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## SNOWFLY PRIVACY POLICY

SNOWFLY PERFORMANCE INC.  
P.O. BOX 95254, SOUTH JORDAN, UT 84095-9998

## SNOWFLY PRIVACY POLICY

This Privacy Policy describes Snowfly's practices regarding the collection, use and disclosure of the information we collect from and about you when you use Snowfly's cloud-based services (the "Service"). We take our obligations regarding your privacy seriously and have made every effort to draft this Privacy Policy in a manner that is clear and easy to understand. By accessing or using the Service, you agree to this Privacy Policy, the Service Level Agreement ("SLA"), and our Acceptable Use agreement.

## OUR COLLECTION AND USE OF INFORMATION

### INFORMATION YOU PROVIDE TO US

We collect personal information, such as your name, company employee id, and email address, when you are registered for or complete your profile on the Service. You may also provide us with optional information such as a profile image, birthdate, and physical address. Your user name, email address and any optional profile information that you elect to associate with your account is referred to herein as your "Profile Information."

We may use your email address to send you Service-related notifications and reminders (including any notices required by law, in lieu of communication by postal mail). You may opt-out of receiving email notification messages at any by opting out of communication in your account profile. Your employer "Account Owner" may require that notifications be received, in which case, the opt-out option is not available.

Even if you are not a registered user of our Service, if you email us we may retain a record of such email communication, including your email address, the content of your email, and our response. This includes information provided through our help desk or help center resolution process.

If you use our referral service, we will collect and retain (according to the service level agreement retention policy) that person's contact information, which may include their email address, physical address, and automatically forward that information to your employer.

At no time will Snowfly sell your Profile Information or share it with 3<sup>rd</sup> parties without your, or your organization's consent.

### SNOWFLY HELP CENTER

Information you provide in the help center are private, according to the settings agreed upon in the SLA and may be read, collected, and used only by appropriate parties. Your tickets and communications will remain, according to the SLA, even after you end employment with your employer.

### YOUR CONTENT

Your use of the Service will involve you and/or your employer uploading or inputting various content into the Service; including but not limited to: performance data, contests data, recognitions, employment information, and conversations, communication, etc. (together, the "Content").

Your employer or organization controls how your Content is shared with others via Settings agreed upon in the SLA and other settings in the Service.

Snowfly may view your Content only as necessary: (i) to maintain, provide and improve the Service; (ii) to resolve a support request from you; (iii) if we have a good faith belief, or have received a complaint alleging, that such Content is in violation of our Acceptable Use Guidelines; (iv) as reasonably necessary to allow Snowfly to comply with or avoid the violation of applicable law or regulation; or (v) to comply

with a valid legal subpoena or request that meets the requirements of our Law Enforcement Guidelines. We may also analyze the Content in aggregate in order to better understand the manner in which our Service is being used and analyze performance data.

## INFORMATION WE COLLECT AUTOMATICALLY

### LOG FILES

When you use the Service, our servers automatically record certain information in server logs. These server logs may include information such as your web request, Internet Protocol (“IP”) address, browser type and settings, referring / exit pages and URLs, number of clicks and how you interact with links on the Service, domain names, landing pages, pages viewed, mobile carrier, date and time stamp information and other such information. Log files help us to monitor, analyze, improve and maintain the Service and to diagnose and fix any Service-related issues.

### DEVICE IDENTIFIERS

When you access the Service we collect specific device information contained in your web or mobile device’s “device identifier.” This device identifier includes information such as the type of device you are using, its operating system, and mobile network information (*when applicable*), which may include your mobile phone number. We may associate this device identifier with your Service account and will use data associated with your device identifier to customize our Services to your device and to analyze any device-related issues.

### LOCATION INFORMATION

We may collect and process information about the location of the device from which you are accessing the Service. Location data may convey information about how you browse the Service and may be used in conjunction with personally identifiable information. You can disable location based services in settings associated with the Service; however please be aware that some features of the Service may not function properly if location services are turned off.

### OUR COOKIE POLICY

Snowfly uses technologies like cookies and web beacons to provide, monitor, analyze, promote and improve the Service. For example, a cookie is used to remember your user name when you return to the Service and to improve our understanding of how you interact with the Service. You can block cookies on your web browser; however please be aware that some features of the Service may not function properly if the ability to accept cookies is disabled. We may utilize third-party service providers to provide us with analytics services but will never use that information for advertising or share that information without explicit permission from you and your employer. Third party services include, but are not limited to, debit card and gift code fulfillments, social media recognition, analytics and diagnostics, etc. These parties may utilize cookies or similar technologies to gather information about your browsing activities over time and across different websites following your use of the Service. We use Google Analytics, a web analytics service provided by Google, Inc. (“Google”). Google Analytics uses cookies to help the website analyze how users use the Service and to enhance their experience when they use the Service. To opt-out of having your data used by Google Analytics please go to: <https://tools.google.com/dlpage/gaoptout/>. No personally identifiable information is ever provided to the Google Analytics service.

We do not respond to browser-initiated Do Not Track signals that provide a method to opt out of the collection of information about online activities over time and across third-party websites or online services as there is no consistent industry standard for compliance.

## HOW WE SHARE YOUR INFORMATION

We may share the information we collect from you with third parties as detailed below.

### AS DIRECTED BY YOU

We will display your Profile information throughout the Service in accordance with Service guidelines and agreements and the preferences that you set in your account. You may opt out of public recognition at any time from your Profile settings. You can review your Profile information at any time. We will display your Content within the Service as directed by your employer or organization. To make changes to the Profile Information, please work directly with your employer or organization will then be automatically applied to the Snowfly system.

If you elect to use a third-party application to access the Service, then we may share or disclose your account and Profile information and your Content with that third-party application as directed by your employer or organization and allowed by you. Please remember that we are not responsible for the privacy practices of such third parties so you should make sure you trust the application and that it has a privacy policy acceptable to you.

Providers with whom we share your Content are selected by your employer or organization. For more information about with whom that Content is shared, please contact your employer or organization.

### WITH TRUSTED SERVICE PROVIDERS AND BUSINESS PARTNERS

We may utilize trusted third-party service providers to assist us in delivering, improving, and protecting our Service. For example, we may use third parties to fulfill prizes and incentives, to recognize you for achievements, to help host our Service, send out email updates, perform analyses related to the operation of our Service. We may also store personal information in locations outside the direct control of Snowfly (for instance, on servers or databases in the cloud or co-located with hosting providers).

These service providers may have access to your information for the limited purpose of providing the service we have contracted with them to provide. They are required to have a privacy policy and security standards in place that are at least as protective of your information as is this Privacy Policy (including those provisions related to compliance with the EU-US and Swiss-US Privacy Shield). Snowfly will take all reasonable and appropriate steps necessary to ensure that any third party who is acting as a “data processor” under EU and Swiss terminology is processing the personal information we entrust to them in a manner that is consistent with the EU-US and Swiss-US Privacy Shield Principles. Snowfly is potentially liable in cases of onward transfer to third parties of data of EU and Swiss individuals received pursuant to the EU-US and Swiss-US Privacy Shield, respectively.

### WITH LAW ENFORCEMENT OR IN ORDER TO PROTECT OUR RIGHTS

We may disclose your information (including your personally identifiable information) in response to a lawful request by public authorities, including to meet national security or law enforcement requirements. All such requests shall be required to meet our Law Enforcement Guidelines. We may also disclose your information to our legal counsel, governmental authorities or law enforcement if we believe that it is reasonably necessary to do so in order to comply with a law or regulation; to protect the safety of any person; to address fraud, security or technical issues; or to protect Snowfly’s rights or property.

Links to Other Web Sites Snowfly is not responsible for the practices employed by websites linked to from within the Service, nor the information or content contained therein. Please remember that when you use a link to go from the Service to another website, our Privacy Policy is no longer in effect and

your activities on that third-party website is subject to such third-party website's own rules and policies.

### IN AN AGGREGATE AND NON-PERSONALLY IDENTIFIABLE MANNER

We may disclose aggregate non-personally identifiable information (such as aggregate and anonymous usage data, performance data, platform types, etc.) about the overall use of our Service publicly or with interested third parties to help them understand, or to help us execute and improve, the Service.

### IN CONNECTION WITH A SALE OR CHANGE OF CONTROL

If the ownership of all or substantially all our business changes, we may transfer your information to the new owner so that the Service can continue to operate. In such case, your information would remain subject to the promises and commitments contained in this Privacy Policy until this Privacy Policy is updated or amended by the acquiring party upon notice to you.

## HOW WE PROTECT YOUR INFORMATION

### SERVICE ARCHITECTURE

The security of your information is important to us. We encrypt the transmission and storage of all PCI or HIPPA protected information using industry-standard encryption.

Snowfly uses commercially reasonable and industry-standard physical, managerial, and technical safeguards to preserve the integrity and security of your information. For example, we continuously and regularly back up your data to help prevent data loss and aid in data recovery. We also guard against common web attack vectors, host data in secure ISO/IEC 27001:2013 certification data centers, and implement firewalls and access restrictions on our servers to secure our network and better protect your information.

If you have any questions about security on our Service, you can view our Security Overview Document or contact us at [info@snowfly.com](mailto:info@snowfly.com).

### RISKS INHERENT IN SHARING INFORMATION

Although we allow you control over where you share your Content and what information is included in your Profile and take reasonable steps to maintain the security of the information associated with your account, please be aware that no security measures are perfect or impenetrable. We cannot control the actions of other users with whom you share your Content and we are not responsible for third party circumvention of any privacy settings or security measures on the Service.

### EU-US PRIVACY SHIELD FRAMEWORK

Snowfly complies with the EU-US Privacy Shield Framework and the Swiss-US Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from the European Union and Switzerland to the United States, respectively. Snowfly adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access and Recourse, Enforcement and Liability. 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/>.

In compliance with the EU-US Privacy Shield and Swiss-US Privacy Shield Principles, Snowfly commits to resolve complaints about your privacy and our collection or use of your personal information.

European Union or Swiss citizens with inquiries or complaints regarding this privacy policy should first contact Snowfly at: [info@snowfly.com](mailto:info@snowfly.com).

Snowfly has further committed to refer unresolved privacy complaints under the EU-US and Swiss-US Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU Privacy Shield, 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 by Snowfly, please visit the BBB EU Privacy Shield web site at [www.bbb.org/EU-privacy-shield/for-eu-consumers/](http://www.bbb.org/EU-privacy-shield/for-eu-consumers/) for more information and to file a complaint.

Please note that if your complaint is not resolved through these channels, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel.

Snowfly is subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC) with respect to its compliance with the provisions of the EU-US and Swiss-US Privacy Shield.

## GENERAL DATA PROTECTION REGULATION (GDPR)

The new [General Data Protection Regulation](#) (GDPR) becomes enforceable on May 25, 2018, seeks to strengthen the security and protection of personal data in the EU and serve as a single piece of legislation for all of the EU and is influencing legislation and regulations in the United States. It will replace the EU Data Protection Directive and all the local laws relating to it.

We support the GDPR and will ensure all services provided by Snowfly comply with its provisions prior to May 25, 2018. Not only is the GDPR an important step in protecting the fundamental right of privacy for European citizens, it also raises the bar for data protection, security and compliance in the industry globally.

## CONROLLER

Snowfly Performance Inc. processes Personal Data as both the Processor and Controller as defined by the GDPR. All data processed by Users of Snowfly systems will be stored in the data region agreed upon in the Service Agreement with your employer or organization. If you have questions on which region your data resides, you may contact us at [info@snowfly.com](mailto:info@snowfly.com).

## INTERNATIONAL DATA TRANSFER

We may transfer information that we collect about you, including personally identifiable information, to affiliated entities, or to other third parties (as provided herein) across borders and from your country or jurisdiction to other countries or jurisdictions around the world according to the rules and agreements in the SLA. If you are located in the European Union or other regions with laws governing data collection and use that may differ from U.S. law, please note that you are transferring information, including personal information, to a country and jurisdiction that does not have the same data protection laws as your jurisdiction, and you consent to the transfer of information to the U.S. and the use and disclosure of information about you, including personal information, as described in this Privacy Policy.

## YOUR CHOICES ABOUT YOUR INFORMATION

You may, of course, decline to submit personally identifiable information through the Service, in which case Snowfly may not be able to provide certain services to you. You have a right to access information we hold about you. You may update or correct your account information at any time by logging in to your account. For questions or inquiries regarding the correction or deletion of your personally identifiable information on the Service you may contact us at [info@snowfly.com](mailto:info@snowfly.com).

You have the right to request your Content and pertinent collected data. Additionally, in the Snowfly Report Suite, all information, including activity data, collected about you is available on demand and in real time. These reports can be viewed in the Snowfly interface and exported in various file formats.

Content and metric data in the Snowfly system cannot be deleted upon user request. If you wish to delete/remove Personal Content or personalized metric data from the system, a request must go through your employer or organization. They will mark your account as “removed” and that data removal will happen immediately and automatically. Please remember that if your Personal Content is removed from the system, you cannot participate in, receive rewards from, or request a history of your incentive or gamification account. Any rewards or financial balance still in the system at the time of “removal” request are forfeited by the user. Snowfly is not liable for financial or other loss from user removal requests.

In the Service Agreement with your employer, there are agreed upon procedures for program termination. User Content is stored in the system for a tax period and then removed from the system. After program termination, User Content, in aggregate, is maintained for up to three years for research.

User Content, in aggregate (not personally identifiable), may not be removed upon user request. That data is used for analytics and research purposes.

## USER RIGHTS

### RIGHT OF TO BE INFORMED

You have the right to be informed in how Snowfly is using Personal Content and Data.

### THE RIGHT OF ACCESS

You have the right to know exactly what information is held about you and how it is stored, processed, and delivered, and to whom.

### THE RIGHT OF RECTIFICATION

You have the right to have Personal Content and Data rectified if it is inaccurate or incomplete.

### THE RIGHT TO ERASURE

You have the right to erasure, also known as 'the right to be forgotten', this refers to an individual's right to having their personal data deleted or removed without the need for a specific reason as to why they wish to discontinue. This specific right is handled through your employer or organization and cascades to Snowfly.

### THE RIGHT TO RESTRICT PROCESSING

You have the right to restrict processing which is the right to block or suppress processing of your personal data. This specific right is handled through your employer or organization and cascades to Snowfly. Please note that restricting processing can limit and impede your experience with the Snowfly systems.

### THE RIGHT TO DATA PORTABILITY

You have the right of data portability which allows you to retain and reuse your Personal Content for your own purpose. Your Personal Content and Data are available upon request or from the Snowfly Report Suite.

### THE RIGHT TO OBJECT

You have the right, in certain circumstances, to object to your Personal Content and Data being used. This includes, if Snowfly or your employer or organization use Personal Content or Data for the purpose

of direct marketing, scientific and historical research, or for the performance of a task in the public interest.

#### THE RIGHTS OF AUTOMATED DECISION MAKING AND PROFILING

The GDPR has put in place safeguards to protect individuals against the risk that a potentially damaging decision is made without human intervention. Much of the Snowfly systems use automated processing and decision making based on algorithms, historical data, and organization defined processes. These processes do have a financial impact on Snowfly system users.

No automated decision making will be made on your behalf in the system, thus this right is not applicable in the Snowfly systems.

#### DO NOT TRACK SIGNALS

Some browsers have a “do not track” feature that lets you tell websites that you do not want to have your online activities tracked. We currently do not respond to “do not track” signals.

#### CHILDREN’S PRIVACY

Our Service is not directed to persons under 13. Snowfly does not knowingly collect or solicit personal information from anyone under the age of 13 or knowingly allow such persons to register or use an account on the Service. If you believe that we might have any information from or about a child under 13, please contact us at [info@snowfly.com](mailto:info@snowfly.com).

#### CHANGES TO OUR PRIVACY POLICY

If we change our Privacy Policy, we will post those changes on this page to keep you aware of what information we collect, how we use it, and under what circumstances we may disclose it. Changes to this Privacy Policy are effective when they are posted on this page and communicated to your employer.

#### CONTACT US

For questions about these or any Snowfly terms or policies, email us at [info@snowfly.com](mailto:info@snowfly.com).