



Privacy Policy

Effective Date – March 25, 2024

DigitalChalk creates software that helps organizations hire and develop their people better, faster, and cheaper. We have two products: Content Fortress and DigitalChalk Learning Management System (LMS). The entity granting you access to DigitalChalk’s software (“Organization”) is a DigitalChalk customer that collects and processes your personal data. This privacy policy (“Privacy Policy”) governs DigitalChalk’s processing of personal data you and/or the Organization has inputted into DigitalChalk’s software application (“Software”) for the purpose of recruiting, training, and/or managing you. This Privacy Policy also governs DigitalChalk’s collection and processing of personal data collected or inputted through the DigitalChalk website.

Collection of Information

We may collect and process the following data about you,

Information you give us.

You may give us information about you by filling in forms on our DigitalChalk LMS, our marketing website or by corresponding with us by phone, e-mail or otherwise. This includes information you provide when you register to use our site, apps or services, place an order on our site, subscribe to our services or newsletter, take part in a demonstration, place a support request, search for a product, participate in discussion boards or other social media functions on our site, enter a competition, promotion or survey, register for and participate in a course, and when you report a problem with our site. The information you give us may include your name, address, e-mail address and phone number, financial and credit card information, personal description, photograph and company name & size.



Information we collect about you.

With regard to each of your visits to our sites we may automatically collect the following information:

- technical information, including the Internet protocol (IP) address used to connect your computer to the Internet, your login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
- information about your visit, including the full Uniform Resource Locators (URL) clickstream to, through and from our site(including date and time); products you viewed or searched for; page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page and any phone number used to call our corporation, employees and/or organizational entities.

Usage of Data

DigitalChalk will process the data only in accordance with the agreement between DigitalChalk and the Organization, including, but not necessarily limited to, providing technical or functional support, and ensuring the security of the Software. Please contact the Organization with any questions about its use of your personal data.

Information you give to us. We will use this personal data to:

- fulfill your requests for products, services or information;
- carry out our obligations arising from any contracts entered into between you and us for example to provide customer services;
- provide you with information about other goods and services we offer that are similar to those that you have already purchased or enquired about;



- improve the effectiveness of our websites, our marketing endeavors and our services or offers;
- notify you about changes to our service;
- ensure that content from our site is presented in the most effective manner for you and your computer;
- conduct research and analysis;
- provide you with information about goods or services we feel may interest you. If you are an existing customer, we will only contact you by electronic means (e-mail or SMS) with information about goods and services similar to those which were the subject of a previous sale or negotiations of a sale to you. If you are a new customer we will contact you by electronic means only if you have consented to this. If you do not want us to use your data in this way please tick the relevant box situated on the form on which we collect your personal data.

Please note you always have the ability to opt-out of receiving future marketing communications from us. To opt-out of receiving marketing communications from us, you should follow the directions in the marketing e-mail or direct mail marketing communication from us. Please note that even though you may have opted out of receiving marketing communications, you may still receive business-related communications such as order confirmations, product recall information or updates or other organizational related communications.

Information we collect about you. We will use this information to:

- administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- improve our site to ensure that content is presented in the most effective manner for you and your computer;
- allow you to participate in interactive features of our service, when you choose to do so;



- take measures to keep our site safe and secure;
- measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
- make suggestions and recommendations to you and other users of our site about goods or services that may interest you or them.

Information we receive from other sources.

We may combine this information with personal data you give to us and personal data we collect about you. We may use this personal data and the combined information for the purposes set out above (depending on the types of information we receive).

Contact and Queries

The Organization is a data controller. A “Data Controller” determines the purposes for which and the means by which personal data is processed. DigitalChalk LMS is a data processor of your personal data. A “Data Processor” processes personal data only on behalf of the controller and in accordance with the Data Controller’s instructions. DigitalChalk LMS, as the Data Processor, will assist the Organization, as the Data Controller, in responding to and addressing queries related to personal data. All queries regarding your personal data should be directed to the Organization.



Application & Website Usage Information

1. Cookies

Cookies are small text files that are placed on your computer by websites that you visit. They are widely used in order to make websites work, and/or work more efficiently, as well as to provide information to the owners of the site and software.

We use cookies on our marketing website and within DigitalChalk LMS for various reasons like to distinguish you from other users, they help us to provide you with a good experience when you browse our website and while you work within the DigitalChalk LMS and allows us to improve our sites and services.

We use persistent cookies and session cookies on our Site. We use persistent cookies to save your login information for future logins to the Site. We use session cookies to enable certain features of the Site, to better understand how you interact with the Site and to monitor aggregate usage by users and web traffic routing on the Site. Unlike persistent cookies, session cookies are deleted from your computer when you log off from the Site and then close your browser.

I would recommend clarifying the distinction between the Software (and the data processed through it) as opposed to the Website (and the data collected and processed through the Website (cookies, etc.) because DigitalChalk is a controller of the data it collects on its Website.

Cookies are text strings created by a server and stored on your computer or mobile device to have access to a specific website and to recognise your device when you return to that website again (or visit websites that use the same cookies).



Cookies allow DigitalChalk LMS and its marketing website to collect information about user or account navigation on the site, for example to remind language preferences or the currency used for a purchase, and can later be read during your visit on our site to facilitate your navigation.

The categories of cookies we use in DigitalChalk LMS are listed below.

Technical and functional cookies

Technical and functional cookies are required for the Website to work. These include, for example, session management, Website security, shopping cart, language preferences, course launch, course management, or API (Application Program Interface) management.

Support and analytics cookies

Support and analytical cookies are required to provide and improve the service to your Organization. These include, for example, performance, usage, or error monitoring.

Should you require a precise list of the Technical and functional cookies or of the Support and analytics cookies we use, please contact your Account Manager or your Organization.

2. IP address and Clickstream data

Our servers automatically collect data about your internet protocol ("IP") address when you visit a DigitalChalk webpage ("Website"). Our servers may log your IP address and sometimes your domain name when you request pages from a Website. Our servers may also record the referring page that linked you to us (e.g. another website or a search engine); the pages you visit on a Website; the website you visit after the Website; other information about the type of web browser, computer, platform, related software and settings you are using; any search terms you have entered on the Website or a referral website; and other data logged by our web servers. We use this information for internal system administration, to help diagnose problems with our servers, and to administer our Websites. Such information may also be used to gather broad demographic information, such as country of origin and Internet service provider.



Personal data including IP addresses are not used to facilitate contact with users who have not provided their contact details to DigitalChalk .

Disclosure, and Sharing of Personal Data

We do not sell, trade, rent or otherwise transfer your personal data to third parties. We may, however, share your personal data with selected third parties including:

- any member of our group, which means our subsidiaries, our ultimate holding company or its subsidiaries;
- business partners, suppliers and subcontractors for the performance of any contract we enter into with them or you;
- advertisers and advertising networks that require the data to select and serve relevant adverts to you and others. We do not disclose information about identifiable individuals to our advertisers, but we may provide them with aggregate information about our users (for example, we may inform them that 250 women aged under 40 have clicked on their advertisement on any given day). We may also use such aggregate information to help advertisers reach the kind of audience they want to target (for example, women working in Barcelona). We may make use of the personal data we have collected from you to enable us to comply with our advertisers' wishes by displaying their advertisement to that target audience.
- analytics and search engine providers that assist us in the improvement and optimisation of our site;
- credit reference agencies for the purpose of assessing your credit score where this is a condition of us entering into a contract with you;
- conducting research, analysis or administering surveys;
- sending regular mail and email on our behalf ;



- processing credit card payments

Information we disclose to third parties. We may disclose your personal data to third parties:

- in the event that we sell or buy any business or assets, in which case we may disclose your personal data to the prospective seller or buyer of such business or assets.
- if DigitalChalk. or substantially all of its assets are acquired by a third party, in which case personal data held by it about its customers will be one of the transferred assets.
- if we are under a duty to disclose or share your personal data in order to comply with any legal obligation, or in order to enforce or apply our EULA and/or any other agreements; or to protect our rights, property, safety, our customers or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

1. Service providers

We may use third-party partners to operate and maintain our Software and deliver our products and services in accordance with the agreement we have with the Organization. Third-party service providers are contractually restricted from using or disclosing your personal data except as necessary to perform services on our behalf or to comply with legal requirements. Data may be processed within or outside of the European Economic area, according to the contractual agreement and applicable laws.

2. Aggregated statistics

We may aggregate and anonymize non-personally identifiable data into statistics regarding user behavior such as overall patterns or demographic reports that do not describe or identify any individual user. This shall always be done in accordance with the agreement between the Organization and DigitalChalk .



3. Legally compelled disclosures

We may disclose your personal data if required to do so by law or subpoena or if we believe that such action is necessary to: (a) conform to law applicable to DigitalChalk or our partners; (b) comply with a judicial or court order, or comply with legal processes served on us or Affiliated Parties; or (c) protect and defend our rights and property, Websites, and/or the users of the Websites.

4. Worldwide transfer and processing of Personal Data (applies unless otherwise agreed in writing between you or the Organization and DigitalChalk)

DigitalChalk may use your data for the purposes described herein and per the agreement between DigitalChalk and the Organization. Depending on contractual requirements and applicable law, your data may be processed and transferred in and to the United States and other countries and territories listed herein, which may have different privacy laws from your country of residence, and which may afford varying levels of protection for your personal data. Regardless of the laws in place in these countries, we will treat the privacy of your information in accordance with this Privacy Policy and the agreement between DigitalChalk and the Organization.

No mobile information will be shared with third parties/affiliates for marketing/promotional purposes. All other categories exclude text messaging originator opt-in data and consent; this information will not be shared with any third parties.



Your access and correction rights

We offer individuals the opportunity to opt-out of personal data (or to provide explicit opt-in consent for sensitive information) being: (i) disclosed to a third party (other than to our service providers under contract or pursuant to lawful request as set forth below), or (ii) used for a purpose materially different from the purpose for which it was originally collected or subsequently authorized by you if such circumstances arise. You can also opt-out at any time from having your personal data used for direct marketing purposes by following the unsubscribe procedures indicated in the marketing emails. For further questions related to the above, you can contact us at privacy@DigitalChalk.com.

Where we process personal data on behalf of an Organization, we will work with that Institution to comply with any individual's choices for limiting use or disclosure of personal data.

You retain the right to:

- request what personal data DigitalChalk has about person
- access the personal data
- submit and correct or delete your personal data by contacting the Organization.

DigitalChalk is subject to the investigatory and enforcement powers of the United States Federal Trade Commission.



Data Privacy Framework

DigitalChalk has a self-certified commitment with the EU-U.S. Data Privacy Framework (EU-U.S. DPF), the UK Extension to the EU-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.

DigitalChalk has been 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 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.

DigitalChalk has been 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 and/or the Swiss-U.S. DPF Principles, the Principles shall govern. To learn more about the Data Privacy Framework (DPF) program, and to view our certification, please visit <https://www.dataprivacyframework.gov/>.

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

In compliance with the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF and the Swiss-U.S. DPF, DigitalChalk commits to cooperate and comply respectively with the advice of



the panel established by the EU data protection authorities (DPAs) and the UK Information Commissioner's Office (ICO) and the Swiss Federal Data Protection and Information Commissioner (FDPIIC) with regard to unresolved complaints concerning our handling of data received in reliance on the EU-U.S. DPF and the UK Extension to the EU-U.S. DPF and the Swiss-U.S. DPF in the context of the customer relationship.

As required under the principles, when we receive information under the Data Privacy Framework and then transfer it to a third-party service provider acting as an agent on our behalf, we have certain liability under the Data Privacy Framework if the agent processes the information in a manner inconsistent with the Data Privacy Framework and we are responsible for the event giving rise to the damage.

We encourage you to contact us at privacy@DigitalChalk.com should you have a Data Privacy Framework related (or general privacy-related) complaint. If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact the independent recourse mechanism listed below:

[UK Information Commissioner's Office \(ICO\)](#)

[EU Data Protection Authorities \(DPAs\)](#)

We have committed to cooperating and complying with the information and advice provided by an informal panel of data protection authorities in the European Economic Area, and/or the Swiss Federal Data Protection and Information Commissioner (as applicable) in relation to unresolved complaints (as further described in the Data Privacy Framework Principles). You may also contact your local data protection authority within the European Economic Area or Switzerland (as applicable) for unresolved complaints.



Under certain conditions, more fully described on the Data Privacy Framework website, including when other dispute resolution procedures have been exhausted, you may invoke binding arbitration.

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

Third-party websites

When you are on this Website you may have the opportunity to visit or link to other websites, including other websites operated by us or by unaffiliated third parties. These websites may collect personal data about you, and because this Privacy Policy does not address the information practices of those other websites, you should review the privacy policies of such other websites to see how they treat your personal data.

Privacy of minors

This Website is not directed at minors, as described under applicable law, we do not knowingly collect personal data from minors, as described under applicable law, on our Websites. If we become aware that we have inadvertently received personal data from a minor, as described under applicable law, on a Website, we will delete the information from our records.

Security

The security and privacy of personal data is of utmost importance to DigitalChalk . We use commercially reasonable and industry-standard physical, managerial, and technical safeguards



to preserve the integrity and security of your personal data. More information can be found here:
<https://www.DigitalChalk.com/company/security>.

GDPR Information Notice and Related Provisions

The General Data Protection Regulation 2016/679 (“GDPR”) is a regulation on data protection and privacy in the European Union and the European Economic Area (“E.E.A.”). It also addresses the transfer of personal data outside the E.U. and E.E.A. GDPR requires Data Processors to provide the following information.

1) Controller Identity and Contact Details

DigitalChalk acts only as a processor. The Organization is the controller of your personal data and should provide you appropriate contact details.

2) Data Protection Officer

DigitalChalk has appointed a Data Protection Officer who can be reached at privacy@DigitalChalk.com. However, DigitalChalk acts only as a processor. The Organization is the Data Controller and should provide you appropriate contact details.

3) Purposes and Legal Basis for the Processing

DigitalChalk will process the data only in accordance with the agreement between DigitalChalk and the Organization, and only for legitimate business purposes including, but not necessarily limited to, providing technical or functional support, and ensuring the security of the Software. Please contact the Organization with any questions about its use of your personal data.



4) Information Sharing

We may use third-party providers to help us to deliver our products and services. Third-party service providers are contractually restricted from using or disclosing the information, except as necessary to perform services on our behalf or to comply with legal requirements.

5) International Transfers

Depending on contractual requirements and applicable law, data can be processed within or outside of the European Economic area. All locations either benefit from an Adequacy Decision or from alternative suitable safeguards.

6) Data Retention

DigitalChalk will retain your data only as agreed between DigitalChalk and the Organization and in accordance with applicable laws to which DigitalChalk is subject.

7) Data Subject Rights

DigitalChalk acts only as a Data Processor. The Organization is the controller and should provide you appropriate contact details. DigitalChalk will assist the Organization in responding to and addressing data subject rights requests.

Your California Privacy Rights

If you are a California resident, you have the right to request information regarding the disclosure of your personal information to third parties for their direct marketing purposes under California's "Shine the Light" law (California Civil Code Section 1798.83). To make such a request, please contact us at [insert contact method, e.g., email address or mailing address]. Please include "California Privacy Rights Request" in the subject line of your email or correspondence.



8) Automated Decision-making

DigitalChalk acts only as a processor and does not make decisions impacting you. The Organization is the controller and should provide you appropriate information regarding its decision-making process.

U.S. Specific Provisions

Where DigitalChalk is subject to U.S. privacy requirements the following applies:

1) Job Applicants and Employees

DigitalChalk collects or is provided personal data such as name, address, email address, and social security numbers from job applicants, employees, and contractors for, among other things, legitimate human resource business reasons such as payroll administration, filling employment positions, maintaining accurate benefits records, meeting governmental reporting requirements, security, health and safety management, performance management, company network access, and authentication. DigitalChalk does not engage in automated decision-making.

2) Customers

Personal data provided to DigitalChalk by the Organization and the processing of personal data is defined in the Collection of Information and Usage of Data sections of this policy.

3) Do Not Track.

Your browser may allow you to set a “Do not track” preference. Unless otherwise stated, our sites do not honor “Do not track” requests. However, you may elect not to accept cookies by changing the designated settings on your web browser. Please note that if you do not accept cookies, you may not be able to use certain functions and features of our Webpages.



Updates to our privacy statement

This Privacy Policy may be updated periodically and without prior notice to you to reflect changes in our online information practices. We will indicate at the top of the statement when it was most recently updated.

Language

The governing language of this Privacy Policy is English, which shall prevail over any other language used in any translated document.

