent managers etc.)
- To third parties who refer you to the Services (such as an investment advisor)
- To third party service providers who help us provide the Services or the Mobile Application
- To third parties assessing our compliance with industry standards (such as professional licensing authorities)
- To our attorneys, accountants, and auditors
- To a parent company, any subsidiaries, joint ventures, or other companies under a common control (*collectively, "Affiliates"*), in which case we will require our Affiliates to honor this Privacy Policy
- In connection with or during negotiation of any merger, financing, acquisition or dissolution, transaction or proceeding involving sale, transfer, divestiture, or disclosure of all or a portion of our business or assets. In the event of an insolvency, bankruptcy, or receivership, Personal Information may also be transferred as a business asset. If another company acquires our company, business, or assets, that company will possess the Personal Information collected by us and will assume the rights and obligations regarding your Personal Information as described in this Privacy Policy
- If we believe in good faith that such disclosure is necessary to (a) resolve disputes, investigate problems, or enforce our Terms and Conditions; (b) comply with relevant laws or to respond to requests from law enforcement or other government officials relating to investigations or alleged illegal activity, in which case we can (and you authorize us to) disclose Personal Information without subpoenas or warrants served on us; or (c) protect and defend our rights or property or the rights and property of you or third parties; and/or (d) to investigate or assist in preventing any violation or potential violation of the law, this Privacy Policy, or our Mobile Application Terms and Conditions.

**Disclosure to Third Party Companies:** We may enter into agreements with companies that desire access to Personal Information that we collect from you. AS A RESULT, WE MAY PROVIDE YOUR PERSONAL INFORMATION TO SUCH THIRD PARTY COMPANIES. BECAUSE WE DO NOT CONTROL THE PRIVACY PRACTICES OF THESE THIRD PARTY COMPANIES, YOU SHOULD READ AND UNDERSTAND THEIR PRIVACY POLICIES.

### **Anonymous Information**

We reserve the right to disclose Anonymous Information publicly without restriction.

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## **Feedback**

If you provide feedback to us, we may use and disclose such feedback in accordance with the terms in our Terms and Conditions, provided we do not associate such feedback with your Personal Information. We may publish user feedback from time to time, provided that we will obtain your consent prior to posting your feedback. We will collect any information contained in such feedback and will treat the Personal Information in it in accordance with this Privacy Policy, provided that we may contact you in regards to such feedback.

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## **Controlling Your Information**

You can review and/or change certain parts of your Personal Information by logging into the Mobile Application and accessing your Account. You authorize us to use and disclose any new or modified information that you provide in accordance with this Privacy Policy, and you agree that we are under no obligation to delete or modify information that you have previously chosen to provide us.

Certain information is necessary in order for us to provide the Mobile Application or Services; therefore, if you delete such necessary information you will not be able to use the Mobile Application or Services. Please note that even though you may request the deletion of your Personal Information by us, we may be required (by law or otherwise, such as to prevent fraud, resolve disputes, troubleshoot problems, or enforce our Terms and Conditions) to keep this information and not delete it (or to keep this information for a certain time) in which case we will comply with your deletion request only after we have fulfilled such requirements. When we delete Personal Information, it will be deleted from the active database, but may remain in our archives.

If you decide at any time that you no longer wish to accept cookies from our Service for any of the purposes described above, then you can instruct your browser, by changing its settings, to stop accepting cookies or to prompt you before accepting a cookie from the Mobile Applications you visit. Consult your browser's technical information. If you do not accept cookies, however, you may not be able to use all portions of the Services or all functionality of the Services.

We will communicate with you primarily within the Mobile Application and in the form of emails. You can manage the frequency and/or opt out of receiving these communications by changing your settings on the Mobile Application. Please note that even if you unsubscribe or opt-out, we may still send you Mobile Application and Services related communications (e.g. related to your account or the Mobile Application). You may also sign up to receive account updates using text messaging. You can opt in or out of the service through your Account at any time.

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## **Information Disclosed to Third Parties**

This Privacy Policy addresses only our use and disclosure of information we collect from and/or about you on the Mobile Application and Services. If you disclose information to others, or authorize us to do the same under this Privacy Policy, the use and disclosure restrictions contained in this Privacy Policy will not apply to any third party. We do not control the privacy policies of third parties, and you are subject to the privacy policies of those third parties where applicable.

The Mobile Application may contain content or links to other Mobile Applications that are not owned or controlled by us. We have no control over, do not review and are not responsible for the privacy policies

of or content displayed on such other Mobile Applications. When you click on such a link, you will leave our Mobile Application and go to another site. During this process, another entity may collect Personal Information or Anonymous Information from you. The Mobile Application may also contain links to other Mobile Applications controlled by us but which operates under different privacy policies. Please review the privacy policy of any new site you visit.

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### **How We Respond to Do Not Track Signals**

We do not currently respond to "do not track" signals or other mechanisms that might enable consumers to opt out of tracking on the Service.

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### **Security of Your Information**

We are committed to protecting the security of your Personal Information. We use a variety of industry-standard security technologies and procedures to help protect your Personal Information from unauthorized access, use, or disclosure. We also require you to enter a password to access your Account. Please do not disclose your Account password to unauthorized people. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we use reasonable efforts to protect your Personal Information, we cannot guarantee its absolute security.

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### **Changes to this Privacy Policy**

This Privacy Policy may be updated from time to time for any reason. We will notify you of any changes to our Privacy Policy by posting the new Privacy Policy on this page and we will change the "Last Updated" date above. You should consult this Privacy Policy regularly for any changes.

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### **Contacting Clerkie Advisory LLC**

If you have any questions or concerns or complaints about our Privacy Policy or our data collection or processing practices, or if you want to report any security violations to us, please contact us at: Clerkie Advisory LLC *Attn:* Privacy, 619 7<sup>th</sup>, San Francisco, CA 94103, [support@clerkie.io](mailto:support@clerkie.io)