

# Safe Harbor Privacy Policy

Mark Business Intelligence Systems LLC, d/b/a ComplianceManager (“ComplianceManager”) respects your concerns about privacy.

## **Affirmative Commitment to the Safe Harbor Frameworks**

ComplianceManager complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce and has certified that it abides by the Safe Harbor privacy principles as set forth by the U.S. Department of Commerce regarding the collection, storage, use, transfer and other processing of Personal Data transferred from the European Economic Area (“EEA”) member countries and Switzerland to the United States. This Policy outlines our general policy and practices for implementing the Safe Harbor privacy principles.

## **Safe Harbor Certification & Resources**

ComplianceManager’s Safe Harbor certification can be found at <https://safeharbor.export.gov/list.aspx> and <https://safeharbor.export.gov/swisslist.aspx>, listed under the organization, “Mark Business Intelligence Systems”.

For more information about the Safe Harbor principles, please visit <http://www.export.gov/safeharbor>.

## **Privacy Policy**

For more information about ComplianceManager’s processing of Personal Data about Consumers, please visit ComplianceManager’s [Privacy Notice](#).

### **For Purposes of This Policy:**

“Consumer” means any natural person who is located in the EEA or Switzerland, including employee-users of ComplianceManager company Customers.

“Customer” means any individual or entity that legally purchases, installs or activates ComplianceManager’s products or services, including employer purchasers of ComplianceManager online compliance software systems.

“Personal Data” means any information that (i) is transferred to ComplianceManager in the U.S. from the EEA or Switzerland, (ii) is recorded in any form, (iii) relates to an identified or identifiable Consumer, and (iv) can be linked to that individual.

### **How ComplianceManager Obtains Personal Data**

ComplianceManager obtains Consumer Personal Data in connection with various activities, such as (i) maintaining its Customer relationships, (ii) operating its websites, and (iii) providing and administering its products and services, including online compliance software systems.

ComplianceManager’s license agreements with its Customers require that ComplianceManager Customers abide by all applicable local, state, national and foreign laws, treaties and regulations in connection with the use of ComplianceManager Software, including those related to data privacy, international communications, and the transmission of technical or Personal Data.

Together with its Customers, ComplianceManager seeks to ensure that Consumer Personal Data are protected in accordance with the Safe Harbor privacy principles, as described in this Policy.

ComplianceManager's practices regarding the collection, storage, use, transfer, and other processing of Personal Data comply, as appropriate, with the Safe Harbor principles of notice, choice, onward transfer, access, security, data integrity, and enforcement and oversight.

### **Notice**

ComplianceManager provides information in its Privacy Notice regarding its data collection practices, including the purposes for which ComplianceManager collects and uses Consumer Personal Data. For products or services obtained by ComplianceManager Customers, ComplianceManager informs its Customers that they may be responsible for providing appropriate notice to Consumers whose Personal Data are transferred to the U.S.

### **Choice**

In circumstances in which ComplianceManager collects Personal Data directly from Consumers, it offers Consumers the opportunity to choose whether ComplianceManager may (i) disclose their Personal Data to certain third parties or (ii) use their Personal Data for a purpose that is incompatible with the purpose for which the information originally was collected or subsequently authorized by the individual. This generally includes situations where an individual contacts ComplianceManager directly about its products or services via the ComplianceManager website.

In circumstances in which ComplianceManager maintains Personal Data about Consumers with whom ComplianceManager does not have a direct relationship because ComplianceManager obtained or maintains the Consumers' data as a service provider for its Customers (for example when ComplianceManager contracts with an employer Customer who licenses an online compliance software application for use by its employee Consumers), ComplianceManager informs its Customers that they are responsible for providing the relevant individuals with a choice (as required by law) as to whether their Personal Data may be disclosed by ComplianceManager to certain third parties or used for a purpose that is incompatible with the purpose for which the information originally was collected or subsequently authorized by the individual.

ComplianceManager may disclose Personal Data without offering an opportunity to opt out (i) if it is required to do so by law, regulation or legal process (such as a court order or subpoena), (ii) in response to requests by government agencies, such as law enforcement authorities, or (iii) when ComplianceManager believes disclosure is necessary or appropriate to prevent physical, financial or other harm, injury or loss or in connection with an investigation of suspected or actual illegal activity. ComplianceManager also reserves the right to transfer Personal Data in the event it sells or transfers all or a portion of its business or assets. Should such a sale or transfer occur, ComplianceManager will use reasonable efforts to direct the transferee to use the Personal Data in a manner that is consistent with ComplianceManager's privacy policies.

### **Onward Transfer of Personal Data**

ComplianceManager may share Consumer Personal Data with the types of third parties identified in the "Information We Share" section of ComplianceManager's Privacy Notice.

ComplianceManager requires third parties to whom it discloses Personal Data and who are not subject to the European Union Data Protection Directive 95/46 or an adequacy finding to either (i) subscribe to the Safe Harbor principles or (ii) contractually agree to provide at least the same level of protection for Personal Data as is required by the relevant Safe Harbor principles.

## **Access**

Where appropriate, ComplianceManager provides Consumers with reasonable access to the Personal Data ComplianceManager maintains about them. ComplianceManager also provides a reasonable opportunity for Consumers to correct, amend or delete that information where it is inaccurate. ComplianceManager may limit or deny access to Personal Data where providing such access is unreasonably burdensome or expensive under the circumstances, or as otherwise permitted by the Safe Harbor principles. Consumers may request access to their Personal Data by contacting ComplianceManager as indicated below.

In circumstances in which ComplianceManager maintains Personal Data about Consumers with whom ComplianceManager does not have a direct relationship because ComplianceManager obtained or maintains the Consumers' data as a service provider for its Customers, ComplianceManager informs its Customers that they are responsible for providing Consumers with access to the Personal Data and the right to correct, amend or delete the information where it is inaccurate. In these circumstances, Consumers should direct their questions to the appropriate ComplianceManager Customer. ComplianceManager requests that these Customers establish appropriate procedures for handling requests by Consumers for access to and correction and deletion of Personal Data. When a Consumer is unable to contact the appropriate Customer, or does not obtain a response from the Customer, ComplianceManager will provide reasonable assistance in forwarding the individual's request to the Customer.

## **Security**

ComplianceManager takes reasonable precautions to protect Personal Data from loss, misuse and unauthorized access, disclosure, alteration and destruction.

## **Data Integrity**

ComplianceManager takes reasonable steps to ensure that the Personal Data the company processes are (i) relevant for the purposes for which they are to be used, (ii) reliable for their intended use, and (iii) accurate, complete and current. ComplianceManager depends on its Consumers and Customers to update and correct Personal Data to the extent necessary for the purposes for which the information was collected or subsequently authorized by the individuals. Consumers may contact ComplianceManager as indicated below to request that ComplianceManager update or correct their Personal Data.

In addition, ComplianceManager informs its relevant Customers that they are responsible for taking reasonable steps to ensure that the Consumer Personal Data they process are reliable for their intended use and are accurate, complete and current.

## **Enforcement and Oversight**

ComplianceManager has established procedures for periodically verifying implementation of and compliance with the Safe Harbor principles. ComplianceManager conducts an annual self-assessment of its Personal Data practices to verify that the attestations and assertions the company makes about its privacy practices are true and that the company's privacy practices have been implemented as represented.

Consumers may file a complaint concerning ComplianceManager's processing of their Personal Data with ComplianceManager's Privacy Office, whose contact information is below.

ComplianceManager will take steps to remedy any issues arising out of a failure to comply with the Safe Harbor principles. Please contact ComplianceManager as specified below to address any complaints regarding the company's Personal Data practices.

In compliance with the US-EU and US-Swiss Safe Harbor Principles, if a Consumer complaint cannot be resolved through ComplianceManager's internal processes, ComplianceManager has committed to refer unresolved privacy complaints to an independent dispute resolution mechanism, the BBB EU Safe Harbor, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgement of your complaint, or if your complaint is not satisfactorily addressed by ComplianceManager, please visit the BBB EU Safe Harbor web site at [www.bbb.org/us/safe-harbor-complaints](http://www.bbb.org/us/safe-harbor-complaints) for more information and to file a complaint.

**How to Contact ComplianceManager**

To contact ComplianceManager about questions or concerns about this Safe Harbor Privacy Policy or ComplianceManager's practices concerning Personal Data:

Write to:

Privacy Office

ComplianceManager

14747 N. Northsight Blvd

Suite 111-134

Scottsdale, AZ 85260, USA

Fax: (888) 219-8024

Email: [contact@markbis.com](mailto:contact@markbis.com)

Effective Date: August 1, 2012

Revised Date: August 14, 2013