

Nimble, Inc.

PRIVACY POLICY

EFFECTIVE DATE: March 21, 2012

1. INTRODUCTION

1.1. PURPOSE OF POLICY. Nimble, Inc. (“us,” “we,” “Nimble” or “Company”) is committed to respecting the privacy rights of its customers, visitors, and other users of the Company Website www.nimble.com and any affiliated sites (the “Site”) and any services, applications, widgets and software made available by Nimble, Inc. (collectively with the Site referred to as “Services”). We created this Privacy Policy (this “Policy”) to give you confidence as you visit and use the Services, and to demonstrate our commitment to fair information practices and the protection of privacy. Accordingly, we abide by the following privacy principles for all the personally identifiable information we collect from you. When using any of the Nimble Services, you are consenting to the collection, storage, manipulation, transfer, disclosure and any other uses of your information as described in this Privacy Policy.

Nimble, Inc. has been awarded TRUSTe's Privacy Seal signifying that this privacy policy and practices have been reviewed by TRUSTe for compliance with TRUSTe's [Program Requirements](#) and the [TRUSTed Cloud Program Requirements](#) including transparency, accountability and choice regarding the collection and use of your personal information. TRUSTe's mission, as an independent third party, is to accelerate online trust among consumers and organizations globally through its leading privacy trustmark and innovative trust solutions. If you have questions or complaints regarding our privacy policy or practices, please contact us at privacy@nimble.com. If you are not satisfied with our response you can contact [TRUSTe here](#).

Nimble complies with the U.S. – E.U. Safe Harbor Framework and the U.S. Swiss Safe Harbor framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal data from European Union member countries and Switzerland. Nimble has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view Nimble's certification, please visit <http://www.export.gov/safeharbor/>.

The TRUSTe program covers our collection, use and disclosure of information we collect through our website www.nimble.com and our service accessible behind the log-in. The use of information collected through our Services shall be limited to the purpose of providing the Services for which the Customer has engaged Nimble.

1.2. NOTICE CONCERNING CHILDREN. PLEASE NOTE: We are a general audience site, and do not direct any of our content specifically at children under 13 years of age. We understand and are committed to respecting the sensitive nature of children's privacy online. If we learn or have reason to suspect that a Site user is under age 13, we will promptly delete any personal information in that user's account.

2. INFORMATION COLLECTION PRACTICES

2.1. WHAT BASIC INFORMATION DOES THE COMPANY COLLECT AND USE?

(a) **LOGIN DATA COLLECTED.** We collect information regarding your use of the Nimble Site and Services, your login time and duration and your last known login date and time. We may also track and analyze non-identifying and aggregate usage and volume statistical information from you and provide such information to third parties.

(b) **CONTACT INFORMATION.** In operating the Site and Services, Company may include registration, subscription accounts, online surveys, and other online forms that ask users to provide their names, e-mail addresses, U.S. postal address and other contact information. In registering for the use of Services on this Site, you will provide information such as your name, username, password, email address, postal address and other contact information or other information requested at the time of

registration. You acknowledge this information is personal to you and, you by creating a Nimble account, allow Nimble and others to identify you.

(c) **PERSONAL INFORMATION COLLECTED.** In order for you to access certain premium, services and to purchase a subscription to our premium Services that we offer via the Site, we require you to provide us with certain information that personally identifies you (“Personal Information”). Personal Information includes the following categories of information: (1) Contact Data (such as your name, mailing address, and e-mail address); (2) Financial Data (such as your account or credit card number); and (3) Demographic Data (such as your zip code, age, and income). We use this information to contact you about the services on our site in which you have expressed interest. You must provide contact information (such as name, email). We use this information to fill your order for a subscription to Nimble products. If we have trouble processing an order, we will use this information to contact you. When you subscribe to one of Nimble products you will receive a welcome email. As part of registering for the Service, you may receive email newsletters from us. We do not collect personally identifiable information about you except when you specifically provide this information on a voluntary basis. If you communicate with us by e-mail, complete online forms, surveys or contest entries, any information provided in such communication may be collected as Personal Information.

(d) **THIRD PARTY APPLICATIONS OR SERVICES.** Nimble provides Services that allow you to manage your accounts and applications with Third Party Services including Gmail, Twitter, FaceBook, LinkedIn, HubSpot Integration, Mail Chimp Integration and others (collectively “Third Party Services”). By voluntarily electing to link your Nimble Service(s) with Third Party Services, you will share with Nimble and Nimble will store your Third Party Services’ access data including any usernames and passwords used in accessing those Third Party Services. The Nimble Services and Third Party Services accessed through the Nimble Services are used primarily for managing your social media accounts and sharing and distributing your information publicly to the world. Any information shared through use of the Nimble Site or Nimble Services or Third Party Services accessed through Nimble Services will be shared with and stored by Nimble. This information includes any information shared through Third Party Services accessed through Nimble Services, including, but not limited to messages sent via Third Party Services, Third Party Applications Username or IDs, posts, location tags, photos, biographical information, etc. We may track and analyze non-identifying and aggregate usage and volume statistical information from you and provide such information to third parties.

(e) **GEOGRAPHICAL INFORMATION.** Nimble may access your geographic location data at the time that you login to Nimble Services. We may also track and analyze non-identifying and aggregate usage and volume statistical information from you and provide such information to third parties.

2.2. WHAT ADDITIONAL INFORMATION DOES COMPANY COLLECT AND USE?

(a) **AUTOMATIC COLLECTION.** Our servers automatically recognize visitors’ domain names and IP addresses (the number assigned to computers on the Internet), cookie information, traffic data and other information you request. No personal information about you is revealed in this process. Nimble may gather information about the number and frequency of visits to the Site and Services. The Site may also gather anonymous “traffic data” that does not personally identify you, but that may be helpful for marketing purposes or for improving the services we offer. We use this information, which does not identify individual users, to analyze trends, to administer the site, to track users’ movements around the site and to gather demographic information about our user base as a whole. Except as otherwise provided, we do not link this automatically-collected data to personally identifiable information.

(b) **COOKIES.** From time to time, we may use the standard “cookies” feature of major browser applications that allows us to store a small piece of data on your computer about your visit to our Site. “Cookies” are small text files a website can use to recognize repeat users. Nimble uses cookies to recognize visitors and more quickly provide personalized content or grant you unimpeded access to the website. Information gathered through cookies also helps us measure use of our website. Cookie data allow us to track usage behavior and compile data that we can use to improve the site. This data will be used in aggregate form; no specific users will be tracked. Generally, cookies work by assigning a unique number to the user that has no meaning outside of the Web site that he or she is visiting. You can easily turn off cookies. Most browsers have a feature that allows the user to refuse cookies or issues a warning

when cookies are being sent. However, our site will not function properly without cookies. Enabling cookies ensures a smooth, efficient visit to our website. We have no access or control over these cookies. This privacy statement covers the use of cookies by www.nimble.com only and does not cover the use of cookies by any third party.

The use of cookies by our partners, affiliates, tracking utility company, service providers, etc. is not covered by our privacy statement. We do not have access or control over these cookies. Our partners, affiliates, tracking utility company, service providers use session ID cookies to make it easier for you to navigate our Site, in order for you to use the shopping cart, etc.

Our third party partners employ clear gifs (a.k.a. Web Beacons/Web Bugs), images, and scripts that help them better manage content on our Site. We do not tie the information gathered to our Customers' or Users' personally identifiable information.

We partner with a third party ad network to either display advertising on our Web site or to manage our advertising on other sites. Our ad network partner uses cookies and Web beacons to collect non-personally identifiable information about your activities on this and other Web sites to provide you targeted advertising based upon your interests. If you wish to not have this information used for the purpose of serving you targeted ads, you may opt-out by clicking [here](#). Please note this does not opt you out of being served advertising. You will continue to receive generic ads.

3. USE AND SHARING OF INFORMATION

3.1. WHAT DOES COMPANY DO WITH COLLECTED INFORMATION?

(a) **PERSONAL & CONTACT INFORMATION.** We use Contact Data to send you information about our company or our products or services, or promotional material from some of our Partners, or to contact you when necessary. We may use your personal information to verify your identity, to check your qualifications, or to follow up with transactions initiated on the Site. We may also use your contact information to send follow-up information regarding Nimble's services, contact you regarding other services Nimble offers, inform you of the availability of a newsletter or hotline information available on our site, any changes to the Site, or to send you additional information about Nimble. We use your personal information to contact you about the services on our site in which you have expressed interest. We use this information to fill your order for a subscription to Nimble products. If we have trouble processing an order, we will use this information to contact you. When you subscribe to one of Nimble products you will receive a welcome email. As part of registering for the Service, you may receive email newsletters from us. We do not collect personally identifiable information about you except when you specifically provide this information on a voluntary basis. If you communicate with us by e-mail, complete online forms, surveys or contest entries, any information provided in such communication may be collected as Personal Information. If you do not want to receive promotional material or newsletters from us please follow the unsubscribe mechanism available in those messages or contact us at unsubscribe@nimble.com.

SHARING OF PERSONAL INFORMATION. We share certain categories of information we collect from you in the ways described in this Privacy Policy.

We will share your personal information with third parties only in the ways that are described in this privacy statement.

We may provide your personal information to companies that provide services to help us with our business activities such as sales, marketing and customer service (hereinafter "Partners"). These companies are authorized to use your personal information only as necessary to provide these services to us.

We may use and share with our Partners the information including contact information such as Name, Phone Number, Address, Email Address, Third Party Application Username, IDs or handles, geographic location and other information you provide to us to improve the Services we provide

to you, notify you of changes or updates to our Services, customize your experience in using our Services and Site, customize any advertising and content you see on our Site or in using our Services, research the effectiveness of Services provided and adapt our Site and Services to our Customer's needs. We may share Demographic Data with Partners, advertisers and other third parties only on an aggregate (i.e., non-personally-identifiable) basis. We may share Contact Data with other companies and Partners who may want to send you information about their products or services. We also share Contact Data and Financial Data with our Partners and business partners who assist us by performing core services (such as hosting, billing, fulfillment, or data storage and security) related to our operation of the Site. Those business partners have all agreed to uphold the same standards of security and confidentiality that we have promised to you in this Privacy Policy, and they will only use your Contact Data and other Personal Information to carry out their specific business obligations to Nimble. In addition, we maintain a procedure for you to request changes to your Personal Information; this procedure is described in Section 8.1 below.

(b) **COMMUNICATION FROM THE SITE.** We communicate with our customers using information provided to us in various ways, which include but are not limited to:

Service-related Announcements

We will send you strictly service-related 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. Generally, you may not opt-out of these communications, which are not promotional in nature. If you do not wish to receive them, you have the option to deactivate your account.

Customer Service

Based upon the personally identifiable information you provide us, we will send you a welcoming email to verify your username and password. We will also communicate with you in response to your support inquiries, to provide some of the services you request. We will communicate with you by email.

Newsletters

If you wish to subscribe to our newsletters, we will use your name and email address to send the newsletter to you. Out of respect for your privacy, we provide you a way to unsubscribe in each newsletter. Please see the 'unsubscribe' feature at the bottom of each newsletter or contact us at unsubscribe@nimble.com. The customer's email list is stored on our system, but is not used by Nimble in any other way other than to occasionally remind invited users to join the account that the account owner has registered for.

Surveys or Contests

From time-to-time we may provide you the opportunity to participate in contests or surveys on our site. If you participate, we will request certain personally identifiable information from you. Participation in these surveys or contests is completely voluntary and you therefore have a choice whether or not to disclose this information. The requested information typically includes contact information and demographic information (such as zip code). We use this information to notify contest winners and to monitor site traffic or personalize the site.

Testimonials

We post testimonials from time to time. We always receive permission to post prior to posting.

Import Contacts

You can import contacts from your Outlook or other email account address book to invite them to become members of our site. We collect the username and password for the email account you wish to import your contacts from and will only use it for that purpose.

(c) **LINKS TO THIRD PARTY SITES.** This website may contain links to other sites that are not owned or controlled by Nimble. Please be aware that we are not responsible for the privacy practices of such other sites. This privacy statement applies only to information collected by this website.

(d) **LEGAL DISCLOSURE.** We may also disclose your personal information as required by law, such as to comply with a subpoena, or similar legal process when we believe in good faith that

disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request, to any other third party with your prior consent to do so.

If Nimble is involved in a merger, acquisition, or sale of all or a portion of its assets, you will be notified via email and/or a prominent notice on our Web site of any change in ownership or uses of your personal information, as well as any choices you may have regarding your personal information.

(e) ACCESS TO INFORMATION. If your personally identifiable information changes, or if you no longer desire our service, you may correct, update, delete it by making the change on the Account section page or by emailing our Customer Care at care@nimble.com or by contacting us by telephone or postal mail at the contact information listed below.

(f) DATA RETENTION. We will retain your information for as long as your account is active or as needed to provide you services. If you wish to cancel your account or request that we no longer use your information to provide you services contact our Customer Care at care@nimble.com.

We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

(g) PUBLIC FORUMS. Our Web site offers publicly accessible blogs or community forums. You should be aware that any information you provide in these areas may be read, collected, and used by others who access them. To request removal of your personal information from our blog or community forum, contact us at care@nimble.com. In some cases, we may not be able to remove your personal information, in which case we will let you know if we are unable to do so and why.

(h) SUPPLEMENTATION OF INFORMATION. In order to provide to enhance our services to you, we may on occasion supplement the personal information you submitted to us with information from third party sources. . To enrich our Profiles of individual customers, we tie this information to the personally identifiable information they have provided to us.

4. CONFIDENTIALITY AND SECURITY.

4.1. SECURITY. The security of your personal information is important to us. When you enter sensitive information (such as a credit card number) on our order forms, we encrypt the transmission of that information using secure socket layer technology (SSL).

We follow generally accepted standards to protect the personal information submitted to us, both during transmission and once we receive it. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, we cannot guarantee its absolute security. If you have any questions about security on our Web site, you can contact us at privacy@nimble.com.

5. CONFIDENTIALITY AND SECURITY OF PERSONAL INFORMATION. Except as otherwise provided in this Privacy Policy, we will keep your Personal Information private and will not share it with third parties, unless such disclosure is required by law or in the good-faith belief that such disclosure is necessary: (a) conform to the edicts of the law or comply with legal process served on Nimble or its parent company, subsidiaries or affiliates, (b) protect and defend the rights or property of Company or the users of the Site, (c) act under exigent circumstances to protect the safety of the public or users of the Site, or (d) enforce our Terms of Service.

6. LOST OR STOLEN INFORMATION. You must promptly notify us if your credit card, user name, or password is lost, stolen, or used without permission. In such an event, we will remove that credit card number, user name, or password from your account and update our records accordingly.

7. SOCIAL MEDIA FEATURES. Our Web site includes Social Media Features, such as the FaceBook button. These Features may collect your IP address, which page you are visiting on our site, and may set a cookie to enable the Feature to function properly. Social Media Features are either hosted by a third party or hosted directly on our Site. Your interactions with these Features are governed by the privacy policy of the company providing it.

8. CONTACT INFORMATION AND POLICY UPDATES

8.1. CONTACTING US. If you have any questions about this Policy, our practices related to this Site, or if you would like to have us remove your information from our database please feel free to contact us at the following:

Nimble, Inc.
P.O. Box 3313
Santa Monica, CA 90408-3313
privacy@nimble.com

8.2. UPDATES AND CHANGES. We may update this privacy statement to reflect changes to our information practices. If we make any material changes we will notify you by email (sent to the e-mail address specified in your account) or by means of a notice on this Site prior to the change becoming effective. We encourage you to periodically review this page for the latest information on our privacy practices.