

# **PRIVACY POLICY**

This document sets forth the Clandestine Development, Inc (“Clandestine”) Privacy Policy (the “Privacy Policy”) for the Kinetic Global mobile application (the “Application”), the [www.kineticglobal.com](http://www.kineticglobal.com) website (the “Website”), any of our related online life safety services and any content owned or maintained by Clandestine (collectively, the “Clandestine Services”).

This Privacy Policy is incorporated into and is subject to the Kinetic Global™ Terms of Use and End User License Agreement (available for viewing on the Website, the “License Agreement”). Your use of the Clandestine Services and any personal information you provide through your use of the Clandestine Services remains subject to the terms of this Privacy Policy and the License Agreement. By using the Clandestine Services, you agree to the terms of this Privacy Policy. If you have objections to the Privacy Policy, you should not purchase, subscribe to, access or use the Clandestine Services. This Privacy Policy does not govern privacy practices associated with offline activities or other Clandestine applications or websites and is provided to you to help you make an informed decision about whether and how to use the Clandestine Services.

## **Disclosures and Consents**

Clandestine recommends unlimited data and messaging plans in connection with your use of the Clandestine Services. For some services, Clandestine requires the use of email and/or SMS text messages. Depending on your mobile phone plan, standard data and messaging charges and taxes from your carrier may apply.

Clandestine collects, maintains and uses your personal information and the geographic location of your mobile phone to provide the Clandestine Services.

By using the Clandestine Services, you consent to (a) the use of your mobile phone’s location to provide the Clandestine Services, including the use or display of such information to your lifelines and within certain messages generated by the Clandestine Services, (b) receive text messages and emails from Clandestine or Clandestine’s service providers, (c) pay the data, messaging and other fees resulting from your use of the Clandestine Services and (d) pay for the costs of any false alarms resulting from your use of the Clandestine Services (e) unambiguous, informed, explicit consent for the processing of your personal data for life safety services.

## **Changes in Privacy Policy**

This Privacy Policy applies to personal information comprised of (a) “Profile Information” as entered on the My Profile screen of the Application and any information obtained by Clandestine via your purchase of the Application, (b) “Contact Information” as entered on the My Contact Info screen of the Application, (c) “Lifeline Information” as entered in the My Lifelines screens of the Application and (d) “Activity Information” which is defined as any information or data, other than Profile Information, Contact

Information or Lifeline Information, provided by a user or obtained by Clandestine through the use of the application by a user, including but not limited to information provided by any geographic location services, the dates and times of any activity, the activation of any alerts and the contents of any messages distributed by your use of the Clandestine Services. Collectively, all of the information described in the preceding sentence is referred to as “User Information.” All User Information will be subject to the version of the Privacy Policy in effect at the time of such collection.

As Profile Information, Contact Information, Lifeline Information and Activity Information cover various different types of User Information that may be provided by you to Clandestine, and the privacy practices with respect to each by Clandestine (as set forth in this Privacy Policy) may be different, this Privacy Policy will identify Clandestine’s policies with regards to each category separately where appropriate.

Clandestine reserves the right to change the Privacy Policy from time to time at its sole discretion, and will provide notice of material changes on the homepages of the Website. Consider whether you will use an in App notification or email/text blast of any PP changes. If, as the result of such changes, you want to alter the ways in which Clandestine is allowed to use your User Information, you can do so by following the procedure described below in the section entitled “Updating your User Information.” You will be deemed to have been made aware of, and will be subject to, the changes to the Privacy Policy by your continued use of the Application after such notice has been posted for thirty (30) days. If Clandestine sells assets (or the assets of a division or subsidiary) to another entity, or Clandestine (or a division or subsidiary) is acquired by or merged with, another entity, Clandestine may provide to such entity User Information that is related to that part of our business that was sold to or merged with the other entity without your consent in order that such entity may be able to continue to provide the Clandestine Services.

### **Entities Collecting User Information**

User Information is collected by Clandestine. Clandestine’s address is 3400 West Stonegate Boulevard, Suite 101-2330, Arlington Heights, IL 60005, and its telephone number is +1-858-633-3997. The Website may contain links to other sites at which certain information may be collected. In such instances, unless expressly provided to the contrary, the collection and use of such information will be governed by the privacy policy applicable to that site. That privacy policy should identify the entity that is collecting such information.

### **Collection of User Information**

As a visitor to the Clandestine Services, you can engage in many activities without providing any User Information. In connection with other activities, such as becoming a user of the Application, Clandestine may ask you to provide certain information about yourself. It is completely optional for you to engage in these activities. If you elect to engage in these activities, however, for Life Safety services Clandestine may ask that you

provide us (a) Profile Information and Contact Information, such as your name, ethnicity, height, weight, hair color, eye color, gender, birthday, mobile number, home address (including zip code), e-mail address and other personal information and (b) Lifeline Information, such as the name, mobile number and email of the contacts you select to be your lifelines. In connection with your use of the Application, you may be asked to provide a credit card number or other acceptable payment information. Depending upon the activity, some of the information that we ask you to provide is identified as mandatory and some as voluntary. If you do not provide the mandatory data with respect to a particular activity, you will not be able to engage in that activity.

When you use the Clandestine Services, Clandestine or third parties authorized by Clandestine may also collect certain technical and routing information about your mobile phone or computer, as applicable, to facilitate your use of the Clandestine Life Safety Services. We may use this information to track your use of the Clandestine Services. To the extent necessary to facilitate your use of the Clandestine Life Safety Services, we may match such information with your User Information.

When you submit User Information to Clandestine through the Application, you understand and agree that this information may be transferred across national boundaries and may be stored and processed in any of the countries in which Clandestine and its affiliates and subsidiaries might maintain offices, including without limitation, the United States. You also acknowledge that in certain countries or with respect to certain activities, the collection, transferring, storage and processing of your information may be undertaken by trusted vendors of Clandestine. Such vendors are bound by contract to not use your customer information for their own purposes or provide it to any third parties.

Clandestine may establish relationships with various service providers whose services may be available to you from the Application, the Website or from web sites that are linked to the Website. Typically, these providers offer services that Clandestine customers might find useful, such as those that can be used in conjunction with the Clandestine Services and other Clandestine products. In order to use those services, you may be required to provide customer information to the providers. Unless expressly provided to the contrary, customer information that you provide while you are visiting a provider's website will be subject to the privacy policy posted on such site and customer information that you provide while on this Site in conjunction with a provider's service will be subject to this Privacy Policy. You should be aware that our agreements with these service providers might provide that they will share with Clandestine customer information collected from you. In such instances, Clandestine may use this information in a manner consistent with this Privacy Policy.

In order to reduce errors in our database, authenticate our users and prevent abuse of our system we may on occasion supplement the User Information you submit to us with information from third party sources. For example, we may supplement your registration information with address information provided by the U.S. Postal Service to qualify your information and prevent errors in our database.

## **How your User Information is Used**

Clandestine collects your User Information in order to record and support your participation in the Clandestine Life Safety Services. If you subscribe to a service, for example, the User Information is used to register your rights, if any, to technical support or other benefits that may be made available to registered users. Certain User Information may be disclosed to the appropriate parties (including any third party call center, law enforcement and emergency service providers) to facilitate the Clandestine Life Safety Services. Your User Information is also used to keep you informed about product upgrades, special offers and other products and services of Clandestine.

Clandestine also reserves the right to disclose User Information that Clandestine believes, in good faith, is appropriate or necessary to (a) enforce the License Agreement, (b) take precautions against liability, (c) protect users from fraudulent, abusive or unlawful use, (d) investigate and defend ourselves against any third party claims or allegations, (e) assist government enforcement agencies, (f) protect the security or integrity of the Clandestine Services or (g) protect the rights, property or personal safety of Clandestine, users of the Clandestine Services or others.

Clandestine may collect certain Activity Information about the use of the Clandestine Services; such as the types of services used and how many users we receive daily. This information may be collected in aggregate form, without identifying any user individually, which is explicitly de-identified. Clandestine may use this aggregate, non-identifying statistical data for statistical analysis, marketing or similar promotional purposes.

By using the Clandestine Services in any manner you consent to the use by Clandestine of any data originated by such use in aggregate form with all other such user data provided by other customers of Clandestine for any lawful purpose, including but not limited to the utilization of such subscriber data in aggregate form for commercial purposes.

## **International Visitors**

The Clandestine consumer and enterprise Life Safety Services are hosted in the United States. Any use of the Clandestine Services by a user from outside of the United States will be protected and governed by the General Data Protection Regulation (GDPR) which is a new European Union (EU) law passed on May 25, 2016, that creates stricter rules regarding the use of personal data of EU citizens by organizations.

## **General Data Protection Regulation (GDPR)**

Clandestine is committed to partnering with Kinetic Global customers and users to help them understand and prepare for the General Data Protection Regulation (GDPR). The GDPR is the most comprehensive EU data privacy law in decades, and will go into effect on May 25, 2018. Besides strengthening and standardizing user data privacy across

the EU nations, it will require new or additional obligations on all organizations that handle EU citizens' personal data, regardless of where the organizations themselves are located. The following are the User Privacy rights available to customers to achieve GDPR compliance, both for Clandestine and our customers. Any customer can exercise any GDPR privacy rights noted below via the Support page on the site [[www.kineticglobal.com/support.html](http://www.kineticglobal.com/support.html)] or sending an email to [support@kineticglobal.com](mailto:support@kineticglobal.com) with the subject "GDPR User Privacy Request":

- The right to be informed – Individuals have a right to know who is processing their personal data.
- The right to access – Individuals have the right to access any personal data that has been collected about them.
- The rights to rectifications – Individuals have the right to require organizations to correct inaccurate personal data.
- The right to be forgotten – Individuals have the rights to have their personal data deleted and to prevent further collection.
- The right to restrict processing – individuals have the right to require organizations to restrict the processing of specific categories of personal data.
- The rights to data portability – Individuals have the right to require organization to transfer personal data to a recipient of their choice.
- The right to object – individuals have the right to consent, or withdraw consent, to the processing of their personal data.
- Rights in relation to automated decision making and profiling – individuals have the right to opt out of the use of their personal data by automated systems such as artificial intelligence.

### **GDPR Exception Compliance**

Clandestine Life Safety Services complies with GDPR allowed exceptions when personal data can be processed. For avoidance of doubt, the Clandestine Life Safety Services are GDPR compliant. Clandestine further represents and warrants that it meets three of the exemption criteria terms documented in GDPR Articles 9.2.A, 9.2.C, & 9.2.I. For avoidance of doubt, Clandestine will only use Customer Data, including any Personal Data, for Life Safety under emergency situations.

- Consent – An individual has given unambiguous, informed, explicit consent for the processing of their personal data as covered in the Terms of Service (EULA) and this privacy policy.
- Contract – Your organization has authorized processing of your personal data in order to fulfill the Clandestine Life Safety Services contract.
- Vital Interests – Clandestine is permitted to process personal data for emergency life safety services.

## **Our Security Infrastructure and Certifications**

Protecting our customers' information and their users privacy is extremely important to us. As a cloud-based company entrusted with some of our customers' most valuable data, we've set high standards for security. Clandestine has received several security certifications from the American Institute of Certified Public Accountants such as SOC 2 and SOC 3. The International Federation of Accountants also issued our ISAE 3000, a standard for assurance over non-financial information. Clandestine has received internationally recognized security certifications for ISO 27001 (information security management system) and ISO 27018 (for protecting personal data in the cloud).

Clandestine has invested heavily in building a robust security team, one that can handle a variety of issues. In accordance with GDPR requirements around security incident notifications, Clandestine will continue to meet its obligations and offer contractual assurances.

## **Your Choices with Respect to Personal Information**

Clandestine recognizes and appreciates the importance of responsible use of information collected through the Application and on the Website. Clandestine may communicate to you information regarding products, services and special offers available from Clandestine, and we may find it necessary to communicate with you regarding your use of the Clandestine Services. When receiving any such communications, you will have the choice to opt out of the receipt of such communications. If you choose to opt out, you will still be able to utilize the products and services we offer, however you will not receive any updates and offers with respect to such products and services and your use thereof. As we believe these types of communications to be an integral part of your use of the Clandestine Services and these communications will be limited in scope as described above and will not contain any information regarding third-party vendors, we do not recommend opting out.

Except in the particular circumstances described in this Privacy Policy, Clandestine will not provide your name to other companies or organizations without your consent.

There are other instances in which Clandestine may divulge your User Information. Clandestine may provide your User Information if necessary, in Clandestine's good faith judgment, to comply with laws or regulations of a governmental or regulatory body or in response to a valid subpoena, warrant or order or to protect the rights of Clandestine or others.

## **Protection of Your User Information**

Profile Information, Contact Information and Lifeline Information are protected in several ways. Access by you to your Profile Information, Contact Information and Lifeline Information is available in the Application through a customer ID and a

password selected by you. All user data is encrypted utilizing AES 256 encryption technologies. We recommend that you do not divulge your password to anyone. In addition, your Profile Information, Contact Information and Lifeline Information resides on a secure server that only selected Clandestine personnel and contractors have access to via multi-factor authentication. Clandestine encrypts your Profile Information, Contact Information and Lifeline Information and thereby strives to prevent unauthorized parties from viewing such information when it is transmitted to Clandestine.

Activity Information also resides on a secure server and is only accessible to selected Clandestine personnel and contractors via multi-factor authentication. Since this information is not accessible by you, you will not be asked to select a password in order to view or modify such information.

Although Clandestine uses commercially reasonable physical, managerial and technical safeguards to protect your User Information, we cannot ensure or warrant the security of any information that we receive on your behalf through your use of the Clandestine Services or that you transmit to Clandestine. Any such use or transmission is undertaken at your own risk. We also cannot guarantee that such information may not be accessed, disclosed, altered or destroyed by breach of any of our physical, managerial or technical safeguards. If Clandestine learns of a breach of any of our systems, Clandestine may attempt to notify you so that you can take appropriate protective steps. Depending on where you live, you may have a legal right to receive notice of a security breach in writing.

## **Use of Cookies**

When you visit the Website, you can browse the Website and access important information without revealing your identity. In order to improve our Website, we may use “cookies” to track your visit. A cookie is small amount of data that is transferred to your browser by a Web server and can only be read by the server that gave it to you. It functions as your identification card, and enables Clandestine to record your preferences. It cannot be executed as code or deliver viruses.

Most browsers are initially set to accept cookies. You can set your browser to notify you when you receive a cookie, giving you the chance to decide whether or not to accept it. (For some Web pages that require an authorization, cookies are not optional. Users choosing not to accept cookies will probably not be able to access those pages.)

While Clandestine may use cookies to track your visit to the Website, and our Web servers may automatically log the IP/Internet address of your computer, Clandestine does not generally use this information to identify you personally. However, where applicable, if you expressly provide consent for Clandestine to “remember” the unique identifier that you select when you register for various activities on this Site, that unique identifier will be stored on a cookie on your computer, linked to your registration information, if any, and your navigation path around the Site will be tracked. We associate this data to understand how our Site and services are being used so we can understand our customers

and offer appropriate products and services.

### **Updating Your User Information**

You have the right to access and correct your Profile Information, Contact Information and Lifeline Information at any time. This may be accomplished by accessing the appropriate screens in the Application, where you can view and make changes to such information. You may also access and correct these categories of User Information by contacting Clandestine via the Support page on the Site:

[[www.kineticglobal.com/support.html](http://www.kineticglobal.com/support.html)] or sending an email to [support@kineticglobal.com](mailto:support@kineticglobal.com). Your Activity Information is a record of your use of the Application, and accordingly is not subject to correction, update or revision.

### **Privacy Related Inquiries and Complaints**

Clandestine takes its users' privacy concerns seriously. If you believe that Clandestine has not complied with this Privacy Policy with respect to your customer information or you have other related inquiries or concerns, you may contact Clandestine via our Support page as described above or by regular mail to the address noted above.

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

Also, please note that Clandestine is not responsible for the content or privacy practices of non-Clandestine websites to which the Application, the Website or any other Clandestine website may link. You should review the privacy policy of such sites before using the sites.

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