

Magnifi Group, Inc. Privacy Shield Privacy Policy

Magnifi Group, Inc. (hereafter, “Magnifi”) complies with the EU-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries. Magnifi has certified that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the EU-U.S. Privacy Shield program, and to view Magnifi’s certification, please visit www.privacyshield.gov/welcome.

Magnifi respects individual privacy and values the confidence of its customers, employees, business partners and others. Not only does Magnifi strive to collect, use and disclose personal information in a manner consistent with the laws of the countries in which it does business, it also has a tradition of upholding the highest ethical standards in its business practices. This EU-U.S. Privacy Shield Policy (the “Policy”) sets forth the privacy principles that Magnifi follows with respect to transfers of personal information from the EU (EU) to the United States.

Compliance with EU-U.S. Privacy Shield Principles

The United States Department of Commerce and the European Commission have agreed on a set of data protection principles and frequently asked questions (the “EU-U.S. Privacy Shield Framework”) to enable U.S. companies to satisfy the requirement under European Union law that adequate protection be given to personal information transferred from the EU to the United States.

Magnifi Group, Inc. (“Magnifi” or “we”) recognizes that the European Community has established a data protection regime which applies to the European Economic Area (“EEA”) and restricts companies in the EEA in transferring personal data about individuals in the EEA to the United States, unless there is “adequate protection” for such personal data when it is received in the United States. To create such “adequate protection,” Magnifi adheres to the EU-U.S. Privacy Shield Framework published by US Department of Commerce (“EU-U.S. Privacy Shield Principles”) with respect to personal data about individuals in the EEA that we receive from our clients and other business partners. Magnifi’s EU-U.S. Privacy Shield Certification also extends to data that we receive directly through Magnifi’s publicly accessible websites via secure form submission (any of our websites such as www.learn-wise.com). More information on the EU-U.S. Privacy Shield and Magnifi’s scope of participation in the EU-U.S. Privacy Shield Framework is available at www.privacyshield.gov/welcome.

Adherence to Seven Privacy Shield Principles

Client Personal Data processed or stored by Magnifi may be subject to contractual agreements with our clients that require more stringent privacy and security safeguards than the requirements in the EU-U.S. Privacy Shield. At a minimum, however, Magnifi handles Client Personal Data in

accordance with our EU-U.S. Privacy Shield Policy, which is based upon the seven principles identified in the EU-U.S. Privacy Shield Framework.

This Notice addresses data subjects residing in the EU (“EU Persons”) whose data we may receive from one of our clients or other business partners in the EU e.g., referral partners, integration partners, etc. When Magnifi receives Client Personal Data for processing pursuant to instructions of clients or their partners, we are acting as an agent for our client and do not provide notice to individuals regarding the collection and use of their personal data. Our clients remain responsible for providing notice, if and to the extent they believe such notice is necessary under applicable EU law.

Business Purposes for the Collection and Use of Personal Data

Magnifi Group sells and maintains web-based learning management software largely to small and midsize businesses. We receive mostly business-related information from the EU, including contact information of individual representatives of the businesses with whom we are dealing including names, work email addresses, business phone numbers, and business addresses. In connection with our services, our customers use our hosted technology platform to store and process EU Data at their own discretion. As EU Data covered by this Notice is by definition sent to us by another company in the EU (e.g., a customer of Magnifi), the categories of data sent and the purposes of processing often depend on such other company, with whom the EU Person typically has a closer employment or business relationship (and which, therefore, can provide additional information on categories of data shared with us). Such data typically includes, without limitation, names, work email addresses, business roles, and training records. Magnifi will not use Client Personal Data for any other purposes than for the purposes that Magnifi clients provide such information.

Magnifi collects and uses EU Data for purposes of providing products and services to our customers, communicating with corporate business partners about business matters, processing EU Data on behalf of corporate customers, providing information on our/their services, and conducting related tasks for legitimate business purposes.

Contact information and Client Personal Data is accessible only by those Magnifi employees and consultants who have a reasonable need to access such information in order for us to fulfill contractual, legal and professional obligations. All of our employees and consultants have entered into strict confidentiality agreements, and/or have been subjected to thorough criminal background checks requiring that they maintain the confidentiality of Client Personal Data.

Accountability of Onward Transfer

Magnifi recognizes potential liability in cases of onward transfer to third parties. Magnifi does not transfer Client Personal Data to third parties unless:

1. Lawfully directed by a client
2. Magnifi may provide Personal Data to third parties that act as agents, consultants, and contractors to perform tasks on behalf of and under our instructions. For example, Magnifi

may store such Personal Data in the facilities operated by third parties. Such third parties must agree to use such Personal Data only for the purpose for which they have been engaged by Magnifi Group and they must either:

- a. Comply with the Privacy Shield principles or another mechanism permitted by the applicable EU protection law(s) for transfers and processing of Personal Data;
 - b. Or agree to provide adequate protections for the Personal Data that are no less protective than those set out in this Policy.
3. Magnifi Group may disclose Personal Data for other purposes or to other Third Parties when a Data Subject has consented to or requested such disclosure.
 4. In certain limited or exceptional circumstances in accordance with the EU-U.S. Privacy Shield Framework.

Please be aware that Magnifi Group may be required to disclose an individual's personal information in response to a lawful request by public authorities, including to meet national security or law enforcement requirements. Magnifi Group is liable for appropriate onward transfers of personal data to third parties.

Should Magnifi learn that a third party to which Personal Data has been transferred by Magnifi is using or disclosing Personal Data in a manner contrary to this Policy, Magnifi will take reasonable steps to prevent or stop the use or disclosure.

Annual Assessment

Magnifi assures compliance with this EU-U.S. Privacy Shield Policy and the EU-U.S. Privacy Shield Framework by utilizing the self-assessment approach as specified by the U.S. Department of Commerce. The assessment is conducted on an annual basis to ensure that all of Magnifi's relevant privacy practices are being followed in conformance with this EU-U.S. Privacy Shield Policy and the EU-U.S. Privacy Shield Framework. Any employee that Magnifi determines is in violation of these policies will be subject to discipline, up to and including termination of employment and/or criminal prosecution.

Applicability

Magnifi is subject to the investigatory and enforcement powers of the Federal Trade Commission (FTC).

Magnifi also assures compliance with this EU-U.S. Privacy Shield Policy and the EU-U.S. Privacy Shield Framework by fully investigating and attempting to resolve any complaint or dispute regarding the use and disclosure of personal data in violation of this Privacy Policy.

For complaints that cannot be resolved by Magnifi and the complainant, Magnifi agrees to cooperate with **JAMS** – an **independent dispute resolution** mechanism, pursuant to the EU-U.S. Privacy Shield Framework.

EU-U.S. Privacy Shield Policy Updates

This EU-U.S. Privacy Shield Policy may occasionally be updated. When material updates are made, the date of the last revision will be reflected at the end of the page. This page may be bookmarked to facilitate periodic review of this EU-U.S. Privacy Shield Policy and to note recent updates. Neither this EU-U.S. Privacy Shield Policy nor updates to it will affect or modify any contracts we have with our clients.

Choice, Access, Review, Update, and Opting Out

If you are an EU Person about whom we hold EEA Data on a client's behalf, you may submit the following requests to the business that provided your EEA data:

1. Request to access to your EEA data
2. Request to update, correct or delete such EEA data
3. Request changes to the extent of EEA data collected
4. Request to opt out of EEA data collection

You can also contact our EU-U.S. Privacy Shield Contact. We reserve the right to take appropriate steps to authenticate an applicant's identity, to charge an adequate fee before providing access and to deny requests, except as required by the EU-U.S. Privacy Shield Framework.

EU-U.S. Privacy Shield Contact

In compliance with the EU-U.S. Privacy Shield, Magnifi commits to resolve complaints about your privacy and our collection or use of your personal information. European Union individuals with inquiries or complaints regarding this privacy policy should first contact Magnifi.

If you have questions, please contact Magnifi's Security Officer via

e-mail: info@magnifigroup.com. Please include "Privacy Shield" in the subject line.

Or you may call us at: +1 858.273.24459. We will promptly investigate and attempt to resolve complaints and disputes in a manner that complies with the principles described in this Policy.

If you are not satisfied with our response, or if contacting us does not resolve your complaint, you can contact JAMS: <https://www.jamsadr.com/> – an **independent dispute resolution** mechanism, pursuant to the EU-U.S. Privacy Shield Framework.

EU Persons (EU Data Subjects) may complain to their home data protection authority and can invoke binding arbitration for some residual claims not resolved by other redress mechanisms.

If you have a comment or concern that cannot be resolved with us directly, you may contact the competent local data protection authority.

EU-U.S. Privacy Shield Policy Effective Date: 8/1/2016 (Supersedes: Safe Harbor Statement Effective Date: 12/30/2009)
