

Last modified on June 23, 2021

Emtrain® Privacy Policy

1. Introduction

This Privacy Policy applies to your use of Emtrain’s Services. Emtrain values the privacy of users who visit and use the Services (collectively or individually, “you” or “users”). We want you to be familiar with how we collect, use, share, secure, and disclose Personal Information from and about you and how you can use, access and correct your Personal Information. “Personal Information” 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.

Your use of Emtrain’s Services is at all times subject to our Terms of Service <https://emtrain.com/terms-of-service/>, which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms of Service.

By using or accessing our 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. You may print a copy of this Privacy Policy by clicking here. If you have a disability, you may access this Privacy Policy in an alternative format by contacting privacy@emtrain.com.

Personal Information Personal Information

2. Personal Data We Collect

User-provided Information: You may provide a variety of information about yourself to us, such as your name, work email address, and the name of your employer when you register or otherwise use the features and functionality of the Services. You may also submit identifying information in emails or letters you send us.

Workplace Conduct Questions. You may submit questions through the Site about workplace conduct issues. One feature of the Services is publishing those questions—after removing details that Emtrain believes are likely to identify the companies and individuals referenced in the questions—along with answers to the questions, to provide guidance to all users of the Services.

Professional or Employment Related Data: Your employer may submit certain employment related data about you, such as job title, job history, or work location [Yes].

Device/IP Information: The Site collects certain information automatically and stores it in log files. The information may include Internet Protocol address (“IP Address”), the region or general location where your computer or device is accessing the internet, device and browser types and identifiers, operating system a unique user ID, referring and exit page addresses, software and system type, and information about your usage of the Services, including a history of the pages you view.

Examples of how Emtrain uses automatically collected information include to: (a) remember your information so that you will not have to re-enter it during your visit or the next time you access the Emtrain Services; (b) provide customized content and information; (c) monitor the effectiveness of marketing campaigns; (d) monitor and store aggregate site usage metrics such as total number of visitors and pages accessed; and (e) track your entries, submissions, and status in any promotions or other activities.

Web Analytics: The Site collects certain data for analytics purposes, such as web page interactions, referring webpages through which you accessed the Services, or statistics associated with the interaction between device or browser and the Services.

Information from Other Sources: We will not obtain information about you from third parties, such as advertisers or social media networks.

Non-Personal / Aggregated Data: In addition to any Personal Information you may voluntarily provide to us, the Services also collect general information regarding visitors and users as it relates to their use of the Services (“Aggregated Data”). This information is collected automatically each time a user navigates the Services. The term Aggregated Data includes such information as traffic patterns, number, frequency and duration of visits to certain pages, visits from other web sites or to third-party web sites linked to the Site, use of particular services and interest in services, information or features of the Services made available through or found through the Services. This information is non-personal and is useful for improving the content and navigational tools of our web site. Aggregated Data may also include information or data obtained from you or other sources which has been combined with or compiled from other information or data in such a manner to no longer be personally identifiable or linked to an individual. Aggregated Data is not considered Personal Information for the purposes of this Privacy Policy.

3. How We Use Personal Information

Emtrain uses Personal Information to operate, maintain, enhance, provide, create, and develop the features, functionality, and services (new or existing) found on the Services; improve your experience with the Services by delivering content that we hope you will find relevant and interesting; and understand the usage trends of our users.

Emtrain may also use Personal Information for purposes such as billing, analytics, client support, account management, security and fraud prevention, and marketing efforts.

We use your company email address to communicate with you, including to notify you of major Services updates, for client service purposes, or to contact you regarding any content that you have posted to or downloaded from the Services or send you service related email announcements on rare occasions when it is necessary to do so. For instance, if our service is temporarily suspended for maintenance, we might send you an email. You do not have an option to opt out of these emails, which are not promotional in nature. If, at any time, you or your organization would like to unsubscribe from receiving future marketing emails, we include ‘unsubscribe’ instructions at the bottom of each email.

4. When We Disclose and Share Information

Emtrain does not sell, trade, or otherwise transfer your Personal Information to third parties for commercial use.

We may share such information for the following purposes:

We may disclose such information to service providers working on our behalf, to provide website hosting, maintenance, and security services; conduct data analysis and create reports; offer certain functionality; or assist Emtrain in improving the Services and creating new services and features. We require that these parties process such information in compliance with this Privacy Policy, we authorize them to use the information only for the purposes for which it is provided to them, and we require them to use reasonable confidentiality measures.

If you access the Services in connection with an Enterprise Account Holder (which may be your employer), Emtrain will not disclose Personal Information to such Enterprise Account Holder, but we may inform the company you identify as your associated Enterprise Account Holder that one or more of its unidentified personnel have indicated interest in topics addressed in the Services, as part of our marketing efforts. [Further, we may disclose to your associated Enterprise Account Holder that you have undertaken or completed certain courses on the Services, in order to assist the Enterprise Account Holder in compliance and training tracking.]

Emtrain may disclose your Personal Information if we believe in good faith that such disclosure is necessary to comply with U.S. state and federal laws or other applicable laws around the world (for example, in the country of your residence); respond to a court order, judicial or other government request, subpoena, or warrant in the manner legally required; enforcing any agreements with you; responding to claims that any posting or other content violates third-party rights; and resolving disputes.

Emtrain also reserves the right to disclose Personal Information that we believe, in good faith, is appropriate or necessary to protect Emtrain from potential liability or from fraudulent, abusive, or unlawful uses; investigate and defend ourselves against third-party claims, or allegations; protect the security or integrity of the Services; or protect the rights, property, or safety of Emtrain, our users, or others.

5. Choice

You may decline to share certain information with Emtrain, in which case Emtrain may not be able to provide you with some of the features and functionality associated with the Services. If you have created an Emtrain account, then you can update your profile information and preferences or disable your account by logging in and going to the “Settings” page. If you close your account, Emtrain may retain certain Personal Information about you for the activities described in this Privacy Policy, or as permitted or required by applicable law. We may further retain information in an de-identified or aggregated form where that information would not identify you personally.

6. Cookies; Do Not Track

Emtrain uses cookies or similar technologies to analyze trends, administer the website, track users' movements around the website, and to gather demographic information about our user base as a whole. Cookies are text files that a site or its service provider transfers to your computer's hard drive through your web browser that enable the site's or service provider's systems to recognize your browser and capture and remember certain information.

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.

Cookies alone do not tell us your e-mail address or other personally identifiable information unless you choose to provide this information to us by, for example, registering with Emtrain. However, once you choose to furnish Emtrain with personally identifiable information, that information may be linked to the data stored in the cookie. You can choose not to receive a cookie file by directing your web browser to refuse cookies or to prompt you before accepting a cookie. 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 to you, look in the "preferences" or "options" section of your browser's menu. To find out more information about Cookies, including information about how to manage and delete Cookies, please visit <http://www.allaboutcookies.org/>.

Do Not Track ("DNT") is a privacy preference that users can set in certain web browsers. DNT is a way for users to inform websites and services that they do not want certain information about their webpage visits collected over time and across websites or online services. We are committed to providing you with meaningful choices about the information collected on our website for third-party purposes, but we do not recognize or respond to browser-initiated DNT signals. It's also important to note that we do not allow third party behavioral tracking.

7. Data Protection and Security

Emtrain uses a variety of managerial, technical, and physical measures to protect the integrity and security of your Personal Information. These measures may vary based on the sensitivity of your

Personal Information. However, no security precautions or systems can be completely secure. 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 or device and browser; and signing off after you have finished accessing your account. We cannot ensure or warrant the security of any information you transmit to Emtrain, and you do so at your own risk. We cannot guarantee that such information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards. If you have any questions about the security of your Personal Information, you can contact us at privacy@emtrain.com.

8. Third Party Services and Websites

The Services may link to External Sites. The privacy practices of those third parties are not governed by this Privacy Policy. We encourage you to review the privacy policies of these third-party websites and services to understand their practices.

9. Personal Information of Children

We do not knowingly collect or solicit Personal Information about children under 13 years of age; if you are a child under the age of 13, please do not attempt to register for or otherwise use the Services or send us any Personal Information. If we learn we have collected Personal Information from a child under 13 years of age, we will delete that information as quickly as possible. If you believe that a child under 13 years of age may have provided Personal Information to us, please contact us at privacy@emtrain.com.

10. California Privacy Rights

If you are a California resident, you have the rights set forth in this section. Please see the “Exercising Your Rights” section below for instructions regarding how to exercise these rights. Please note that we may process Personal Information of our clients’ end users or employees in connection with our provision of certain services to our clients. If we are processing your Personal Information as a service provider, you should contact the entity that collected your Personal Information in the first instance to address your rights with respect to such data.

If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the portion that is more protective of Personal Information shall control to the extent of such conflict. If you have any questions about this section or whether any of the following rights apply to you, please contact us at privacy@emtrain.com.

Access

You have the right to request certain information about our collection and use of your Personal Information over the past 12 months. In response, we will provide you with the following information:

- The categories of Personal Information that we have collected about you.
- The categories of sources from which that Personal Information was collected.
- The business or commercial purpose for collecting or selling your Personal Information.
- The categories of third parties with whom we have shared your Personal Information.

- The specific pieces of Personal Information that we have collected about you.

If we have disclosed your Personal Information to any third parties for a business purpose over the past 12 months, we will identify the categories of Personal Information shared with each category of third party recipient. If we have sold your Personal Information over the past 12 months, we will identify the categories of Personal Information sold to each category of third party recipient.

Deletion

You have the right to request that we delete the Personal Information that we have collected about you. Under the California Consumer Privacy Act (the “CCPA”), this right is subject to certain exceptions: for example, we may need to retain your Personal Information to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

Exercising Your Rights

To exercise the rights described above, you or your Authorized Agent (defined below) must send us a request that (1) provides sufficient information to allow us to verify that you are the person about whom we have collected Personal Information, and (2) describes your request in sufficient detail to allow us to understand, evaluate and respond to it. Each request that meets both of these criteria will be considered a “Valid Request.” We may not respond to requests that do not meet these criteria. We will only use Personal Information provided in a Valid Request to verify your identity and complete your request. You do not need an account to submit a Valid Request.

We will work to respond to your Valid Request within 45 days of receipt. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request using the following methods:

- Call us at: 1-800-242-6099
- Email us at: privacy@emtrain.com

You may also authorize an agent (an “Authorized Agent”) to exercise your rights on your behalf. To do this, you must provide your Authorized Agent with written permission to exercise your rights on your behalf, and we may request a copy of this written permission from your Authorized Agent when they make a request on your behalf.

Personal Information Sales Opt-Out and Opt-In

We will not sell your Personal Information, and have not done so over the last 12 months. To our knowledge, we do not sell the Personal Information of minors under 16 years of age.

We Will Not Discriminate Against You for Exercising Your Rights Under the CCPA

We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may offer different tiers of our Services as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates or levels of quality of the goods or services you receive related to the value of Personal Information that we receive from you.

11. Other 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 Information to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at privacy@emtrain.com.

Nevada Resident Rights

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Information to third parties who intend to license or sell that Personal Information. You can exercise this right by contacting us at privacy@emtrain.com with the subject line "Nevada Do Not Sell Request" and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Information as sales are defined in Nevada Revised Statutes Chapter 603A.

12. Other People's Personal Information

You should obtain the consent of any third party prior to your providing any Personal Information of that third party through the Services, as any access to view or change his/her information may be available only through your account.

13. Transfers of Personal Information

The Services are hosted and operated in the United States ("U.S.") through Emtrain 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 Information about you, regardless of whether provided by you or obtained from a third party, is being provided to Emtrain in the U.S. and will be hosted on U.S. servers, and you authorize Emtrain to transfer, store and process your information to and in the U.S., and possibly other countries.

Emtrain participates in and has certified its compliance with the EU – U.S. Privacy Shield Framework. While Privacy Shield is no longer a valid lawful basis on which Emtrain may rely to transfer Personal Information from the European Union (the "EU") to the U.S. pursuant to Regulation (EU) 2016/679 (General Data Protection Regulation or GDPR), Emtrain continues to comply with the EU-U.S. Privacy Shield Framework, as administered by the U.S. Department of Commerce, regarding the collection, use, and retention of Personal Information from the EU and the United Kingdom (the "UK") to the U.S. Emtrain is committed to subjecting all Personal Information received from EU member countries and the UK, in reliance on the Privacy Shield Framework, to the Privacy Shield Framework's applicable Principles. To learn more about the

Privacy Shield Framework, visit <https://www.privacyshield.gov>. For transfers of Personal Information from our clients in the EU and the UK to the U.S., we rely on the Standard Contractual Clauses approved by the European Commission.]

Emtrain is responsible for the processing of Personal Information it receives, under the Privacy Shield Framework, and subsequently transfers to a third party acting as an agent on its behalf. Emtrain complies with the Privacy Shield Principles for all onward transfers of Personal Information from the EU and the UK, including the onward transfer liability provisions.

With respect to Personal Information received or transferred pursuant to the Privacy Shield Framework, Emtrain is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, Emtrain may be required to disclose Personal Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

In compliance with the Privacy Shield Principles, Emtrain commits to resolve complaints about our collection or use of your Personal Information. EU and UK individuals with inquiries or complaints regarding our Privacy Shield policy should first contact the support department at support@emtrain.com.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>.

Under certain conditions, more fully described on the Privacy Shield website <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

14. Merger or Sale

If Emtrain, or some or all assets related to the Services are acquired by or merged with a third-party entity or because of a contemplated change of ownership transaction, we reserve the right, in any of these circumstances, to transfer or assign the information that we have collected from users as part of that merger, acquisition, sale, or other change of control event. 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.

15. Contact Information

Please direct any questions or comments about this Privacy Policy to Emtrain's Privacy Officer at privacy@emtrain.com.

Sacramento Office
1731 J Street, Suite 200
Sacramento, CA 95811

General Contact
+1 800 242 6099

16. Changes and Updates to this Privacy Policy

Emtrain reserves the right to change, modify, add, or remove portions of this Privacy Policy at any time (for example to reflect updates to the Services or to reflect changes in the law). If Emtrain makes any material changes to this Privacy Policy, we will provide you notice of these changes, such as by sending an email, posting a notice on the Services, or updating the “Last Updated” date above. Please check this Privacy Policy periodically for those changes. Your continued use of the Services after the posting of changes constitutes your binding acceptance of such changes.