



# Privacy Policy

We at Marketware, Inc. (*Marketware and our affiliates*) are committed to protecting your privacy. This

Privacy Policy applies to both our websites (*Websites*), including [marketware.com](https://marketware.com) and our Subscription Service (*the Subscription Service*), including our associated mobile applications (*Mobile Apps*) owned and controlled by Marketware, Inc. This Privacy Policy governs our data collection, processing and usage practices. It also describes your choices regarding use, access and correction of your personal information. By using the Websites or the Subscription Service, you consent to the data practices described in this Privacy Policy. If you do not agree with the data practices described in this Privacy Policy, you should not use the Websites or the Subscription Service.

## 1. Important Information

### 1.1. Changes to this Privacy Policy

We may update this Privacy Policy from time to time by posting a new version online. You should check this page occasionally to review any changes. If we make any material changes, we will notify you by posting the revised Privacy Policy on our Websites and if you subscribe to our Subscription Service, providing notice via email communication. This helps you to always be aware of what information we collect, how we use it and under what circumstances, if any, it is disclosed. Your continued use of the Websites, the Subscription Service and/or continued provision of Personal Information to us will be subject to the terms of the then-current Privacy Policy.

### 1.2. Contact Us

If you have any questions about this Privacy Policy or our treatment of the information you provide us, please write to us by email at [privacy@marketware.com](mailto:privacy@marketware.com) or by mail to: Marketware, Inc., Attn: Privacy Officer, 1220 East 7800 South, Floor 3, Sandy, UT 84094.

## 2. Use of the Subscription Service by Marketware, Inc. & our Customers

### 2.1. Marketware Subscription Service

Our online Subscription Service allows any company that uses it (*our customers, licensors and Marketware, itself*) to manage physician relationships, by tracking interaction with providers and office staff, managing issues and problems, managing alignment efforts and viewing referral patterns and identifying opportunities. It also allows customers to send marketing messages to providers, patients via email.

### 2.2. Use by Marketware

We use our own Subscription Service for sales demos, training and support purposes. Information that we collect and manage using the Subscription Service for our own purposes belongs to us and is used, disclosed and protected according to this Privacy Policy.

### 2.3. Use by Our Customers

Our customers use the Subscription Service to manage physician and patient relations. Marketware does not control the content users input or the types of information that our customers choose to collect or manage using the Subscription Service. That information belongs to them and is used, disclosed and protected by them according to their privacy policies and is not subject to this Privacy Policy. Marketware processes customers' information as they direct and in accordance with our agreements with our customers, we store it on our service providers' servers, but do not have control over collection or management. Marketware reserves the right to use customer data in a de-identified or obfuscated manner for training, support or to improve analytics as necessary. We have no direct relationship with individuals who provide Personal Information to our customers. Marketware acknowledges that you have the right to access your Personal Information. Our customers control and are responsible for correcting, deleting or updating information they've collected. If requested to remove data, we'll respond within a reasonable timeframe. We may work with customers to help them provide notice to visitors about their data collection, processing and usage. We're not responsible for customers' use of information they collect on the Subscription Service.

If a customer purchases external claims data that the Subscription Service will utilize. Data usage policies for that will be enforced according to the data contract in place between the customer and data provider.

Marketware collects information under the direction of its customers and has no direct relationship with the individuals whose Personal Information it processes. If you are a customer of one of our customers and would no longer like to your information to be stored in the database used by our Subscription Service, please contact the customer that you interact with directly.

## 3. Information We Collect

### 3.1. When You Visit our Websites

You are free to explore the Websites without providing any information about yourself. When you visit the Websites or request additional content or contact, we request that you provide Personal Information about yourself and we collect Navigational Information.

### 3.2. When You Use our Web or Mobile Application

We use mobile analytics software to allow us to better understand the functionality of our Web or Mobile Apps on your mobile device. This software may record information such as how often you use the application, the events that occur within the application, aggregated usage, performance data and where the application was downloaded from. In addition to information, we collect on our Websites, when you use our Web or Mobile Apps we may also collect your city location, device model and version, device identifier (or "UDID"), OS version and your Marketware Subscription Service credentials.

We send notifications from time to time to update you about events or promotions. If you no longer wish to receive such communications, you may unsubscribe at your convenience using the unsubscribe link at the bottom of the email.

We may link information we store within the analytics software to Personal Information you submit within the Web or Mobile App. We do this to improve services we offer you and improve our marketing, analytics and site functionality.

### 3.3. Personal Information

This refers to any information that you voluntarily submit to us and that identifies you personally, including contact information, such as your name, e-mail address, company name, address, phone number and other information about yourself or your business. Personal Information can also include information about any transactions, that you enter on the Websites and information about you that is available on the internet, such as from Facebook, LinkedIn, Twitter and Google or publicly available information that we acquire from service providers.

When any user is added to the Subscription Service, they are required to supply their Name, Email Address and Department. They can optionally add a facility or location to their user profile.

### 3.4. Navigational Information

This refers to information about your computer and your visits to this website such as your IP address, geographical location, browser type, referral source, length of visit and pages viewed. Please see the "Navigation Information" section below.

### **3.5. Payment Information**

We collect and process payment information from you when you subscribe to the Subscription Service, including credit cards numbers and billing information, using 3rd party PCI-compliant service providers. Except for this, we do not collect Sensitive Information from you.

### **3.6. Information About Children**

The Websites are not intended for or targeted at children under 13 and we do not knowingly or intentionally collect information about children under 13. If you believe that we have collected information about a child under 13, please contact us at [privacy@marketware.com](mailto:privacy@marketware.com), so that we may delete the information.

## 4. How We Use Information We Collect

### 4.1. Compliance with Our Privacy Policy

We use the information we collect in compliance with this Privacy Policy. Customers who subscribe to our Subscription Services are obligated through our agreements to comply with this Privacy Policy.

### 4.2. We Never Sell Personal Information

We will never sell your Personal Information to any 3rd party.

### 4.3. Use of Personal Information

In addition to the uses identified elsewhere in this Privacy Policy, we may use your Personal Information to: (a) improve your browsing experience by personalizing the Websites and to improve the Subscription Service; (b) send information to you which we think may be of interest to you by post, email or other means; (c) send you marketing communications relating to our business or the businesses of carefully selected 3rd parties which we think may be of interest to you and (d) provide other companies with statistical information about our users – but this information will not be used to identify any individual user. We may from time to time, contact you on behalf of external business partners about a particular offering that may be of interest to you. In those cases, we do not transfer your unique Personal Information to the 3rd party. In addition, we may share data with trusted partners to contact you based on your request to receive such communications, help us perform statistical analysis or provide customer support. Such 3rd parties are prohibited from using your Personal Information except for these purposes and are required to maintain confidentiality.

### 4.4. Use of Navigational Information

We use Navigational Information to operate and improve the Websites and the Subscription Service. We may also use Navigational Information alone or in combination with Personal Information to provide you with personalized information about Marketware, Inc.

### 4.5. Customer Testimonials & Comments

We post customer testimonials and comments on our Websites, which may contain Personal Information.

We obtain each customer's consent via email prior to posting.

### 4.6. Use of Credit Card Information

If you give us credit card information, we use it solely to collect payment from you. We use a 3rd party service provider to manage credit card processing. This service provider is not permitted to store, retain or use information you provide except for the purpose of credit card processing on our behalf.

#### 4.7. Service Providers

We employ other companies and people to provide services to visitors to our Websites, our customers and users of the Subscription Service and may need to share your information with them to provide information, products or services to you. Examples may include removing repetitive information, analyzing data, providing marketing assistance, processing credit card payments, supplementing the information you provide us in order to provide you with better service and providing customer service. In all cases where we share your information with such agents, we explicitly require the agent to acknowledge and adhere to our privacy and customer data handling policies.

#### 4.8. Security of your Personal Information

We use a variety of security technologies and procedures to help protect your Personal Information from unauthorized access, use or disclosure. We secure the Personal Information you provide on computer servers in a controlled, secure environment, protected from unauthorized access, use or disclosure. When sensitive Personal Information (*such as a credit card number and/or geo-location data*) is collected on our Websites and/or transmitted to other websites or any data transmitted in the Subscription Service, it is protected using encryption, such as the Secure Socket Layer (SSL) protocol.

If you have any questions about the security of your Personal Information, you can contact us at [privacy@marketware.com](mailto:privacy@marketware.com).

#### 4.9. Social Media Features

Our Websites include Social Media, such as the Facebook Like button and Widgets, such as the Share This button or interactive mini programs that run on our sites. These features may collect your IP address, which page you are visiting on our sites and may set a cookie to enable the feature to function properly.

#### 4.10. External Websites

Our Websites provide links to other websites. We do not control and are not responsible for the content or practices of other websites. Our provision of such links does not constitute our endorsement of other websites, their content, their owners or their practices. This Privacy Policy does not apply to other websites, which are subject to any privacy and other policies they may have.

#### 4.11. Retention of Personal Information

We retain personal information you provide if we consider it potentially useful in contacting you about the Subscription Service, other services or as needed to comply with our legal obligations; resolve disputes and enforce our agreements and then we securely delete the information. We'll delete this information from the servers at an earlier date if you so request, as described in "Opting Out and

Unsubscribing" below. If you provide information to our customers as part of their use of the Subscription Service, our customers decide how long to retain the personal information they collect from you. If a customer terminates its use of the Subscription Service, then we will provide customer with access to all information stored for the customer by the Subscription Service, including any personal information, for export by the customer according to our agreement with

our customer. Data transformation services may be required and may be requested for a fee. After termination, we may, unless legally prohibited, delete all customer information, including personal information, from the Subscription Service.

#### **4.12. International Transfer of Information**

No information will be stored or transferred outside the United States. Marketware Data Centers will be setup within the United States, all backups of data will also be stored within the United States.

#### **4.13. Corporate Events**

If we (*or our assets*) are acquired by another company, whether by merger, acquisition, bankruptcy or otherwise, that company would receive all information gathered by Marketware, Inc. on the Websites and the Subscription Service. In this event, you will be notified via email and/or a prominent notice on our website, of any change in ownership, uses of your Personal Information and choices you may have regarding your Personal Information.

#### **4.14. Compelled Disclosure**

We reserve the right to use or disclose your Personal Information if required by law or if we reasonably believe that use or disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud or comply with a law, court order or legal process.

## 5. Navigational Information

### 5.1. Cookies

Marketware, Inc. uses cookies or similar technologies to analyze trends, administer the website, track users' movements around the website and to gather demographic information or preferences about our user base. We use "cookies" to help you personalize your online experience. A cookie is a text file that is placed on your hard disk by a Web server. Cookies are not used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you and can only be read by a Web server in the domain that issued the cookie to you. One of the primary purposes of cookies is to provide a convenience feature to save you time. The purpose of a cookie is to tell the Web server that you have returned to a specific page. For example, if you personalize pages on our Websites or register for the Subscription Service, a cookie helps us to recall your specific information on subsequent visits. When you return to the same Website, the information you previously provided can be retrieved, so you can easily use the customized features.

You can accept or decline cookies. Most Web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the interactive features of the Marketware Subscription Service or Websites you visit. Marketware keeps track of the Websites and pages you visit within Marketware, in order to determine what portion of the Marketware Website or Subscription Service is the most popular or most used. This data is used to deliver customized content and promotions within the Marketware Website and Subscription Service to customers whose behavior indicates that they are interested in a subject area.

Cookies are used in the Subscription Service to track previously selected preferences. Previously selected filters, sort orders and other items that customers don't want to have to select each time the use certain functionality utilize cookies to remember the changes you have previously made.

### 5.2. Log Files

Log files are used to track activity within the Subscription Service. This information can include when user's login and logout, what queries they run and pages they visit within the Subscription Service. These log files are used in part to comply with government regulations such as HIPAA. There is also information about your computer hardware and software that is automatically collected by us. This information can include: your IP address, browser type, domain names, internet service provider (*ISP*), the files viewed on our site (*e.g., HTML pages, graphics, etc.*), operating system, clickstream data, access times and referring website addresses. This information is used by Marketware, Inc. for the operation of the Subscription Service, to maintain quality of the Subscription Service and to provide general statistics regarding use of the Marketware, Inc Website and Subscription Service. For these purposes, we do link this automatically collected data to Personal Information such as name, email address, address and phone number.

### 5.3. Clear Gifs (*Web Beacons/Web Bugs*)

We employ a software technology called clear gifs (*a.k.a. Web Beacons/Web Bugs*), that help us better manage the Website and Subscription Service by informing us what content is effective. Clear gifs are tiny graphics with a unique identifier, similar in function to cookies and are used to track the online movements of Web users. In contrast to cookies,



which are stored on a user's computer hard drive, clear gifs are embedded invisibly on web pages or in emails and are about the size of the period at the end of this sentence. We use clear gifs in our HTML-based emails to let us know which emails have been opened by recipients. Clear gifs are also used to track open and click rates of emails sent via Centric. This allows us to gauge the effectiveness of certain communications and our marketing campaigns. We tie the information gathered by clear gifs in emails to our customers' Personal Information. If you would like to opt-out of these emails, please see "Opting Out and Unsubscribing".

#### 5.4. Advertising

We partner with a 3<sup>rd</sup> party ad network to either display advertising on our Web site or to manage our advertising on other sites. Our ad network partner uses cookies and Web beacons to collect non-personal information about your activities on this and other Web sites to provide you targeted advertising based upon your interests. If you wish to not have this information used for the purpose of serving you targeted ads, you may opt-out by clicking here: <http://preferences.truste.com/> (or if located in the European Union, by clicking here: <http://www.youronlinechoices.eu/>). Please note this does not opt you out of being served advertising. You will continue to receive generic ads.

#### 5.5. 3rd Party Tracking Technologies

The use of cookies and web beacons by any tracking utility company is not covered by our Privacy Policy.

We do not have access or control over these 3<sup>rd</sup> party tracking technologies.

## 6. Opting Out & Unsubscribing

### 6.1. Reviewing, Correcting & Removing Your Personal Information

Upon request Marketware will provide you with information about whether we hold any of your Personal Information. If you provide us with your Personal Information, you have the following rights with respect to that information to:

- Review the user information that you have supplied to us
- Request we correct any errors, outdated information or omissions in user information you supplied
- Request that your user information not be used to contact you
- Request that your user information be removed from any solicitation list that we use
- Request that your user information be deleted from our records
- Opt out of being solicited by Marketware, Inc. or 3rd parties

To exercise any of these rights, please contact us at [privacy@marketware.com](mailto:privacy@marketware.com) or by mail to: Marketware, Inc., Attn: Privacy Officer, 1220 East 7800 South, Floor 3, Sandy, UT 84094. We will respond to your request to change, correct or delete your information.

### 6.2. Anti-Spam Policy

Our Acceptable Use Policy, applies to us and to our customers and among other things, prohibits use of the Subscription Service to send unsolicited commercial email in violation of applicable laws and requires the inclusion in every email sent using the Subscription Service of an "opt-out" mechanism. We require all our customers to agree to adhere to the Acceptable Use Policy and any violations of the Acceptable Use Policy by a customer can result in immediate suspension or termination of the Subscription Service.

### 6.3. To Unsubscribe from Our Communications

You may unsubscribe from our marketing communications by clicking on the "unsubscribe" link located on the bottom of our e-mails or by sending us email us at [privacy@marketware.com](mailto:privacy@marketware.com) or by sending us postal mail to: Marketware, Inc., Attn: Privacy Officer, 1220 East 7800 South, Floor 3, Sandy, UT 84094. Customers cannot opt out of receiving transactional emails related to their account with us or the Subscription Service.

### 6.4. To Unsubscribe from Our Customers' Communications

Our customers are solely responsible for their marketing emails and other communications. We cannot unsubscribe you from their communications. You can unsubscribe from marketing communications by clicking on the "preference page" link located on the bottom of their emails or by contacting them directly.