

Effective May 7, 2024

At Effectual Inc. and Effectual Public Sector Inc. (together, “Effectual”), we take your privacy seriously. Please read this Privacy Policy to learn how we treat your personal data.

By using or accessing our website(s) or proprietary customer portal (Effectual.com, Effectual.ai, EffectualPublicSector.com, and Empath.io, respectively, and along with any other services that may be provided to you as a customer hereinafter “Services”) in any manner, you acknowledge that you accept the practices and policies outlined below, and you hereby consent that we will collect, use and share your information as described in this Privacy Policy.

As we continually work to improve our Services, we may need to update this Privacy Policy from time to time. Upon such updates, we will alert you by placing a notice on our website. Any updates to this Privacy Policy govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any updates to the Privacy Policy have been posted, that means you agree to all of the updates.

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What this Privacy Policy Covers

This Privacy Policy covers how we treat Personal Data that we gather when you access or use our Services. “Personal Data” means any information that identifies or relates to a particular individual, and also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules, or regulations. This Privacy Policy does not cover the practices of companies we don’t own or control or people we don’t manage.

Personal Data

Categories of Personal Data We Collect

This chart details the categories of Personal Data that we collect and have collected over the past twelve (12) months:

Category of Personal Data	Examples of Personal Data We Collect	Categories of Third Parties With Whom We Share this Personal Data:
Contact Data	<ul style="list-style-type: none"> • First and last name • Company Email • Phone number • Company Name • Job Title 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners
Device/IP Data	<ul style="list-style-type: none"> • IP address • Domain server • Type of device/operating system/browser used to access the Services 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners • Parties You Authorize, Access, or Authenticate
Web Analytics	<ul style="list-style-type: none"> • Web page interactions • Referring webpage/source through which you accessed the Services 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners
Geolocation Data	<ul style="list-style-type: none"> • IP-address-based location information 	<ul style="list-style-type: none"> • Service Providers • Analytics Partners
Inferences Drawn From Other Personal Data Collected	<ul style="list-style-type: none"> • Inferences reflecting user attributes • Inferences reflecting user behavior 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Parties You Authorize, Access, or Authenticate
Other Identifying Information that You Voluntarily Choose to Provide	<ul style="list-style-type: none"> • Identifying information in emails, letters, texts, or other communication you send us 	<ul style="list-style-type: none"> • Service Providers • Advertising Partners • Analytics Partners • Business Partners • Parties You Authorize, Access, or Authenticate

Categories of Sources of Personal Data

We collect Personal Data about you from the following categories of sources:

- **You**
 - When you provide such information directly to us.
 - When you use our Services.
 - When you voluntarily provide information through the Services.
 - When you send us an email or otherwise contact us.
 - When you use the Services and such information is collected automatically.
 - Through Cookies (defined in the “Tracking Tools and Opt-Out” section below).
 - If you use a location-enabled browser, we may receive information about your location.
- **Public Records**
 - From the government or other sources.
- **Third Parties**
 - Vendors
 - We may use analytics providers to analyze how you interact and engage with the Services, or third parties may help us provide you with customer support.
 - We may use vendors to obtain information to generate leads and create user profiles.
 - Session Replay Technology. We use session replay technology, specifically by Hotjar, in order better understand how our site visitors navigate and utilize the information presented on Effectual.com. This information is then used to improve the layout, functionality, and user experience of Effectual.com. For more information on how we use Hotjar, please see the “Tracking Tools and Opt-Out” section below. For information about restricting data collection by Hotjar, please visit: <https://help.hotjar.com/hc/en-us/articles/115011624067>.

Our Commercial or Business Purposes for Collecting or Disclosing Personal Data

- **Providing, Customizing and Improving the Services**
 - Managing your use of the Services.
 - Providing you with information you request.
 - Meeting or fulfilling the reason you provided the information to us.
 - Providing support and assistance for the Services.
 - Improving the Services, including testing, research, internal analytics, and product development.
 - Personalizing the Services, website content, and communications based on your preferences.
 - Doing fraud protection, security, and debugging.
 - Carrying out other business purposes stated when collecting your Personal Data, or as otherwise set forth in applicable data privacy laws, such as the California Consumer Privacy Act, as amended by the California Privacy Rights Act of 2020 (the “CCPA”).
- **Marketing the Services**
 - Marketing the services offered by Effectual.
- **Corresponding with You**
 - Responding to correspondence that we receive from you, contacting you when necessary, or requested, and sending you information about Effectual.
 - Sending emails and other communications according to your preferences, or that display content that we think will interest you.

- **Meeting Legal Requirements and Enforcing Legal Terms**

- Fulfilling our legal obligations under applicable law, regulation, court order, or other legal process, such as preventing, detecting, and investigating security incidents and potentially illegal or prohibited activities.
- Protecting the rights, property, or safety of you, Effectual., or another party.
- Enforcing any agreements with you.
- Responding to claims that any posting or other content violates third-party rights.
- Resolving disputes.

We will not collect additional categories of Personal Data or use the Personal Data we collected for materially different, unrelated, or incompatible purposes without providing you notice.

How We Disclose Your Personal Data

We disclose your Personal Data to the categories of service providers and other parties listed in this section. For more information, please refer to the state-specific sections below.

- **Service Providers.** These parties help us provide the Services or perform business functions on our behalf, including:
 - Hosting, technology, and communication providers.
 - Security and fraud prevention consultants.
 - Support and customer service vendors.
- **Advertising Partners.** These parties help us market our services and provide you with other offers that may be of interest to you, including:
 - Marketing providers.
- **Analytics Partners.** These parties provide analytics on web traffic or usage of the Services, including:
 - Companies that track how users found or were referred to the Services.
 - Companies that track how users interact with the Services.
- **Business Partners.** These parties partner with us in offering various services, including:
 - Businesses that you have a relationship with.
 - Companies that we have a relationship with to offer services.
- **Parties You Authorize, Access or Authenticate**
 - Third parties you access through the Services.

Legal Obligations

We may share any Personal Data that we collect with third parties in conjunction with any of the activities set forth under [“Meeting Legal Requirements and Enforcing Legal Terms”](#) in the [“Our Commercial or Business Purposes for Collecting Personal Data”](#) section above.

Business Transfers

All of your Personal Data that we collect may be transferred to a third party if we undergo a merger, acquisition, bankruptcy, or other transaction in which that third party assumes control of our business (in whole or in part). Should one of these events occur, we will make reasonable efforts to notify you before your information becomes subject to different privacy and security policies and practices.

Data that is Not Personal Data

We may create aggregated, de-identified, or anonymized data from the Personal Data we collect, including by removing information that makes the data personally identifiable to a particular user. We may use such aggregated, de-identified, or anonymized data and share it with third parties for our lawful business purposes, including to analyze, build and improve the Services, and promote our business, provided that we will not share such data in a manner that could identify you.

Tracking Tools and Opt-Out

The Services use cookies and similar technologies such as pixel tags, web beacons, clear GIFs, and JavaScript (collectively, “Cookies”) to enable our servers to recognize your web browser, tell us how and when you visit and use our Services, analyze trends, learn about our user base, and operate and improve our Services. Cookies are small pieces of data, usually text files, placed on your computer, tablet, phone, or similar device when you use that device to access our Services. We may also supplement the information we collect from you with information received from third parties, including third parties that have placed their own Cookies on your device(s). Please note that because of our use of Cookies, the Services do not support “Do Not Track” requests sent from a browser at this time.

We use the following types of Cookies:

- **Essential Cookies.** Essential Cookies are required for providing you with features or services that you have requested. For example, certain Cookies enable you to log into secure areas of our Services. Disabling these Cookies may make certain features and services unavailable.
- **Functional Cookies.** Functional Cookies are used to record your choices and settings regarding our Services, maintain your preferences over time and recognize you when you return to our Services. These Cookies help us to personalize our content for you, greet you by name and remember your preferences (for example, your choice of language or region).
- **Performance/Analytical Cookies.** Performance/Analytical Cookies allow us to understand how visitors use our Services. They do this by collecting information about the number of visitors to the Services, what pages visitors view on our Services and how long visitors are viewing pages on the Services. Performance/Analytical Cookies also help us measure the performance of our advertising campaigns in order to help us improve our campaigns and the Services’ content for those who engage with our advertising. For example, Google LLC (“Google”) uses cookies in connection with its Google Analytics services. Google’s ability to use and share information collected by Google Analytics about your visits to the Services is subject to the Google Analytics Terms of Use and the Google Privacy Policy. You have the option to opt-out of Google’s use of Cookies by visiting the Google advertising opt-out page at www.google.com/privacy_ads.html or the Google Analytics Opt-out Browser Add-on at <https://tools.google.com/dlpage/gaoptout/>.

You can decide whether or not to accept Cookies through your internet browser’s settings. Most browsers have an option for turning off the Cookie feature, which will prevent your browser from accepting new Cookies, as well as (depending on the sophistication of your browser software) allow you to decide on acceptance of each new Cookie in a variety of ways. You can also delete all Cookies that are already on your device. If you do this, however, you may have to manually adjust some preferences every time you visit our website, and some of the Services and functionalities may not work.

To explore what Cookie settings are available, or to modify your preferences with respect to Cookies, you can access your Cookie management settings by clicking the “Cookies Settings” button at the bottom left corner of our website. For more information about Cookies, including information about managing and deleting Cookies, visit <http://www.allaboutcookies.org/>.

Data Security

We seek to protect your Personal Data from unauthorized access, use, and disclosure using appropriate physical, technical, organizational, and administrative security measures based on the type of Personal Data and how we are processing that data. You should also help protect your data by appropriately selecting and protecting your password and/or other sign-on mechanism, limiting access to your computer, device, or browser, and signing off when finished accessing your account. Although we work to protect the security of your account and other data that we hold in our records, please be aware that no method of transmitting data over the internet or storing data is completely secure.

Data Retention

We retain Personal Data about you for as long as necessary to provide you with our Services, or to perform our business or commercial purposes for collecting your Personal Data. When establishing a retention period for specific categories of data, we consider who we collected the data from, our need for the Personal Data, why we collected the Personal Data, and the sensitivity of the Personal Data. In some cases, we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes, collect fees owed, or is otherwise permitted or required by applicable law, rule, or regulation. We may further retain information in an anonymous or aggregated form where that information would not identify you personally.

Personal Data of Children

We do not knowingly collect or solicit Personal Data from children under sixteen (16) years of age. If you are a child under the age of 16, please do not attempt to use the Services or send us any Personal Data. If we learn we have collected Personal Data from a child under 16 years of age, we will delete that information as quickly as possible. If you believe that a child under 16 years of age may have provided Personal Data to us, please contact us at privacy@effectual.com.

State Law Privacy Rights

California Resident Rights

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties' direct marketing purposes. To submit such a request, please contact us at privacy@effectual.com.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties. You can exercise this right by contacting us at privacy@effectual.com with the subject line "Nevada Do Not Sell Request" and providing us with your name.

Data Transfers from the European Union ("EU"), United Kingdom ("UK") and Other Countries

The Services are hosted and operated in the United States ("U.S.") through Effectual and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to Effectual in the U.S. and will be hosted on U.S. servers, and you authorize Effectual to transfer, store and process your

information to and in the U.S., and possibly other countries. In some circumstances, your Personal Data may be transferred to the U.S. pursuant to a data processing agreement incorporating standard data protection clauses and/or the Data Privacy Framework, as discussed below.

Data Privacy Framework(s)

Effectual (specifically, Effectual Inc. and our affiliate, Effectual Public Sector Inc.) complies with the EU-U.S. Data Privacy Framework (“EU-U.S. DPF”), the UK Extension to the EU-U.S. DPF (“UK-U.S. DPF”), and the Swiss-U.S. Data Privacy Framework (“Swiss-U.S. DPF”) as set forth by the U.S. Department of Commerce. Effectual has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework Principles (“EU-U.S. DPF Principles”) with regard to the processing of all personal data received from the European Union in reliance on the EU-U.S. DPF and from the United Kingdom (and Gibraltar) in reliance on the UK Extension to the EU-U.S. DPF (the “EU-UK DPF Principles”). Effectual has certified to the U.S. Department of Commerce that it adheres to the Swiss-U.S. Data Privacy Framework Principles (“Swiss-U.S. DPF Principles”) with regard to the processing of personal data received from Switzerland in reliance on the Swiss-U.S. DPF. If there is any conflict between the terms in this Privacy Policy and the EU-U.S. DPF Principles, the EU-UK DPF Principles, and the Swiss-U.S. DPF Principles, the EU-U.S. DPF Principles, the EU-UK DPF Principles, and the Swiss-U.S. DPF Principles shall govern. To learn more about the EU-U.S. DPF, the UK-U.S. DPF, and the Swiss-US DPF, and to view our certification, please visit <https://www.dataprivacyframework.gov/>.

The Federal Trade Commission has jurisdiction over Effectual’s compliance with the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF. This Privacy Policy describes the types of Personal Data we collect, the purposes for which we collect and use your Personal Data, and the purposes for which we disclose your Personal Data to certain types of third parties in the sections above. Pursuant to the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF, EU, UK, and Swiss individuals have the right to obtain our confirmation of whether we maintain Personal Data relating to them in the U.S. Upon request, we will provide EU, UK, and Swiss individuals with access to the Personal Data that we hold about them. EU, UK, and Swiss individuals may also correct, amend, or delete the Personal Data we hold about them where it is inaccurate, or has been processed in violation of the EU-U.S. DPF Principles, the EU-UK DPF Principles, and the Swiss-U.S. DPF 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. An EU, UK, and Swiss individual who seeks access, or who seeks to correct, amend, or delete inaccurate data transferred to the U.S. under the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF, should direct their query to privacy@effectual.com. If requested to remove data, we will respond within a reasonable timeframe.

In addition, under the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF, we will provide EU, UK, and Swiss individuals with the choice to opt-out from the sharing of their Personal Data with any third parties (other than our agents or those that act on our behalf or under our instruction), or before we use it for a purpose that is materially different from the purpose for which it was originally collected or subsequently authorized.

In addition to any other disclosures described in our Privacy Policy, in certain situations, we may be required to disclose Personal Data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

Effectual’s accountability for Personal Data that it receives in the U.S. under the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF and subsequently transfers to a third party acting as an agent on our behalf is described in the EU-U.S. DPF Principles, the EU-UK DPF Principles, and the Swiss-U.S. DPF Principles. In particular, Effectual remains liable under the EU-U.S. DPF Principles, the EU-UK DPF

Principles, and the Swiss-U.S. DPF Principles if our agents process Personal Data in a manner inconsistent with the EU-U.S. DPF Principles, the EU-UK DPF Principles, and the Swiss-U.S. DPF Principles, unless Effectual proves that we are not responsible for the event giving rise to the damage.

In compliance with the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF, Effectual commits to resolve EU-U.S. DPF Principles, EU-UK DPF Principles, and Swiss-U.S. DPF Principles-related complaints about our collection and use of your Personal Data. EU, UK, and Swiss individuals with inquiries or complaints regarding our handling of personal data received in reliance on the DPF should first contact Effectual at privacy@effectual.com.

In compliance with the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF, Effectual commits to refer unresolved complaints concerning our handling of personal data received in reliance on the EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF to JAMS, an alternative dispute resolution provider based in the U.S. If you are an EU, UK, or Swiss individual and you do not receive timely acknowledgment of your EU-U.S. DPF Principles, EU-UK DPF Principles, or Swiss-U.S. DPF Principles-related complaint from us, or if we have not addressed your EU-U.S. DPF Principles, EU-UK DPF Principles, or Swiss-U.S. DPF Principles-related complaint to your satisfaction, please visit <https://www.jamsadr.com/dpf-dispute-resolution> for more information or to file a complaint. The services of JAMS are provided at no cost to you.

If your EU-U.S. DPF, the EU-UK DPF, and the Swiss-U.S. DPF complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See Annex 1 of the Data Privacy Framework Principles, located at <https://www.dataprivacyframework.gov/framework-article/ANNEX-I-introduction>.

Contact Information

If you have any questions or comments about this Privacy Policy, the ways in which we collect and use your Personal Data, or your choices and rights regarding such collection and use, please contact us at:

- 800-991-3011
- www.effectual.com
- privacy@effectual.com
- 111 Town Square Place, Suite 415, Jersey City, New Jersey 07310

For user requests for data deletion, contact privacy-support@effectual.com.