

## Privacy Policy

### OVERVIEW

The smartheel.com web site is located at [www.smartheel.com](http://www.smartheel.com) (the “Site”) and is owned and operated by Bach Enterprises, LLC (“Bach” or “Smartheel”).

This web site Privacy Notice (“Notice”) describes the personally identifiable and nonpersonal information Smart Heel collects in connection with your use of the Site (“Personal Information” and “Nonpersonal Information”, respectively).

We recognize that users of the Site expect privacy and security for the nonpublic information they provide to Smart Heel. However, if you choose to submit Personal Information to Smart Heel via this Site, and subject to your choices, it will use your Personal Information in accordance with this Notice until such time as you ask Smart Heel to stop.

Unless you provide it to Smart Heel voluntarily, Smart Heel does not collect Personal Information about you in connection with your requests for information, other than your computer's IP address. Your computer's IP address is used solely for quality control and Site management purposes.

Please read this Notice carefully to learn how you can verify the accuracy of your Personal Information and how you can request Smart Heel to delete or update that information.

### WHAT INFORMATION DOES SMART HEEL ASK YOU TO SUBMIT?

In order to accommodate your requests for further information, you may be asked to submit your first and last name, company affiliation (if any), title, and email address. If you choose to receive the information requested via postal mail, Smart Heel will ask you for your mailing address.

In addition, Smart Heel may ask you to designate a password, which will be used solely to verify your identity when you request access to or changes in your Personal Information. You should maintain your password in secrecy to prevent its disclosure to any third party. Please notify Smart Heel immediately by sending an email to [privacy@smartheel.com](mailto:privacy@smartheel.com) if you become aware that an unauthorized individual has obtained your password.

We occasionally may conduct surveys among users which request the provision of Personal Information such as name and email address, as well as Nonpersonal information regarding your experience on the Site. You may be selected for participation in such surveys based upon the personal information options (“Personal Information Options”) you select at this Site. Participation in these surveys and the corresponding submission of Personal Information are voluntary.

## HOW WILL SMART HEEL USE YOUR INFORMATION?

Smart Heel will use the information you submit (i) to send you materials that you have requested; (ii) to respond to your email queries; (iii) at your option, to notify you of other communications that may be of interest to you; (iv) in the administration of the Site; and (v) as otherwise described in this Notice.

## DOES SMART HEEL USE COOKIES AND OTHER TRACKING MECHANISMS?

When you visit this Site, information about your browser type, operating system, IP address and the domain name from which you access this Site (e.g., yahoo.com) are collected. In addition, we may collect information about your browsing behavior, such as the number of times you have visited the Site, the date you visited the Site, and the amount of time you spent viewing the Site. This information is used solely for our internal purposes in managing the Site and improving its functionality. If you have selected the button marked "Save Login/Password information on this computer" in the registration area of the Site, a cookie will be used to identify you when you return to the Site. Cookies are blocks of data that are placed on your computer and that are sent by your web browser to our computer when you visit this Site. The cookies that are placed on your computer have unlimited duration. If you delete or otherwise choose not to use cookies, you will still be able to use our Site, but you will need to re-enter your identification and password information so that we may retrieve any Personal Information Options of which you have previously informed us (such as the kind of communications you would or would not like to receive from Smart Heel).

## TO WHOM DOES SMART HEEL DISCLOSE YOUR INFORMATION?

Your Personal Information will not be given or sold to any outside organization for its use in marketing or solicitation without your consent. However, your Personal Information may be shared with affiliates of Bach for the sole purpose of performing services for Bach. In addition, subject to applicable law, Bach and its Service Providers (as defined below) may disclose your Personal Information:

(i) to unaffiliated third parties that are under contract to perform services for or on behalf of Smart Heel ("Service Providers"), and are required to uphold and maintain policies with respect to privacy and the treatment of your Personal Information (e.g., vendors maintaining Smart Heel's computer databases or performing marketing activities for Smart Heel relating solely to services provided by Smart Heel; and

(ii) to other persons, including law enforcement officials, as permitted or required by applicable law or regulation.

Any access to such information will be limited to the purpose for which such information was provided to the affiliate or Service Provider. Our affiliates and Service Providers may be located throughout the world. Accordingly, your Personal Information

may be sent to countries that have a different level of privacy protection than the United States of America (“USA”) or your country of residence. Smart Heel will, at your request, provide you with details of recipients and countries to which your Personal Information has been sent.

In addition, federal, state and foreign laws give people with governmental, regulatory or supervisory responsibility, and those involved in lawsuits and other legal proceedings, the right under certain circumstances to obtain information from Smart Heel, its affiliates and from Smart Heel Service Providers, including your Personal Information. You should understand that Smart Heel, our affiliates and Service Providers will comply with these laws to the extent they are required to do so.

#### SALE OR TRANSFER OF INFORMATION

In the event of a sale, merger, liquidation, dissolution, or transfer of part of the business, trade or assets of Bach Enterprises, LLC and/or any of its individual affiliates, all Personal Information collected about you via this Site may be sold, assigned, or transferred to the party acquiring all or substantially all of the equity or assets or business of Bach Enterprises, LLC and/or its affiliates. Subject to your election to opt out as described below, by using this Site, you consent to the sale and transfer of your information as described in this paragraph.

#### LINKS AND THIRD PARTY WEB SITES

This Notice applies only to the Site. The Site may include links to the web sites of both Smart Heel affiliated and non-affiliated entities (“Other Sites”), including access to content, products and services of such affiliated and nonaffiliated entities. In some cases, these Other Sites may have the same (or a similar) look and feel as our Site and, therefore, may appear to be part of the Site. However, whenever you choose to access Other Sites or non- Smart Heel content via the Site, a separate browser window will launch and you will leave the Site. Smart Heel urges you to familiarize yourself with the individual privacy and other terms for each linked site prior to submitting your personal information.

#### HOW CAN YOU OPT OUT OR REQUEST CHANGES TO HOW YOUR PERSONAL INFORMATION IS HANDLED?

If you would like to receive a copy of the Personal Information we have about you, please send a request to [privacy@smartheel.com](mailto:privacy@smartheel.com) and Smart Heel will make all reasonable efforts to comply with your request, subject to legal and other professional requirements. If this information is incorrect or incomplete, please let Smart Heel know, and it will correct or update it promptly (unless Smart Heel requires further information from you in order to fulfill your request) and in any event in accordance with applicable laws. You may also ask Smart Heel to remove your name and other Personal Information from its database, in which case Smart Heel will make all reasonable efforts to do so subject to legal and other requirements.

Where available, you may visit the "Edit Personal Information Options" section of our Site at any time to (i) update your information; (ii) subscribe to receiving informational emails; and (iii) unsubscribe from or opt out of from receiving informational emails and/or other communications. In addition, you may unsubscribe from the Smart Heel emails and other communications by following the unsubscribe directions included in each email Smart Heel sends. If you do not receive acknowledgement of your inquiry or your inquiry has not been satisfactorily addressed, you should contact our United States Privacy Administrator at [privacy@smartheel.com](mailto:privacy@smartheel.com).

#### HOW WILL SMART HEEL NOTIFY YOU IF THIS NOTICE CHANGES?

Smart Heel will post any material changes to this Notice at least thirty (30) days prior to the changes taking effect. If Smart Heel does make material changes to this Notice that affects its treatment of your Personal Information, Smart Heel will provide you with e-mail or postal mail notice and a choice to opt in under the terms of the revised Notice. After the changes take effect, all newly collected Personal Information will be subject to the terms of the revised Notice ("Revised Notice") and all previously collected Personal Information will be handled in accordance with your response to Smart Heel's opt-in notice (in accordance with the Revised Notice if you opt in and in accordance with the previous Notice if you do not opt in).

#### HOW DOES SMART HEEL PROTECT YOUR INFORMATION AND WHERE IS IT STORED?

Smart Heel maintains physical, electronic and procedural safeguards to protect your Personal Information. Your information is stored within secure operating environments and Smart Heel's personnel and affiliates are trained to maintain the privacy and security of your Personal Information consistent with this Notice.

The Personal Information that you submit via this Site is stored on servers in the USA. The storage on servers in the USA is necessary for the purposes described in this Notice. If you are located in another jurisdiction, you should be aware that once your Personal Information is submitted, it will be transferred to Smart Heel's servers in the USA and that the USA currently does not have uniform data protection laws in place.

#### CONSENT TO PROCESSING

Subject to your opt-out choices and all of the provisions contained in this Notice, you hereby consent to the collection, processing and transfer by Smart Heel of your Personal Information for the purposes described under this Notice including, but not limited to, the transfer of such Personal Information between Smart Heel and its Service Providers and affiliates in accordance with this Notice. Your consent to Smart Heel's right to transfer Personal Information in accordance with this Notice includes consent to the transfer of your Personal Information to jurisdictions that may have different levels of privacy protection than that available to you under your local law.

## OTHER TERMS

Your use of the Smart Heel Site is subject to and contingent upon your agreement with its Terms of Use, which are hereby incorporated by reference.

Except as described in this notice, and subject to your choices, Smart Heel will not use your Personal Information for any other purpose unless it first obtains your express authorization.

If you have questions concerning this Notice, including enforcement of this Notice, please contact Smart Heel at 211 East 89 St, Suite A1, New York, NY 10128 or via email at [privacy@smartheel.com](mailto:privacy@smartheel.com).