



# Privacy Policy

EFFECTIVE DATE: June 10, 2019

## 1. INTRODUCTION

1. PURPOSE OF POLICY. This Privacy Policy applies to [www.nimble.com](http://www.nimble.com) owned and operated by Nimble, Inc. (“us”, “we”, “Nimble”, “our”, or “Company”) is committed to respecting the privacy rights of its customers, visitors, and other users (“you”, “your”, “user(s)”, or “Customer(s)”) of the Company Website [www.nimble.com](http://www.nimble.com) and any affiliated sites (the “Site”) and any services, applications, widgets, mobile applications and software made available by Nimble, Inc. (collectively with the Site referred to as “Services”). We created this Privacy Policy (this “Privacy 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 Personal 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. The use of information collected through our service shall be limited to the purpose of providing the service for which the Customer has engaged Nimble.

### **EU – and Swiss – US Privacy Shield**

Nimble, Inc. participates in and has certified its compliance with the EU – US Privacy Shield Framework and the Swiss – US Privacy Shield Framework. Nimble, Inc. is committed to subjecting all personal data received from European Union (EU) member countries and Switzerland, respectively, in reliance on the Privacy Shield Framework, to the Framework’s applicable Principles. To learn more about the Privacy Shield Frameworks, visit the U.S. Department of Commerce’s [Privacy Shield](https://www.privacyshield.gov).

Nimble, Inc. is responsible for the processing of personal data it receives, under each Privacy Shield Framework, and subsequent transfers to a third party acting as an agent on its behalf. Nimble, Inc. complies with the Privacy Shield Principles for all onward transfers of personal data from the EU and Switzerland, including the onward transfer liability provisions.

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

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.

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>.

- 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 16 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 16, we will take steps to delete any Personal Information provided to us. If you become aware that a child has provided us with Personal Information, please contact us at [privacy@nimble.com](mailto:privacy@nimble.com).



## 2. INFORMATION COLLECTION PRACTICES

2.1. INFORMATION RELATED TO DATA COLLECTED FOR OUR CUSTOMERS. Nimble collects information under the direction of its Customers and has no direct relationship with the individuals whose personal data it processes. If you are a client of one of our Customers and would no longer like to be contacted by one of our Customers that use our service, please contact the Customer that you interact with directly. We may transfer Personal Information to companies that help us provide our service. Transfers to subsequent third parties are covered by the service agreements with our Customers.

2.2. ACCESS AND RETENTION OF DATA CONTROLLED BY OUR CUSTOMERS. Nimble acknowledges that you have the right to access your Personal Information. Nimble has no direct relationship with the individuals whose personal data it processes. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data should direct his query to the Nimble's Customer (the data controller). If the Customer requests Nimble to remove the data, we will respond to their request within 30 days. We will retain personal data we process on behalf of our Customers for as long as needed to provide services to our Customers. Nimble will retain and use this Personal Information as long as your account is active or as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

2.3. Our Services may be available to you through an organization (i.e. your employer), thus that organization is the administrator of the Services and is responsible for the accounts and/or Service sites over which it has control. If this is the case, please direct your data privacy questions to your administrator, as your use of the Services is subject to that organization's policies. We are not responsible for the privacy or security practices of an administrator's organization. Administrators of an account may be able to 1) require you to reset your account password; 2) restrict, suspend or terminate your access to the Services; 3) access information in and about your account; 4) access or retain information stored as part of your account; 5) install or uninstall third-party apps or other integrations; 6) change the email address associated with your account; 7) change your information, including profile information; 8) restrict your ability to edit, restrict, modify or delete information. Even if the Services are not currently administered to you by an organization, if you use an email address provided by an organization (i.e. your work email address) to access the Services, then the owner of the domain associated with your email address may assert (i.e. your employer) may assert control over your account and use of the Services at a later date. You will be notified if this happens. WHAT BASIC INFORMATION DOES NIMBLE COLLECT AND USE?

- a) LOGIN DATA COLLECTED. We collect non-sensitive information regarding your use of the Nimble Site and Services, such as your login time and duration and your last known login date and time. We may also track and analyze aggregate usage and volume statistical information from you and provide such information to third parties in order to improve services we offer you, to improve analytics, or site functionality.
- b) CONTACT INFORMATION. In operating the Site and Services, Nimble may include registration, subscription accounts, online surveys, and other online forms that ask users to provide personal information such as 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 personal 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 means any information relating to an identified or identifiable natural person. 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, telephone number). 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 Personal 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. The use of Personal Information collected by Nimble shall be limited to the purpose of providing the service for which you have registered.

- d) **THIRD PARTY APPLICATIONS OR SERVICES.** Nimble provides Services that allow you to manage your accounts and applications with Third Party Services including Gmail, Office365, Twitter, FaceBook, HubSpot, Mail Chimp and others (collectively "Third Party Services"). When you voluntarily elect to link your Nimble Service(s) with Third Party Services via OAuth or similar technologies, such as API Keys, Nimble does not collect your username or password to link such Third Party Services to your Nimble Service(s). In some cases, however, when you link Third Party Services for which OAuth, API Keys, or similar technologies are not available, i.e. connecting an email account via IMAP, 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 and Nimble will only use it for that purpose. 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 aggregate usage and volume statistical information from you and provide such information to third parties in order to improve services we offer you, to improve analytics, or site functionality. You may also provide Personal Information about other people, such as their name, date of birth, employment and gender. This information is only used for the sole purpose of completing your request or for whatever reason it may have been provided.
- 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 aggregate usage and volume statistical information from you and provide such information to third parties in order to improve services we offer you, to improve analytics, or site functionality.
- f) **MOBILE ANALYTICS.** We use mobile analytics software to allow us to better understand the functionality of our mobile software and applications on your mobile device. This software may record information such as how often you use the application, the events that occur within the application, aggregated usage, performance data, and where the application was downloaded from.

#### 2.4. WHAT ADDITIONAL INFORMATION DOES NIMBLE COLLECT AND USE?

- a) **LOG FILES.** As is true of most web sites, we gather certain information automatically and store it in log files. This information may include internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and/or clickstream data. We may combine this automatically collected log information with other information we collect about you. We do this to improve services we offer you, to improve marketing, analytics, or site functionality.
- b) **TRACKING TECHNOLOGIES.** We and our partners, e.g. marketing partners, affiliates, or analytics or service providers, e.g. online customer support provider, etc. use cookies and/or similar technologies to analyze trends, administer the site, track users' movements around the site and to gather demographic information about our user base as a whole. We may receive reports based on the use of these technologies by these companies on an individual as well as aggregated basis. We use cookies for our shopping cart, to remember users' settings (e.g. language preference), user analysis and for authentication. You can control the use of cookies at



the individual browser level. If you reject cookies, you may still use our site, but your ability to use some features or areas of our site may be limited.

- c) **AD NETWORKS.** We partner with third party ad networks to either display advertising on our Site or to manage our advertising on other sites. Our ad network partners use cookies and/or similar technologies to collect 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](#), or if located in the European Union click [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 Personal Information 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 Personal 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 may receive a welcome email. As part of registering for the Service, you may receive email newsletters from us. We do not collect Personal 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](mailto:unsubscribe@nimble.com).
- b) **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 Policy. We may provide your Personal Information to companies or individuals that provide services to help us with our business activities such as sales, marketing and customer service (hereinafter "Partners"). Partners are authorized to use your Personal Information only as necessary or instructed 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 your needs. If you have provided us permission, we may share Personal Information you have provided to us when registering for the use of Services on this Site with Partners who may want to send you information about their products or services. We also share Personal Information with our Partners and business partners who assist us by performing core services which include but are not limited to, hosting, billing, fulfillment, data storage, and security), ("Business Partners"), related to our operation of the Site. Partners and Business Partners have 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 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.

- c) **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 Communications

We will send you strictly service-related communications when it is necessary to do so. We send you emails confirming your use of the Services, any account changes, account status updates and payment receipts in connection with your use of the Services. We send you emails containing export files of any data you may have requested to export from your Nimble account in connection with your use of the Services. On rare occasions, 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 Nimble account and cease the use of the Services.

#### Customer Service

Based upon the Personal Information you provide us, we will communicate with you in response to your support inquiries, to provide some of the services you request. We will generally communicate with you by email, unless you request to communicate by telephone or other means by providing us with the information necessary to be able to communicate with you, such as a phone number.

#### 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](mailto:unsubscribe@nimble.com).

#### 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 Personal 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. Out of respect for your privacy, we provide you a way to unsubscribe from such communications. Please see the 'unsubscribe' feature at the bottom of each newsletter or contact us at [unsubscribe@nimble.com](mailto:unsubscribe@nimble.com).

#### Testimonials

We post testimonials from time to time. We always receive permission to post prior to posting. If you wish to update or delete your testimonial, you can contact us at [privacy@nimble.com](mailto:privacy@nimble.com).

#### Public Member Directory

We will list you in our publicly accessible directory. If you wish to request removal of your information from our directory, you can contact us at [privacy@nimble.com](mailto:privacy@nimble.com).

#### Public Profiles

Partners and Business Partners may create a profile on our site which will be publicly accessible



unless otherwise indicated. You may change the privacy settings of your profile through your account portal. To remove unauthorized profiles, please send an email to [privacy@nimble.com](mailto:privacy@nimble.com)

#### Single Sign-On

You can log in to our Site using sign-in services such as Gmail, Facebook or an Open ID provider. These services will authenticate your identity and provide you the option to share certain Personal Information with us such as your name and email address to pre-populate our sign up form. Services like Facebook Connect give you the option to post information about your activities on this Site to your profile page to share with others within your networks.

- d) **LINKS TO THIRD PARTY SITES.** Our Site 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 Policy applies only to information collected by our Site.
- e) **LEGAL DISCLOSURE.** In certain situations, Nimble may be required to disclose Personal Information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. 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 Site of any change in ownership or uses of your Personal Information, as well as any choices you may have regarding your Personal Information.
- f) **ACCESS TO INFORMATION.** Upon request Nimble will provide you with information about whether we hold, share, or process on behalf of a third party, any of your Personal Information. To request this information please contact us at [care@nimble.com](mailto:care@nimble.com). If your Personal Information changes, or if you no longer desire our Services, you may correct, update, delete your Personal Information by making the changes on the My Account section page within your Nimble account or by emailing our Customer Care at [care@nimble.com](mailto:care@nimble.com) or by contacting us by postal mail at the contact information listed in Section 8.1. We will respond to your request to access within 30 days of receiving your request.
- g) **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](mailto:care@nimble.com). We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.
- h) **PUBLIC FORUMS.** Our 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](mailto: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.
- i) **SUPPLEMENTATION OF INFORMATION.** In order to provide or 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 Personal Information you 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 log in credentials, Geo-location Data or 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 Site, you can contact us at [privacy@nimble.com](mailto: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 Nimble 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 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 Privacy 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 [privacy@nimble.com](mailto:privacy@nimble.com) or our physical mailing address: Nimble, Inc. 3122 Santa Monica Blvd., Suite 302, Santa Monica, CA 90404.
  - 8.2. **UPDATES AND CHANGES.** We may update, amend, modify, or supplement this Privacy Policy 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 the most recent version of our Privacy Policy at <https://www.nimble.com/company/privacy/>. Your continued use of the Site and Services constitutes your agreement to the changes to the Privacy Policy.