

# MARKETSTAR PRIVACY POLICY

Last update: September 7, 2019

## WHO WE ARE

MarketStar QOZ Business, LLC, (“MarketStar”) provides advanced sales and marketing services for its clients to drive market revenue, grow accounts, and expand their customer base. MarketStar services are categorized as sales as a service, data analysis, customized marketing for corporate software licensing, sourcing and intelligence services, advisory services and support services.

MarketStar is based in the United States and has an extensive history of providing exceptional service for key clients who are major players in their respective industries.

MarketStar respects your privacy and takes safeguarding personal data seriously. Please read the following to understand the privacy practices of MarketStar.

## DEFINITIONS

“Personal Data” means any information relating to an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Personal Data does not include information that is anonymized. Personal Data also does not include corporate information that relates to an organization but not to an individual, such as a corporate name, corporate address or general corporate phone number. However, if it is combined with your Personal Data in a manner that reasonably allows it to be associated with your identity, or is otherwise considered Personal Data under applicable law, it will be treated as Personal Data under this Privacy Policy.

## EU-U.S. PRIVACY SHIELD FRAMEWORK

MarketStar complies with the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. MarketStar has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms 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, please visit <https://www.privacyshield.gov/list>.

## PERSONAL DATA WE PROCESS

We process personal data on behalf of our clients to fulfill our contractual obligations as a third-party service provider. We also process personal data obtained from our third-party service providers who source, collect, and license that information which we use to perform our sales and marketing services. We also process personal data that we collect directly such as when a user navigates to our website or when we generate potential sales leads. This data may be collected through information that you

actively submit to us or through automated processes. We also process personal data of users who register and use our in-house applications, including PartnerDynamics® and Game Plan.

We process the personal data of data subjects that include client representatives, representatives of potential clients, and users. We do not actively collect or otherwise process personal data from minors. The age of a minor varies by country. For the purposes of personal data collected from the European Union, the age of a minor is under age sixteen (16).

We do not actively collect or otherwise process special categories of personal data as identified in the EU General Data Protection Regulation ("GDPR") including data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, or genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

We do not actively collect or otherwise process personal data relating to criminal convictions and offences.

The personal data we process is generally in relation to our business-to-business activities and the provision of personal data is not a statutory requirement nor a contractual requirement on the part of the data subject, although we do provide services under our customer contracts. The possible consequences of failing to provide personal data is that we will be unable to respond to requests or inquiries or interact for business purposes.

#### 1. Data processed as a third-party provider on behalf of our clients.

We process personal data of our client's customers on behalf of our clients to perform our contractual obligations under our service agreements. Processing includes performing marketing campaigns including email communication offering opportunities, information, promotions and other materials on behalf of our clients. It also includes contacting representatives of businesses to discuss opportunities for licensing of relevant software products. Information processed includes contact information such as email address and phone number.

The advanced sales and marketing services that MarketStar provides clients are categorized as: (1) sales as a service, including sales management, sales teams, sales training and sales strategy and execution; (2) data analysis, including through use of specialized software, marketing analysis, activity and outcome measurement, reporting, predictive analytics and modeling; (3) customized marketing for corporate software licensing, including direct contact with corporate representatives; (4) sourcing and intelligence services, including business intelligence, and customer and contact sourcing; (5) advisory services, including business consulting, regulatory compliance measures and business development; (6) support services, including IT support and administrative functions.

#### 2. Data processed from third-party service providers.

We purchase and license customer lists, contact lists and other business intelligence so that we may provide our sourcing and intelligence services to our clients. These processing activities are key to our business value. We source this information on behalf of our clients and in order to perform our contractual obligations under our service agreements. This service is an integrated part of our overall advanced sales and marketing services. Data sourced from third-party service providers is shared with

our clients and also used by us on behalf of our clients in marketing campaigns and other sales initiatives. This may be considered as selling personal data as we receive monetary or other valuable consideration for our services that include this processing. We do not separately sell personal data. Please note that we do not process, sell or share the data of minors.

### 3. Data processed directly.

We process technical information and navigational information when you visit our website, which is found at <https://www.marketstar.com/>. Technical information includes IP address, geographical location, device ID and related information and browser type. Navigational information includes pages viewed, selection made and length of visit. Our primary goal in processing this information from you is to provide you access to features on the site and help us improve our product and services and develop and market new products and services.

We process contact information and information related to employment when you fill out web forms or downloaded content. This information includes your name, email address, company name, address, phone number and other information about yourself or your business or employment. We process personal data available through social media including Facebook, LinkedIn, Twitter and Google, as well as publicly available information that we acquire directly. We process this information to advance our business purposes such as offering our services to corporate representatives.

We may also process payment information when you pay for certain MarketStar services.

### 4. Data processed for In-house Applications.

We process contact information, information related to employment, technical information and navigational information of users who register to use our in-house applications, including PartnerDynamics® and Game Plan. These users are generally our employees but may also include client representatives, referred to as "app users". We process this information to advance our business purposes and meet our contractual obligations under service contracts.

### 5. California Consumer Privacy Act.

Pursuant to the § 1798.110 of the California Consumer Privacy Act ("CCPA") the categories of personal information we have **collected about consumers** in the preceding 12 months are:

- Identifiers such as a real name, postal address, online identifier, Internet Protocol address, email address;
- Personal information categories described in the California Customer Records Statute (Cal. Civ. Code §1798.80(e)).
- Characteristics of protected classifications under California or federal law;
- Commercial information;
- Internet or other electronic network activity information;
- Geolocation data;
- Professional or employment-related information;

- Inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

## **TRACKING TECHNOLOGIES, COOKIES, AND CLEAR GIFS**

We use tracking technologies, cookies and clear GIFs to collect information. Tracking technologies are used to collect information from your web browser through our servers or filtering systems when you visit any of our sites.

Cookies store small text files onto a user's computer hard drive with the user's browser, containing the session ID and other data. Cookies enable a web site to track a user's activities on the website for the following purposes: (1) enable essential features; (2) provide analytics to improve website performance and effectiveness; (3) store user preferences; and (4) facilitate relevant targeted advertising on advertising platforms or networks. Users are free to change their web browsers to prevent the acceptance of cookies. Cookies may also be set within emails in order to track how often our emails are opened.

A clear GIF is a transparent graphic image placed on a website. The use of clear GIFs allows us to monitor your actions when you open a web page and makes it easier for us to follow and record the activities of recognized browsers. Clear GIFs are used in combination with cookies to obtain information on how visitors interact with our websites.

Information collected may include but is not limited to your browser type, your operating system, your language preference, any referring web page you were visiting before you came to our site, the date and time of each visitor request, and information you search for on our sites. We can also track the path of page visits on a website and monitor aggregate usage and web traffic routing on our sites. We collect this information to better understand how you use and interact with our sites in order to improve your experience. We also collect this information to better understand what services and marketing promotions may be more relevant to you. We may also share this information with our employees, service providers and customer affiliates.

You can change your web browser settings to stop accepting cookies or to prompt you before accepting a cookie from the sites you visit. If you do not accept cookies, however, you may not be able to use some sections or functions of our sites.

To find out more about cookies, including how to see what cookies have been set and how to manage and delete them, visit <http://www.allaboutcookies.org>.

To opt out of being tracked by Google Analytics across all websites visit <https://tools.google.com/dlpage/gaoptout>.

## **PURPOSES FOR PROCESSING PERSONAL DATA**

We process personal data to fulfill our contractual obligations in our service contracts with clients and enhance client business opportunities. In addition, we process personal data for sales leads, information services, payment, employee training, marketing, web analysis, security monitoring, and recruitment and employment. Our purpose in processing this personal data is to develop new client relationships, increase our client service and for administrative and other business purposes.

In this context, the legal basis for our processing of your personal data is either the necessity to perform contractual and other obligations or our legitimate business interests as a provider of advanced sales and marketing services. If personal data processing is related to cookies and other tracking technologies, we rely upon the consent given when we display our cookie banner and the user selects "Accept". We do not process that category of personal data if the user selects "Decline".

We may use your data to comply with applicable laws, exercise legal rights, and meet tax and other regulatory requirements. We may also use your personal data for internal purposes, including auditing, data analysis, system troubleshooting, and research.

In these cases, we base our processing on legitimate interests in performing the activities of the organization.

## **SHARING OF PERSONAL DATA**

We share your personal data with clients, third-party service providers, regulatory bodies, public authorities and law enforcement in the following circumstances:

### 1. Clients.

We may provide personal data we obtain from our third-party service providers to our clients in order to fulfill our contractual obligations as a sales and marketing service provider. For example, we may provide our clients with contact information of an organizational representative so that the representative can be presented with an opportunity to purchase a software license that would be of value to the organization. We may also provide our clients with customers lists we have purchased or licensed from our third-party service providers.

### 2. Third-Party Providers.

We share personal data with third-party providers for their processing in performing functions on our behalf. The categories of third-party providers with whom we share personal data are: Sales-lead Processors, Payment Processors, Providers of Marketing Services, Web Analytics Service Providers, and Security Monitoring Service Providers. In such instances, the providers will be contractually required to protect personal data from additional processing (including for marketing purposes) and transfer in accordance with this Privacy Policy and applicable laws.

### 3. Regulatory Bodies, Public Authorities and Law Enforcement.

We may access and disclose your personal data to regulatory bodies if we have a good-faith belief that doing so is required under regulation. This may include submitting personal data required by tax authorities. We may disclose your personal data in response to lawful requests by public authorities or law enforcement, including to meet national security or law enforcement requirements.

### 4. Other Disclosures.

We may also disclose your personal data to exercise or defend legal rights; to take precautions against liability; to protect the rights, property, or safety of the resource, of any individual, or of the general public; to maintain and protect the security and integrity of our services or infrastructure; to protect ourselves and our services from fraudulent, abusive, or unlawful uses; or to investigate and defend

ourselves against third-party claims or allegations. Disclosures may be made to courts of law, attorneys and law enforcement or other relevant third parties in order to meet these purposes.

In cases of onward transfer of personal information to third parties of data of EU individuals received pursuant to the EU-U.S. Privacy Shield, MarketStar remains liable.

#### 5. California Consumer Privacy Act.

Pursuant to the § 1798.115 of the CCPA the categories of personal information we have **disclosed about consumers for a business purpose** in the preceding 12 months are:

- Identifiers such as a real name, postal address, online identifier, Internet Protocol address, email address;
- Personal information categories described in the California Customer Records Statute (Cal. Civ. Code §1798.80(e)).
- Characteristics of protected classifications under California or federal law;
- Commercial information;
- Internet or other electronic network activity information;
- Geolocation data;
- Professional or employment-related information;
- Inferences drawn from any of the information identified in this subdivision to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

#### **STORAGE OF PERSONAL DATA**

Personal data stored on behalf of our clients and for our own purposes is processed and stored at various locations including on servers located in the United States of America. In the event that personal data is transferred outside of the United States of America, we will ensure that adequate protections are implemented to comply with the GDPR, such as Standard Contractual Clauses. We endeavor to utilize third-party service providers from the United States that have certified with the EU-U.S. Privacy Shield Framework or alternatively provide adequate protections that are compliant with the GDPR such as implementing Standard Data Protection Clauses.

#### **PERSONAL DATA SECURITY**

MarketStar uses technical and organizational measures to protect the personal data that we store, transmit, or otherwise process, against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access. We regularly consider appropriate new security technology and methods as we maintain and develop our software and systems.

#### **RETENTION OF PERSONAL DATA**

MarketStar retains the personal data of its clients and client's customers for a period of time as instructed by the clients for whom MarketStar processes data. Where MarketStar collects personal data

for its own purposes, it retains the data for a reasonable period of time to fulfill the processing purposes mentioned above. Personal data is then archived for time periods required or necessitated by law or legal considerations. When archival is no longer required, personal data is deleted from our records. If you wish to request a deletion of your data, please contact directly the client who provided the source of data. If you want more information about how to contact a client, make an inquiry to the address provided at the end of this notice.

We retain personal data that we are required to retain in order to meet our regulatory obligations including tax records and transaction history. We regularly review our retention policy to ensure compliance with our obligations under data protection laws and other regulatory requirements. We regularly audit our databases and archived information to ensure that personal data is only stored and archived in alignment with our retention policy.

## **PERSONAL DATA RIGHTS**

In compliance with the Privacy Shield framework, individuals have the right to access personal data about them and to correct, amend, restrict or delete that information where it is inaccurate, or has been processed in violation of the Principles, except where the burden or expense of providing access would be disproportionate to the risks to the individual's privacy in the case in question, or where the rights of persons other than the individual would be violated.

Where you are receiving communication from us of a marketing nature directly related to MarketStar's business marketing purposes, we provide the ability for you to unsubscribe at the end of the email. You may also contact us directly or through the MarketStar representative with whom you have a relationship to exercise your right to object to marketing communication or to exercise other rights. In addition, where we act as a data controller in relation to your personal data for our general business operations and that personal data is not required for regulatory or legal purposes or the like, we offer you a choice to limit the use and disclosure of your personal data. Our contact details are provided at the end of this Privacy Policy.

In addition, where we process your personal data for our general business operations in the capacity of a data controller and processing is not required for regulatory or legal purposes or the like, we offer you a choice to limit the use and disclosure of your personal data. You may make such request by contacting the MarketStar representative with whom you have contact or by contacting us directly. Our contact details are provided at the end of this Privacy Policy.

MarketStar provides marketing services for its clients and as such processes personal data on their behalf, including sending email communication of a marketing nature. You have an option to unsubscribe at the end of these emails, which will unsubscribe you from email communication we send on behalf of that particular client. If you submit a request to us in relation to processing personal data that is performed on behalf of a client, we will inform that client of your request and act upon their instructions. Alternatively, you may submit the request directly to the client, which is clearly indicated in marketing communication. At your request, we will provide you with the relevant contact information of the client.

Individuals in the EEA have certain rights which may be subject to limitations and/or restrictions. These rights include the right to: (i) request access to and rectification or erasure of their personal data; (ii)

obtain restriction of processing or to object to processing of their personal data; and (iii) ask for a copy of their personal data to be provided to them, or a third party, in a digital format. If you wish to exercise one of the above-mentioned rights, please send us your request to the contact details set out below. Individuals also have the right to lodge a complaint about the processing of their personal data with their local data protection authority.

Personal data subject rights under the California Consumer Protection act may also apply to certain individuals and households. These rights include the right to: (i) know what personal information is being collected about them, (ii) know whether their personal data is sold or disclosed at to whom, (iii) say no to the personal sale of information (iv) access their personal information, (v) equal service and price, even if they exercise their privacy rights.

You may also contact us with your personal data inquiries or for assistance in modifying or updating your personal data and to exercise additional statutory rights such as: access, rectification, data portability, objection, processing restriction, and erasure of your personal data. Our contact details are provided at the end of this Privacy Policy.

## **DISPUTE RESOLUTION**

MarketStar participates in the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework (“Frameworks”), under MarketStar QOZ Business, LLC. A list of participants can be viewed by accessing the link below:

<https://www.privacyshield.gov/list>.

As part of its participation in the Frameworks, MarketStar is subject to the investigatory and enforcement powers of the Federal Trade Commission.

Organizations participating in the Frameworks must respond within 45 days of receiving a complaint. If you have not received a timely or satisfactory response to your question or complaint, please contact one of the independent recourse mechanisms listed below:

JAMS Privacy Shield Program

[http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm).

Please note that these independent dispute resolution bodies are designated to address complaints and provide appropriate recourse free of charge to the individual.

If a Consumer’s complaint cannot be resolved through MarketStar’s internal processes, MarketStar will cooperate with JAMS pursuant to the JAMS International Mediation Rules, available on the JAMS website at [www.jamsadr.com/international-mediation-rules](http://www.jamsadr.com/international-mediation-rules). JAMS mediation may be commenced as provided for in the relevant JAMS rules. The mediator may propose any appropriate remedy, such as deletion of the relevant personal data, publicity for findings of noncompliance, payment of compensation for losses incurred as a result of noncompliance, or cessation of processing of the personal data of the Consumer who brought the complaint. The mediator or the Consumer also may refer the matter to the U.S. Federal Trade Commission, which has Privacy Shield investigatory and enforcement powers over MarketStar. Under certain circumstances, Consumers also may be able to

invoke binding arbitration to address complaints about MarketStar's compliance with the Privacy Shield Principles.

#### **EFFECTIVE DATE AND AMENDMENTS**

This document is effective as of the date indicated at the top of this Privacy Policy under "Last update". This document may be amended from time to time.

#### **CONTACT INFORMATION**

Inquiries may be made to:

**Organization:** MarketStar QOZ Business LLC  
**Address:** 2475 Washington Boulevard, Ogden, Utah 84401  
**E-mail:** [privacy@marketstar.com](mailto:privacy@marketstar.com)  
**Phone:** 1-(800)-877-8259

#### **EU Contact**

**E-mail:** [dataprotection@product2market.com](mailto:dataprotection@product2market.com)  
**Online Form:** <http://product2market.com/data-request-form/>  
**Phone:** +353-1-588-2447  
**Writing:** Attention: Len Brennan  
AEBE Limited T/a MarketStar,  
Unit 11, Block A, The Courtyard,  
Carmanhall Road, Sandyford Business Park,  
Sandyford, Dublin, 18 D18 P9V4,  
Ireland

Please note that organizations participating in the Frameworks must respond within 45 days of receiving a complaint.

#### **PREVIOUS VERSIONS OF THIS PRIVACY POLICY**

Previous versions of this privacy policy are available for download below. Please refer to the current privacy policy page at <https://www.marketstar.com/legal>.