

Updated November 2, 2020

Agility Recovery Solutions, Inc. and its subsidiaries and affiliates (collectively “Agility Recovery,” “us,” “we,” or “our”) are committed to protecting your privacy and providing you with a positive experience while using our websites, products, or services (“Platform”).

Agility Recovery reserves the right, at any time, to modify this Privacy Policy. If we make revisions that change the way we collect, use, or share personal information, we will post those changes in this Privacy Policy. If we make material changes to our Privacy Policy, we may also notify you by other means prior to the changes taking effect, such as by posting a notice on our Platform or sending you a notification. You should review this Privacy Policy periodically so that you keep up to date on our most current policies and practices. We will note the effective date of the latest version of our Privacy Policy at the end of this Privacy Policy.

Agility Recovery’s policy for individuals located in the European Union and our commitment under the EU-U.S. Privacy Shield Framework is found at www.agilityrecovery.com/privacy-shield/.

1. Scope

This Policy applies to Agility Recovery’s Platform and provides you with guidance on your rights and obligations in relation to your personal information.

Agility Recovery’s Privacy Policy (the “Privacy Policy”) establishes and communicates the key principles that Agility Recovery follows in protecting the personal information that we collect. To the extent a notice provided at the time of collection from a website or specific product conflicts with this Privacy Policy, such specific notice or supplemental privacy statement will control.

2. Collection of Personal Information

“Personal information” is any information that can be used to identify an individual, and may include things such as your name, physical address, email address, phone number, login information, marketing preferences, company affiliation, geographic location, or payment card information. Agility Recovery may collect personal information that is necessary for legitimate business purposes, which will be disclosed to you at the time of collection. Agility Recovery will use this information for the purposes for which it was collected. Agility Recovery may also collect personal information from trusted third-party sources and engage third parties to collect personal information to assist us.

One of the most common methods of collecting personal information is during the online form submission or registration process, including where a website user is requesting information or a courtesy newsletter, registering for an event, or responding to similar offers such as sample reports, white papers, or further product information.

In some instances, Agility Recovery and the third parties we engage may automatically collect and aggregate data using cookies, weblogs, web beacons, and other similar applications. This information is

used to better understand and improve the usability, performance, and effectiveness of our Platform and to help us tailor content or offers for you. Please read the “Cookies” section below for more information.

3. Purpose and Use of Personal Information

Agility Recovery may use your personal information for operational, legal, administrative, and other legitimate purposes permitted by applicable law. Some of the ways we may use personal information include:

- Providing you with requested products or services.
- Providing customer service and support.
- Providing you with information regarding similar products or events.
- Analyzing and monitoring extent of use.
- Providing customized product and service information.
- Allowing users to participate voluntarily in mailings or other events.
- Providing product service updates, information, and alerts.
- Sending communications, including for marketing or other customer satisfaction purposes.
- Order processing, and to provide transaction documents.
- To contact users for information verification purposes.

4. Right to Access and Correct Personal Information

We strive to make sure that our information is reliable, accurate, and up-to-date. While personal information is maintained by Agility Recovery, you may access your personal information to the extent required by law to review, update, and correct inaccuracies. To make a request regarding your personal information, please contact compliance@agilityrecovery.com. Upon receipt of a valid request, we will provide you with reasonable access to the personal information we collect about you. Because personal information—for example, your email address—is required to use the Platform, we retain personal information as long as your account is active. You may also limit the use and disclosure of your information by either unsubscribing from marketing communications. Please note that some information may remain in our records even after you request deletion of your information, to the extent permitted by law. Additionally, there may be limits to the amount of information we can practically provide. For example, we may limit access to personal information where the burden or expense of providing access would be disproportionate to the risks to an individual’s privacy or where doing so would violate others’ rights.

5. Sharing Personal Information

Agility Recovery may disclose personal information to its parent, subsidiary, affiliates, and other related companies. Agility Recovery may disclose personal information to service providers for the purposes of operating our business, delivering, improving, and customizing our products or services, sending

marketing and communications related to our business, payment processing, and for other legitimate purposes permitted by applicable law or otherwise with your consent. Personal information handled by these service providers is subject to their terms of use and privacy policies. Please review the service provider's terms of use and privacy policies to better understand how they manage your personal information.

There may also be instances when Agility Recovery may disclose your personal information without providing you with a choice in order to honor a request that you have made through the products or services; comply with the law or in response to a court order, government request, or other legal process; protect the interests, rights, safety, or property of Agility Recovery or others; protect against fraud or for risk management purposes; or respond to adverse third parties (i.e., adverse parties and their counsel and other agents) in the context of litigation. In addition, if Agility Recovery sells all or part of its business or makes a sale or transfer of assets or is otherwise involved in a merger or business transfer, you agree that Agility Recovery may transfer your personal information to a third party as part of that transaction.

In all cases Agility Recovery requires all unaffiliated third parties to treat personal information as confidential. Agility Recovery will not provide personal information to third parties for their own marketing purposes without your consent.

6. Security of Personal Information

Agility Recovery has physical, administrative, and technical safeguards in place to help protect the personal information Agility Recovery collects. While there is no such thing as perfect security on the Internet, we will take reasonable and appropriate steps to ensure the safety of your personal information.

7. Retention of Personal Information

Agility Recovery will retain your personal information as needed to fulfill the purposes for which it was collected. We will retain and use your personal information as necessary to comply with our business requirements, legal obligations, resolve disputes, protect our assets, and enforce our agreements.

8. Cookies

When visiting an Agility Recovery Platform, our servers may query your computer to see if there are cookies previously set by Agility Recovery. A cookie is a text file that is created when your browser visits a particular website, such as an Agility Recovery website. Afterwards, every time you visit the Agility Recovery website, your browser retrieves and sends this file to the Agility Recovery website's server. Cookies enhance the website user experience by:

- Storing information about your website user activities so you may easily pick up where you left off on the Agility Recovery server's pages;
- Storing your user preferences, which allows you to customize how information is presented through site layouts or themes; and
- Personalizing the manner in which Agility Recovery responds to you via marketing communications.

The cookies Agility Recovery collects may include the following information: a unique identifier, user preferences, and profile information used to personalize the content shown to the individual users. It is your choice whether you allow Agility Recovery to store such information on your computer or device. You may be able to set your web browser to alert you when a cookie is being used, and may use your browser to accept or reject the cookie; additionally, you may also disable the cookie feature on your browser entirely. However, disabling cookies may prevent you from using some features on Agility Recovery websites. You can find more detailed information about cookies and how they work at AboutCookies.org.

We may collect and share the physical location of your device with your consent for purposes consistent with this Privacy Policy, such as to provide you with personalized location-based products or services. In some instances, you may be permitted to allow or deny such use of your device's location, but if you choose to deny such use, we may not be able to provide you with the applicable personalized products or services.

Some web browsers and devices permit you to broadcast a preference that you not be "tracked" online. At this time, Agility Recovery does not modify your experience based upon whether such a signal is broadcast.

Agility Recovery participates in interest based advertising. This means that a third party may use cookies or similar technologies to collect information about your use of our products and services so that they can provide advertising about our products and services tailored to your interests. This advertising may appear either on our website, or on other sites.

9. Cross Border Transfer of Personal Information

Agility Recovery is based in the United States and we process and store information on servers located in the United States. By accessing or using the Services or otherwise providing information to us, you consent to the processing, transfer and storage of information in and to the United States, where you may not have the same rights as you do under local law. By using our websites or products, or providing any personal information to us, where applicable law permits, you consent to the transfer, processing, and storage of such information outside of your country of residence where data protection standards may be different.

If you are an individual in the European Union or United Kingdom, please see our Privacy Shield policy for information about your rights and recourse mechanisms: www.agilityrecovery.com/privacy-shield/.

If you have any complaints regarding our compliance with this Privacy Policy, you should first contact us at compliance@agilityrecovery.com. Alternatively, you can write to us at the address listed below under the section titled "Contact Information". We will investigate and attempt to resolve complaints and disputes regarding collection, use, and disclosure of personal information in accordance with this Privacy Policy.

10. Prospective Employee and Employee Information

If you submit an application for employment to or are currently an employee of Agility Recovery, Agility Recovery is authorized to collect the information in any form it obtains through your application for employment or continued employment with Agility Recovery, and your submission of employee related

documents, including but not limited to the personal information that you submit in connection with your employment or intended employment (collectively “Employee Information”). Examples of Employee Information collected in connection with your employment or application for employment includes but is not limited to your name, date of birth, government issued identification (passport, social security number, driver’s license number), banking information, marital status, health information, benefit information, title, employment history, education, job qualifications, and other relevant employee personal data. We also collect some of this information about your dependents when you provide it to us when you enroll in health and other benefits or provide contact information. By providing personal information about family members or other individuals, you represent that you have their consent to provide this information to us for the purposes set forth in this Privacy Policy. Employee Information does not include any information that is available to the general public and excludes information generally available on a business card.

Agility Recovery will collect, use, store and retain, and secure your social security number in accordance with this Privacy Policy. Agility Recovery will not intentionally communicate or make available, in any manner, your social security number to the general public. Agility Recovery will not print your social security number on any card required for you to access colleague member services provided by Agility Recovery. Agility Recovery will not require you to transmit your social security number over the Internet, unless the connection is secure or the social security number is encrypted. Agility Recovery will not print your social security number on any materials that are mailed to you, unless state or federal law requires or permits the social security number to be on the document to be mailed.

In accordance with applicable law, Agility Recovery may use Employee Information to evaluate applications for employment, manage work-related aspects of the employee-employer relationship (i.e., training, payroll, benefits, travel, reimbursement expenses, performance appraisals, succession planning, team member health and safety), investigate and respond to any claims related to your employment, and comply with applicable laws and regulations. Your Employee Information will not be used for direct marketing purposes by us or any third party service provider, unless you specifically consent to such use.

Agility Recovery shares your Employee Information with third parties who provide outsourced human resource functions to us. Those third parties are required to protect your Employee Information. Agility Recovery may disclose your Employee Information if required or permitted to do so by law (such as when part of a governmental agency action or litigation), governmental or quasi-governmental requests, or a regulatory organization, or to relevant third parties such as site technicians, brokers, auditors, lawyers, or professional advisors. In the event that Agility Recovery considers it necessary or where required by law to disclose Employee Information in certain situations where the health, safety, or wellbeing of a team member is at imminent risk, we may share your Employee Information with our outside lawyers, law enforcement or others who are legally authorized. As Agility Recovery continues to develop our business, we may buy or sell assets. In the unlikely event that Agility Recovery or substantially all of our assets are acquired, Employee Information may be one of the transferred assets.

Employee Information may be stored in hard copy or electronic format within your branch office or in the cloud in the United States or other countries where Agility Recovery, its affiliates, agents, or contractors conduct business. Your Employee Information may be transferred into our human resources systems and used to manage your employment, may become part of your personnel file, and may be

used for other work-related purposes. Your Employee Information will be kept for as long as is legally required, and in some instances longer depending upon the needs of the organization and industry practices.

If you have any complaints regarding our compliance with this Privacy Policy, you should first contact us using the form found on our Privacy Request Page. Alternatively, you can write to us at the address listed below under the section titled "Contact Information". If you are a citizen of the European Union and you have an unresolved concern regarding your Employee Information that we have not addressed satisfactorily, please contact your local data protection authority.

11. Other Contractual Relationships

If you enter into a separate contractual relationship with Agility Recovery which requires, or contemplates, collecting, using, or sharing information about you in a manner that is different than that which is described in this Privacy Policy, the terms of that agreement will apply.

12. Other Websites

This Privacy Policy does not apply to sites or applications offered by other companies or individuals, including third party products and services, that may be displayed as content in a search on our website. Agility Recovery encourages you to read the privacy policy of any third party site or applications before transmitting personal information.

13. Contact Information

If you have any questions or concerns related to this Privacy Policy, please contact the Agility Recovery compliance officer:

Agility Recovery Solutions, Inc.

1225 17th Street, Suite 2000

Denver, CO 80202

Attn: Compliance

If Agility Recovery needs, or is required, to contact you concerning any event that involves information about you we may do so by email, telephone, or mail.