

Software and Services Privacy Policy

TD-1499: Last Revised Date: April 7, 2023

1. General

We know that your privacy is important to you, and we work hard to earn and keep your trust. MIM Software® Inc. (collectively with its subsidiaries, "Company," "we," "us," and "our") respects your privacy and is committed to protecting your privacy through our compliance with this Software and Services Privacy Policy (the "Policy"). This Policy applies to you in your capacity as an employee, contractor or agent of a company or entity that is a customer of the Company ("you" or "your").

This Policy describes:

- The types of information we collect from you or that you may provide when you use or provide information on our cloud based services, such as MIMcloud®, MIM Zero Footprint™, as a guest or registered user (collectively referred to herein as the "Platform"). This Policy only applies to the Platform. The Platform does not include, and this Policy does not govern, on-site software solutions provided by the Company.
- Our practices for collecting, using, maintaining, protecting, and disclosing that information.

This Policy applies to information we collect on the Platform or in emails and other electronic messages between you and the Platform.

This Policy does **not** apply to information collected by us offline or through any other means, including on any other website operated by the Company or any third party.

Please read this Policy carefully to understand our practices regarding your information and how we will treat it. If you do not agree with our policies and practices, then please do not use our Platform. By using our Platform, you agree to the terms of this Policy. This Policy may change from time to time (see below, "Changes to this Policy"). Your continued use of our Platform after we make changes is deemed to be acceptance of those changes, so please check the Policy periodically for updates.

2. Platform Terms of Use; Other Agreements

This Policy should be read in conjunction with, and your use of the Platform may be subject to, any applicable terms of use, master services agreement, license, or other agreement between the Company and its customers. The privacy policy that governs the Company's general website is located at: <https://www.mimsoftware.com/legal/privacy-policy>.

3. What We Collect and How We Collect It

To ensure that we provide you with the best possible experience, we will store, use, and share personal information about you in accordance with this Policy. Personal information is information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular user of the Platform or device accessing the Platform ("Personal Information"). In particular, the Platform may collect the following categories of Personal Information through the Platform:

Category	Examples	Collected
Identifiers.	First and last name, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name.	YES
Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	First and last name, signature, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information, and Protected Health Information as defined below.	YES
Protected classification characteristics.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	NO
Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	NO
Sensitive Personal Information.	Precise geolocation, Social Security number, driver's license, state identification card, passport number, account log-in, financial account, debit card, credit card number with security, or access code or password, racial or ethnic origin, religious/philosophical beliefs, or union membership, genetic data and processing of biometric information, health and sexual orientation.	NO
Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
Geolocation data.	Physical location or movements.	NO
Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
Professional or employment-related information.	Current or past job history or performance evaluations.	YES
Non-public education information.	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
Inferences drawn from other Personal Information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO

HIPAA; IMPORTANT INFORMATION RELATING TO HEALTH INFORMATION.

You acknowledge that the Platform may involve the use of "Protected Health Information" (as defined in 45 C.F.R. § 160.103) that is subject to the federal privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, as amended from time to time ("HIPAA"). With respect to the Platform, any Personal Information that constitutes Protected Health Information shall be governed by the terms of any applicable business associate agreement ("Business Associate Agreement") between the Company and the contracting company responsible for providing Protected Health Information on the Platform or to the Company. When applicable, this Policy may be

superseded by specific terms in the Business Associate Agreement. You agree to use any Protected Health Information in accordance with your organization's HIPAA policies and procedures.

We obtain the categories of Personal Information listed above from the following categories of sources:

- **Directly from you.** For example, when you:
 - Register yourself with the Platform;
 - use the Platform to carry out your assigned tasks or duties; or
 - communicate with us, such as request information.
- **Indirectly from you.** For example, through



information we collect from you in the course of providing our services to you.

- **Directly and indirectly from activity on our Platform.** For example, from Platform usage details that are collected automatically. For more information on automatic information collection, please review the “Automated Information Collection” section below.
- **Directly from your company or your employer.** We may also receive your Personal Information from your company or your employer as a client of the Company. Any use of such Personal Information is subject to the terms of this Privacy Policy and any agreements with your organization.

Free Text Boxes.

The information that you provide in each case will vary. In some cases, you may be able to provide Personal Information via email or free text boxes, such as contacting the Company to request further information. When providing your Personal Information, please provide only relevant information and do not provide unnecessary sensitive information, such as Social Security numbers, credit card information or other sensitive personal data, unless required for our services. Please do not enter Protected Health Information in such text boxes.

Username and Password; Other Sources.

We may ask for your email to create a username and password that should only be known to you, or we may create one as part of our contract with your employer. You are responsible for maintaining and protecting your login information and you should not share such information with others. Please immediately contact us or your employer, if applicable, if you forget your login information or if you believe such information to be compromised. Moreover, pursuant to any contract we have with your employer or company, we may receive information about you from other sources and add it to the information you have provided to us.

Information of Other Individuals.

You may have the opportunity to provide information about other individuals. When providing such information, you are solely responsible for obtaining the necessary consents and authorizations from any individuals in accordance with applicable data security laws and regulations, and the Company shall not be responsible or held liable for your failure to obtain the necessary consents.

4. Automated Information Collection

In addition to the information that you provide to us, we may also collect information about you during your visit to our Platform. We collect this information using automated tools that are detailed below. These tools may collect information about your behavior and your computer system, such as your internet address (IP Address), the pages you have viewed, and the actions you have taken while using the Platform. Some of the tools we use to automatically collect information about you may include cookies.

A “cookie” is a small data file transmitted from a website to your device’s hard drive. Cookies are usually defined in one of two ways, and we may use either (or both) of them:

- (1) session cookies, which do not stay on your device after you close your browser, and
- (2) persistent cookies, which remain on your device until you delete them or they expire.

We may use the following categories of cookies on our Platform.

i Strictly Necessary Cookies. These cookies are essential in order to enable you to move around the Platform and use its features. Without these cookies, services you have requested, such as maintaining a record of your purchased items, cannot be provided.

ii Performance Cookies. These cookies collect anonymous information on how you use our Platform to help us understand how you arrive at our Platform, browse or use our Platform and highlight areas where we can improve, such as navigation. The data stored by these cookies never shows personal details from which your individual identity can be established.

iii Functionality Cookies. These cookies remember choices you make such as the country from which you visit our Platform, your preferred language, and your search parameters. This information can then be used to provide you with an experience more appropriate to your selections and to make your visits to our Platform more tailored to your preferences. The information in these cookies may be anonymized. These cookies cannot track your browsing activity on other websites.



Of course, if you do not wish to have cookies on your devices, you may turn them off at any time by modifying your internet browser's settings. However, by disabling cookies on your device, you may be prohibited from full use of the Platform's features or lose access to some functionality.

5. How We Use Your Information

Company collects and processes your Personal Information in order to offer you a safe and personalized experience each time you visit the Platform or use our services. The information we gather and that you provide is collected to provide you information and the services you request, in addition to various other purposes, including, but not limited to:

- create your account with the Platform;
- providing the information, products and services you request;
- security or fraud prevention purposes;
- providing you with effective customer service;
- providing you with a personalized experience when you use the Platform;
- contacting you with information and notices related to your use of the Platform;
- improving the content, functionality and usability of the Platform;
- improving our products and services; and
- any other purpose identified in an applicable privacy notice, click-through agreement or other agreement between you and us.

Duration. The length of time Company intends to retain each category of Personal Information, including sensitive information, if any, is for as long as reasonably necessary to carry out Company's intended business purpose for such information.

6. How We Disclose Your Information

We do not sell or lease your Personal Information to any third party. We may disclose your Personal Information to a third party for a business purpose. When we disclose your Personal Information, we enter into a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except for

the purposes set forth in the contract.

In the preceding twelve (12) months, we may have disclosed the following categories of Personal Information for one or more business purposes:

- Identifiers, except for IP addresses.

We may disclose your Personal Information for a business purpose to the following categories of third parties:

- Third party vendors who provide services that enhance our Platform, products and services to you (such as vendors for operating our cloud services, advertising and marketing and customer support).

Except as described in this Policy, we will not share your information with third parties without your notice and consent, unless it is under one of the following circumstances:

- **Legal Reasons.**
 - We believe that disclosure is reasonably necessary to comply with any applicable law, regulation, subpoena, or court order;
 - To respond to duly authorized information requests from law enforcement or other governmental authorities;
 - To enforce our agreements, policies, or the Terms of Use;
 - To investigate and prevent security threats, fraud, or other malicious activity; or
 - To respond to an emergency that we believe in good faith requires us to disclose such information to assist in preventing the death or serious bodily injury of any person, user or Company employee.
- **Sale of Business or Merger.** There are circumstances where the Company may decide to buy, sell, or reorganize its business in selected countries. Under these circumstances, or pursuant to contracts with our clients, it may be necessary to share or receive Personal Information with prospective or actual partners or affiliates. In such circumstances, the Company will ensure your information is used in accordance with this Policy.



7. Your Choices and Selecting Your Privacy Preferences

We want to provide you with relevant information that you have requested. When possible, we will always provide options as to what information we collect and how you can manage any preferences that pertain to such information.

If we provide subscription-based services, we will allow you to make choices about what information you provide at the point of information collection or at any time after you have received a communication from us while you are subscribed. Transactional or service-oriented messages, such as delivery confirmation messages, are usually excluded from such preferences, as such messages are required to respond to your requests or to provide goods and services, and are not intended for the purposes of marketing.

Please note that by opting out or unsubscribing you may affect other services you have requested we provide to you, in which email communication is a requirement of the service provided.

The Platform may use email and/or MIMcloud account messages to deliver important information. The delivery methods are configurable in your account profile.

8. Text Messaging

You may have the opportunity to receive SMS or "text" messages, pre-recorded voice messages or auto-dialed phone calls from the Company, its affiliates and related entities as well as third parties. Such messaging may be used to authenticate your identity or mobile device, as well as provide you informational updates about services or products you may have requested. In providing your mobile device number or cell phone number to the Company, you knowingly consent to such communications from the Company or for the Company to use your cell phone number or mobile device number in accordance with the Company's Terms of Use. In providing your number, you represent that you have the authority to agree to receive text messages at the telephone number that you provide to the Company, or from which you sent the text message request to us. You further acknowledge that no purchase is required to opt into this service, and you may opt out at any time by following the instructions provided in our communications to you.

Any such communications you receive from us will be administered in accordance with your preferences and this Policy.

9. Accuracy and Access to Your Personal Information

We strive to maintain and process your information accurately. We have processes in place to maintain all of our information in accordance with relevant data governance frameworks and legal requirements. We employ technologies designed to help us maintain information accuracy on input and processing.

Where we can provide you access to your Personal Information in our possession, we will always ask you for a username and password to help protect your privacy and security. We recommend that you keep your password safe, and that you do not disclose it to any other person or allow any other person to use it.

To view and change the Personal Information that you have provided to us, you can log in to your account and follow the instructions on that webpage, or contact us directly for assistance.

10. Information of Minors

The Platform is not intended for use by individuals under the age of eighteen (18). We do not target the Platform to minors, and would not expect them to be engaging with our Platform or services.

11. Your Rights Under State Law

California

- **Shine the Light law.** Pursuant to California Civil Code Section 1798.83, we will not disclose or share your Personal Information with third parties for the purposes of third-party marketing to you without your prior consent.
- **Do Not Track Signals.** Other than as disclosed in this Policy, the Website does not track users over time and across third-party websites to provide targeted advertising. Therefore, the Website does not operate any differently when it receives Do Not Track ("DNT") signals from your internet web browser.
- **WE DO NOT SELL OR SHARE YOUR PERSONAL INFORMATION.** If we ever decide to "sell" or "share" Personal Information, as those terms are defined under the California Consumer Privacy Act of 2018, we will update you via this Policy and include a link entitled "Do Not Sell or Share My Personal Information," to provide you with an opportunity to opt out of the selling or sharing of your Personal Information.



Your Privacy Rights

Some state laws in the United States provide consumers with additional rights with respect to their personal information (also known as “personal data”), as those terms are defined under those applicable state laws. Such state laws may include, but are not limited to, the California Consumer Privacy Act of 2018 (the “CCPA”) as amended by the California Privacy Rights Act, the Colorado Privacy Act (“CPA”) and the Virginia Consumer Data Protection Act (“VCDPA”). Any personal information we collect is collected for the commercial purpose of effectively providing our services to you or your company, as well as enabling you to learn more about, and benefit from, our services. If you reside in a state that provides additional rights with respect to your personal information, you may exercise each of your rights as identified below, subject to our verification of your identity.

- **Access.** You have the right to request that we disclose certain information to you about our collection, use and disclosure of your Personal Information over the past twelve (12) months. Any disclosures we provide will only cover the 12-month period preceding the receipt of your request. The response we provide will also explain the reasons we cannot comply with a request, if applicable.
- **Correction.** You can correct what personal data our Platform database currently contains by accessing your account directly, or by contacting us to request that we correct or rectify any personal data that you have provided to us.
- **Limit Use and Disclosure of Sensitive Personal Information.** If we collect any sensitive personal information, you have the right to request that we limit the use of the sensitive personal information to that use which is necessary to perform the services or provide the goods reasonably expected by an average consumer who requests those goods or services.
- **Portability.** Upon request and when possible, we can provide you with copies of your Personal Information. When such a request cannot be honored, we will advise you accordingly. You can then choose to exercise any other rights under this Policy.
- **Deletion.** You have the right to request that we delete any of your Personal Information, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, we will delete (and

direct our service providers, if any, to delete) your Personal Information from our records, unless an exception applies. Where applicable, we will ensure such changes are shared with trusted third parties.

- **Opt-out of Processing.** You have the right to request that we do not sell your Personal Information, use your Personal Information for Targeted Advertising, or use your Personal Information for profiling. Where applicable, we will ensure such changes are shared with trusted third parties.
- **Non-Discrimination.** If a data subject exercises his or her rights under applicable state law, including but not limited to the CCPA, CPA, and VCDPA, we shall not discriminate against that data subject by denying our goods or services, charging different prices or rates to similarly situated consumers, providing a different level or quality of our goods or services, or taking any other adverse action.
- **Exercising your rights.** If you are a data subject that has rights under applicable state law, including but not limited to the CCPA, CPA, and VCDPA, who chooses to exercise the rights listed above, you can:
 - Submit a request via email at privacy@mimsoftware.com; or
 - Call us at 866-421-2536 to submit your request.

Only you, or someone legally authorized to act on your behalf, may make a request related to your Personal Information. If an authorized agent makes a request on your behalf, we may require proof that you gave the agent permission to submit the request.

Responding to Your Request

Upon receiving your request, we will confirm receipt of your request by sending you an email confirming receipt. To help protect your privacy and maintain security, we may take steps to verify your identity before granting you access to the Personal Information. In some instances, such as a request to delete personal information, we may first separately confirm that you would like for us to in fact delete your personal information before acting on your request. As applicable, we may also coordinate any response with your employer or company in accordance with any applicable agreements.

We will respond to your request within forty-five (45) days. If we require more time, we will inform you of the reason and extension period in writing.

In some cases our ability to uphold these rights for you may depend upon our obligations to process



Personal Information for security, safety, fraud prevention reasons, compliance with regulatory or legal requirements, or because processing is necessary to deliver the services you have requested. Where this is the case, we will inform you of specific details in response to your request.

12. For Platform Users or Visitors Outside of the United States

We do not warrant or represent that this Policy or the Platform's use of your Personal Information complies with the laws of every jurisdiction. Furthermore, to provide you with our services, we may store, process, and transmit information in the United States and other locations around the world, including countries that may not have the same privacy and security laws as yours, unless otherwise agreed to in writing between you (or the company on which your use is on behalf of) and the Company. Regardless of the country in which such information is stored, we will process your Personal Information in accordance with this Policy.

13. For Platform Users or Visitors in the European Union ("EU")

Under the General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, or "GDPR"), individuals in the EU are afforded specific rights with respect to their Personal Information, or "personal data" as defined under the GDPR. For the purposes of this Policy, the Company operates as a data controller. You may always withdraw your consent to our use of your personal data as described below. We will only retain your personal data for the time necessary to provide you the information and services to which you have consented, to comply with the law and in accordance with your rights below.

With respect to the Platform, any personal data that is processed by the Company shall be governed by the terms of any applicable data processing agreement ("DPA") between the Company and the contracting company responsible for providing the personal data on the Platform or to the Company. When applicable, this Policy may be superseded by specific terms in the DPA.

The Data Controller is:

NAME: MIM Software® Inc.

ADDRESS: 25800 Science Park Drive - Suite 180
Cleveland, OH 44122

EMAIL ADDRESS: privacy@mimsoftware.com

You can exercise any of the following rights, subject to verification of your identity, by notifying us as described below:

- **Access.** You may email us at privacy@mimsoftware.com to request a copy of the personal data our Website databases currently contain.
- **Automated Processing and Decision-Making.** You may email us at privacy@mimsoftware.com to request that we stop using your personal data for automated processing, such as profiling. In your email, please explain how you wish us to restrict automated processing of your personal data. When such restrictions are not possible, we will advise you accordingly. You can then choose to exercise any other rights under this Policy, to include withdrawing your consent to the processing of your personal data.
- **Correction or Rectification.** You can correct what personal data our Website database currently contains by accessing your account directly, or by emailing us at privacy@mimsoftware.com to request that we correct or rectify any personal data that you have provided to us. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause information to be incorrect. Where applicable, we will ensure such changes are shared with trusted third parties.
- **Restrict Processing.** When applicable, you may restrict the processing of your personal data by submitting a request via email to privacy@mimsoftware.com. In your email, please explain how you wish us to restrict processing of your personal data. When such restrictions are not possible, we will advise you accordingly. You can then choose to exercise any other rights under this Policy, to include withdrawing your consent to the processing of your personal data. Where applicable, we will ensure such changes are shared with trusted third parties.
- **Object to Processing.** When applicable, you have the right to object to the processing of your personal data by submitting a request via email to



privacy@mimsoftware.com. When such objections are not possible, we will advise you accordingly. You can then choose to exercise any other rights under this Policy, to include withdrawing your consent to the processing of your personal data. Where applicable, we will ensure such changes are shared with trusted third parties.

- **Portability.** Upon request and when possible, we can provide you with copies of your personal data. You may submit a request via email to privacy@mimsoftware.com. When such a request cannot be honored, we will advise you accordingly. You can then choose to exercise any other rights under this Policy, to include withdrawing your consent. Where applicable, we will ensure such changes are shared with any trusted third parties.
- **Withdraw Consent.** At any time, you may withdraw your consent to our processing of your personal data through this Website by notifying us via email at privacy@mimsoftware.com. Using the same email address associated with your Platform account, simply type the words "WITHDRAW CONSENT" in the subject line of your email. Upon receipt of such a withdrawal of consent, we will confirm receipt and proceed to stop processing your personal data. Where applicable, we will ensure such changes are shared with trusted third parties.
- **Erasure.** If you should wish to cease use of our Platform and have your personal data deleted from our Platform, then you may submit a request by emailing us at privacy@mimsoftware.com. Upon receipt of such a request for erasure, we will confirm receipt and will confirm once your personal data has been deleted. Where applicable, we will ensure such changes are shared with trusted third parties.

Submit Complaints or Questions

If you wish to raise a complaint on how we have handled your personal data, you can contact us by email at privacy@mimsoftware.com. If you reside in a European Union member state, you may also lodge a complaint with the supervisory authority in your country.

14. Safeguarding the Information We Collect

We use reasonable technical, administrative, and physical safeguards in order to protect your Personal Information against accidental loss and from unauthorized access, use, alteration, and disclosure. However, we can never promise 100% security. You have a responsibility, as well, to safeguard your information through the proper use and security of any online credentials used to access your Personal Information, such as a username and password. If you believe your credentials have been compromised, please change your password. Please also notify us of any actual or suspected unauthorized use. For more information regarding our technical, administrative, and physical safeguards, please see [MIM Software's Technical and Organizational Measures](#).

15. Changes to This Policy

This Policy describes our current policies and practices with regard to the information we collect through the Platform. We are continually improving and adding to the features and functionality of the Platform along with the products and services we offer through the Platform. If we make any changes to this Policy, a revised Policy will be posted on this webpage and the date of the change will be reported in the "Last Revised" block above. You can get to this page from any of our webpages by clicking on the "Privacy Policy" link (usually at the bottom of the screen).

16. How to Contact Us

We value your opinions and welcome your feedback. To contact us about this Policy or your Personal Information, please contact us by email at privacy@mimsoftware.com.

