

# Work Excellence Privacy Policy

This Privacy Policy describes Our policies and procedures on the collection, use and disclosure of Your information when You use the Service and tells You about Your privacy rights and how the law protects You.

We use Your Personal data to provide and improve the Service. By using the Service, You agree to the collection and use of information in accordance with this Privacy Policy. We collect this data only if You voluntarily submit it, and You can always refuse to provide Personal data, but it may prevent You from accessing the Site or Services.

## Interpretation and Definitions

### Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

### Definitions

For the purposes of this Privacy Policy:

**Account** means a unique account created for You to access our Service or parts of our Service.

**Affiliate** means an entity that controls, is controlled by or is under common control with a party, where "control" means ownership of 50% or more of the shares, equity interest or other securities entitled to vote for election of directors or other managing authority.

**Application** refers to Work Excellence Technology and founX® the software programs provided by the Company. **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to Work Excellence, LLC, 82 Plantation Pointe Rd, PMB 277, Fairhope, AL 36532.

**Cookie** means a small text file placed on Your computer or device by Our Site when You visit certain parts of Our Site and/or when You use certain features of Our Site.

**Country** refers to: Alabama, United States

**Device** means any device that can access the Service such as a computer, a cellphone or a digital tablet.

**Personal Data** is any information that relates to an identified or identifiable individual.

**Service** refers to the Application.

**Service Provider** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used.

**UK and EU Cookie Law** mean the relevant parts of the Privacy and Electronic Communications (EC Directive) Regulations 2003 as amended in 2004, 2011 and 2015; and 2017.

**Usage Data** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, last login, duration of usage).

**You** means the individual accessing or using the Service, or the company, or other legal entity on behalf of which such individual is accessing or using the Service, as applicable.



## Collecting and Using Your Personal Data

### Types of Data Collected

#### ***Personal Data***

While using Our Service, We may ask You to provide Us with certain personally identifiable information that can be used to contact or identify You. Personally identifiable information may include, but is not limited to:

Company Name  
Email address  
First name and last name  
Phone number  
Address, State, Province, ZIP/Postal code, City  
Usage Data  
Domain Name  
Credit Card Information  
IP Address

#### ***Usage Data***

Usage Data is collected automatically when using the Service.

Usage Data may include information such as Your Device's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of our Service that You visit, the time and date of Your visit, the time spent on those pages, unique device identifiers and other diagnostic data.

When You access the Service by or through a mobile device, We may collect certain information automatically, including, but not limited to, the type of mobile device You use, Your mobile device's unique ID, the IP address of Your mobile device, Your mobile operating system, the type of mobile Internet browser You use, unique device identifiers and other diagnostic data.

We may also collect information that Your browser sends whenever You visit our Service or when You access the Service by or through a mobile device.

### Use of Your Personal Data

The Company may use Personal Data for the following purposes:

**To provide and maintain our Service**, including to monitor the usage of our Service.

**To manage Your Account:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.

**For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items or services You have purchased or of any other contract with Us through the Service.

**To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications

related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.

**To provide You** with news, special offers and general information about other goods, services and events which We offer that are similar to those that You have already purchased or enquired about unless You have opted not to receive such information.

**To manage Your requests:** To attend and manage Your requests to Us.

**For business transfers:** We may use Your information to evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Data held by Us about our Service users is among the assets transferred.

**For other purposes:** We may use Your information for other purposes, such as data analysis, identifying usage trends, determining the effectiveness of our promotional campaigns and to evaluate and improve our Service, products, services, marketing and Your experience.

**To process transactions:** Process monthly payment transactions via credit card.

We may share Your personal information in the following situations:

- **With Service Providers:** We may share Your personal information with Service Providers to monitor and analyze the use of our Service, to contact You.
- **For business transfers:** We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of Our business to another company.
- **With Affiliates:** We may share Your information with Our affiliates, in which case We will require those affiliates to honor this Privacy Policy. Affiliates include Our parent company and any other subsidiaries, joint venture partners or other companies that We control or that are under common control with Us.
- **With business partners:** We may share Your information with Our business partners to offer You certain products, services or promotions.
- **With other users:** When You share personal information or otherwise interact in the public areas with other users, such information may be viewed by all users and may be publicly distributed outside.
- **With Your consent:** We may disclose Your personal information for any other purpose with Your consent.

### Retention of Your Personal Data

The Company will retain Your Personal Data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use Your Personal Data to the extent necessary to comply with our legal obligations (for example, if We are required to retain Your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

The Company will also retain Usage Data for internal analysis purposes. Usage Data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of Our Service, or We are legally obligated to retain this data for longer time periods.

### Transfer of Your Personal Data

Your information, including Personal Data, is processed at the Company's operating offices and in any other places where the parties involved in the processing are located. It means that this information may be transferred to — and maintained on



— computers located outside of Your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from Your jurisdiction.

Your consent to this Privacy Policy followed by Your submission of such information represents Your agreement to that transfer.

The Company will take all steps reasonably necessary to ensure that Your data is treated securely and in accordance with this Privacy Policy and no transfer of Your Personal Data will take place to an organization or a country unless there are adequate controls in place including the security of Your data and other personal information.

### **Delete Your Personal Data**

You have the right to delete or request that We assist in deleting the Personal Data that We have collected about You.

Our Service may give You the ability to delete certain information about You from within the Service.

You may update, amend, or delete Your information at any time by signing in to Your Account, if You have one, and visiting the account settings section that allows You to manage Your personal information. This may require that You contact Your system administrator for help. You may also contact Us to request access to, correct, or delete any personal information that You have provided to Us.

Please note, however, that We may need to retain certain information when We have a legal obligation or lawful basis to do so.

### **Disclosure of Your Personal Data**

#### ***Business Transactions***

If the Company is involved in a merger, acquisition or asset sale, Your Personal Data may be transferred. We will provide notice before Your Personal Data is transferred and becomes subject to a different Privacy Policy.

#### ***Law enforcement***

Under certain circumstances, the Company may be required to disclose Your Personal Data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

#### ***Other legal requirements***

The Company may disclose Your Personal Data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the Company
- Prevent or investigate possible wrongdoing in connection with the Service
- Protect the personal safety of Users of the Service or the public
- Protect against legal liability

### **Security of Your Personal Data**

The security of Your Personal Data is important to Us, but remember that no method of transmission over the Internet, or method of electronic storage is 100% secure. While We strive to use commercially acceptable means to protect Your



Personal Data, We cannot guarantee its absolute security. You must immediately notify Work Excellence of any unauthorized uses of Your account or any other breaches of security by emailing us at [privacy@workexcellence.com](mailto:privacy@workexcellence.com).

## **Children's Privacy**

Our Service does not address anyone under the age of 13. We do not knowingly collect personally identifiable information from anyone under the age of 13. If You are a parent or guardian and You are aware that Your child has provided Us with Personal Data, please contact Us at [privacy@workexcellence.com](mailto:privacy@workexcellence.com) . If We become aware that We have collected Personal Data from anyone under the age of 13 without verification of parental consent, We take steps to remove that information from Our servers.

If We need to rely on consent as a legal basis for processing Your information and Your country requires consent from a parent, We may require Your parent's consent before We collect and use that information.

## **Links to Other Websites**

Our Service may contain links to other websites that are not operated by Us. If You click on a third-party link, You will be directed to that third-party's site. We strongly advise You to review the Privacy Policy of every site You visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third-party sites or services.

## **Changes to this Privacy Policy**

We may update Our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on this page.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

## **Contact Us**

If You have any questions about this Privacy Policy, You can contact us:

- By email: [privacy@workexcellence.com](mailto:privacy@workexcellence.com)

## International Transfer of Personal Information

Your Personal Information and files including their backups are stored on Our servers and the servers of companies We hire to provide services to Us. Your Personal Information may be transferred across national borders because We the companies We hire to help Us run Our business may be located in different countries around the world.

- **International Transfer**

The information that We collect from You may be transferred to and stored in a country outside the European Area (EEA). It may also be Processed by staff operating outside the EEA who work for Us or Our partners. If You are a resident of the European Economic Area and when Your Personal Information is Processed outside EEA, We will ensure that the recipient of Your Personal Information offers an adequate level of protection, for instance by entering into standard contractual clauses for the transfer of Personal Information as approved by the European Commission (Article 46 General Data Privacy Regulation, 2016), or We will ask You for Your prior consent to such international data transfers.

## Summary of Your Rights Under GDPR

### European Privacy Rights

If You are a resident of the European Economic Area, you have the following rights:

- **Right to be informed:** You are entitled to know whether We hold Your Personal Information and the purpose Your Personal Information is processed for.
- **Right of access:** You are entitled to obtain a copy of Your Personal Information, together with an explanation of the categories of Personal Information being Processed, the purposes of such Processing, and the details of third parties to whom the Personal Information may have been disclosed to.
- **Right to rectification:** You are entitled to correct / update Your Personal Information available with us.
- **Right to erasure:** You are entitled to get Your Personal Information erased from Our customer relationship management (CRM) databases. Please note that We need to retain certain Personal Information about You for legal and internal business reasons, such as fraud prevention. We will retain Your Personal Information for as long as necessary to provide You with the websites and apps You are eligible to use and as needed to comply with Our legal obligations and enforce Our agreements.
- **Right to data portability:** You are entitled to obtain and reuse Your Personal Information. You can either obtain the Personal Information from Us or, in turn, provide it to a third party (if You so wish), or ask Us to transfer Your Personal Information directly to a third party.
- **Right to object/restrict Processing or both:** You have a right to object / restrict the Processing of Your Personal Information in some circumstances, including where the Personal Information is inaccurate (for the period during



which We are verifying the Personal Information ), the Personal Information is no longer required in light of the purpose of Processing, or in connection with direct marketing (You can prevent / discontinue marketing communications to You by checking certain boxes on the forms We use to collect Your Personal Information), or by utilizing opt-out mechanisms in the emails We send You. You shall also have the right not to be subject to a decision based solely on automated Processing, including profiling, which produces legal effects concerning and similarly significantly affecting You.

In the above cases, We will retain minimum Personal Information to note that You opted out from being contacted again. For the exercise of any of the above-mentioned rights, please write to Us at [privacy@workexcellence.com](mailto:privacy@workexcellence.com).

### **California Privacy Rights**

If You are a resident of California, this section provides additional details about the Personal Information We collect about You, and Your rights under the California Consumer Privacy Act, or “CCPA”.

Subject to certain limitations, the CCPA provides You the right to request:

- That We provide You access to details on the categories or specific pieces of personal information We collect and/or sell (including how We use and disclose this information, to whom We may sell it);
- That We delete any of Your Personal Information;
- To opt out of any “sale” of Your Personal Information that may occur; and
- To not be discriminated against for exercising any of the above rights.

If You would like to request that We exercise Your California privacy rights under the CCPA, please send Us an email. We will verify Your request using information associated with Your account, including Your email address. Further identification may be required. You may also designate an authorized representative to act on Your behalf.

We will not sell Your Personal Information without Your prior consent. If You want to opt out of the sale of Your Personal Information, please send Us an email.

### **Nevada Privacy Rights**

Nevada law requires Us to share with certain Nevada residents the option to opt out of the “sale” of “personally identifiable information”, as defined by Nevada law. We do not engage in such activity; however, if You are a Nevada resident who has purchased goods or services from Us, You may submit a request under Nevada law to opt out of any potential future sales by emailing [privacy@workexcellence.com](mailto:privacy@workexcellence.com).

### **Web-browser Cookies & Similar Technologies**

- Our Site may place and access certain first party Cookies on Your computer or device. First party Cookies are those placed directly by Us and are used only by Us. We use Cookies to facilitate and improve Your experience of Our Site and to provide and improve Our Services. We have carefully chosen these Cookies and have taken steps to ensure that Your privacy is protected and respected at all times.

- By using Our Site, You may also receive certain third party Cookies on Your computer or device. Third party Cookies are those placed by websites, Services, and/or parties other than Us. We use third party Cookies on Our Site for multiple reasons. These Cookies are not integral to the functioning of Our Site.
- Before any Cookies are placed on Your computer or device, You will be shown a prompt e.g. pop-up, message bar, etc. requesting Your consent to set those Cookies. By giving Your consent to the placing of Cookies You are enabling Us to provide the best possible experience and service to You. You may, if You wish, deny consent to the placing of Cookies; however, certain features of Our Site may not function fully or as intended.
- Certain features of Our Site depend on Cookies to function. UK and EU Cookie Law deems these Cookies to be “strictly necessary”. These Cookies are shown below. Your consent will not be sought to place these Cookies. You may still block these Cookies by changing Your internet browser’s settings, but please be aware that Our Site may not work as intended if You do so. We have taken great care to ensure that Your privacy is not at risk by allowing them.
- The following third party Cookies may be placed on Your computer or device:
  - **Cookie List**  
A cookie is a small piece of data (text file) that a website – when visited by a user – asks Your browser to store on Your device in order to remember information about You, such as Your language preference or login information. Those cookies are set by Us and called first-party cookies. We also use third-party cookies – which are cookies from a domain different from the domain of the website You are visiting – for Our advertising and marketing efforts. More specifically, We use cookies and other tracking technologies for the following purposes.
  - **Strictly Necessary Cookies**  
These cookies are necessary for the website to function and cannot be switched off in Our systems. They are usually only set in response to actions made by You that amount to a request for services, such as setting Your privacy preferences, logging in, or filling in forms. You can set Your browser to block or alert You about these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.
  - **Performance Cookies**  
These cookies allow Us to count visits and traffic sources so We can measure and improve the performance of Our Site. They help Us to know which pages are the most and least popular and see how visitors move around the site. All information these cookies collect is aggregated and therefore anonymous. If You do not allow these cookies, We will not know when You have visited Our Site and will not be able to monitor its performance.
  - **Functional Cookies**  
These cookies enable the website to provide enhanced functionality and personalization. They may be set by Us or by third-party providers whose services We have added to Our pages. If You do not allow these cookies, then some or all of these services may not function properly.

- **Targeting Cookies**

These cookies may be set through Our Site by Our advertising partners. They may be used by those companies to build a profile of Your interests and show You relevant adverts on other sites. They do not store direct personal information, but are based on uniquely identifying Your browser and internet device. If You do not allow these cookies, You will experience less targeted advertising.

- Our Site uses analytics services provided by Google, and Facebook Website analytics refers to a set of tools used to collect and analyze usage statistics, enabling Us to better understand how people use Our Site. This, in turn, enable Us to improve Our Site and the services offered through it. You do not have to allow Us to use these Cookies, as detailed below; however, whilst Our use of them does not pose any risk to Your privacy or Your safe use of Our Site, it does enable Us to continually improve Our Site, making it a better and more useful experience for You.
- The analytics service(s) used by Our Site use(s) Cookies to gather the required information. Certain of these Cookies may be placed immediately when You first visit Our Site and it may not be possible for Us to obtain Your prior consent.
- The analytics service(s) used by Our Site use(s) the following Cookies: Given above
- You can choose to enable or disable Cookies in Your internet browser. Most internet browsers also enable You to choose whether You wish to disable all cookies or only third-party cookies. By default, most internet browsers accept Cookies, but this can be changed. For further details, please consult the help menu in Your internet browser or the documentation that came with Your device.
- You can choose to delete Cookies at any time; however, You may lose any information that enables You to access Our Site more quickly and efficiently including, but not limited to, login and personalization settings.

It is recommended that You keep Your internet browser and operating system up-to-date and that You consult the help and guidance provided by the developer of Your internet browser and manufacturer of Your computer or device if You are unsure about adjusting Your privacy settings.