

Privacy Policy

Version: 9-3-2021

1. Who We Are

We are Whistle Systems, Inc. (collectively referred to herein as “Whistle,” “we,” “us,” or “our”). Data protection laws in several jurisdictions draw comparison between the “controllers” and “processors” of Personal Information. In general, Whistle performs the role of a processor on behalf of our clients who are the controllers.

2. Purpose of This Privacy Policy

We provide training, incentives primarily associated with training, payments, and custom analytics for our Clients. This Privacy Policy explains how we handle your Personal Information, including how we collect it, use it, and share it with others, in the course of fulfilling our obligations to our clients. Having reviewed this Privacy Policy, or having been given the opportunity to do so, and by clicking on the “I Accept” icon of the pop-up that opens when you enter this Site/App (the “Site/App”), you expressly consent to the terms and conditions of this Privacy Policy and to the Terms and Conditions governing use of the Site/App. If you have questions, comments or concerns about our Privacy Policy or the Terms and Conditions, please contact us at privacy@wewhistle.com

3. Data collected on the basis of legitimate interest

Based on our **legitimate interests**, we collect data for the purpose of delivering products and services that we have contracted with our Clients to provide on their behalf. We also collect data regarding your usage of our application, which we use for analytical purposes related to platform improvement and to generate insights and reports for our Clients. All personal and application data is removed upon your request.

4. If You Elect Not to Provide Personal Information

You have the right to opt out from participating in our programs. In this case we will not collect any additional data from you, and will delete all data that the Client provided to us for the purposes of onboarding you to our platform. We will notify the Client of your decision to opt out of the program, since they have contracted us to deliver services specifically to you.

5. What Is Personal Information?

Onboarding - The Client provides us with personal information including your email address, first name, last name, employer name, and country of residence for the purpose of onboarding onto our platform. This information was used to initially contact you.

Additional Information From You - information that you provide to us for the purpose of obtaining the Services, such as health and financial information, email notifications and/or newsletters, and any other information that you choose to send to us.

Additional Information From Client - Our Clients might provide additional information to enhance reporting and other features across the platform. This information includes your job title, birthday, gender, managerial hierarchy, language preference, and business contact information such as your work email address, office phone number, and office address. We include additional data points based on the specific needs of a Client to include in this data in custom reporting and analytics that we build for them.

Award Redemption - We will collect additional information at the time of redemption in order to deliver incentive awards to you. We require shipping information such as your home address, personal phone number, and personal email address in order to deliver awards to you. We only collect this information when you initiate a redemption after earning an award, and we store this information to help save time for future award redemptions. You are free to choose not to provide this information, but we will be unable to fulfill your award without it.

Platform usage data - We will collect data regarding the usage of our platform. This includes login information such as the date and time of each login, the IP address you used, the login method (web/mobile), and geo-location data from your browser. We also collect data regarding your interactions with learning content, including the date and time of each card that you view, answers you provide to quiz questions, and aggregate scores on assessments.

6. Anonymized Data

We may create de-identified or anonymized data from Personal Information by excluding data components (such as your name, email address or linkable tracking ID) that makes the data personally identifiable to you, through pseudonymization, or through other means. Use of anonymized and de-identified data is not subject to this Privacy Policy.

7. Why We Collect Personal Information

We collect Personal Information in order to facilitate the Services that are offered through the Site/App, including training, training incentives, and payment processing. We may also put Personal Information to other uses, which may include communicating information and offers to you; to better understand, analyze, and respond to your needs and preferences; and to subsequently develop, enhance, and/or provide products and services to meet those needs and preferences.

We also keep track of your product preferences and instructions and analyze that information. In addition to providing the Services to you, we may use Personal Information to enter you into a contest, speed-up the process of registering a subsequent purchase, or to respond by e-mail to an inquiry that you posted online. Your

Personal Information may also be used by us to contact you regarding other products or services which may be of interest to you (including those that our Clients may offer).

Your Personal Information may be combined with other Personal Information collected by us to provide aggregate statistical information about customers' service usage preferences.

Your Personal Information may be passed on to a third party in the event of a transfer of ownership or assets, or a bankruptcy, of Whistle or any of its affiliates or distributors. Whistle or any of its affiliates or distributors may also disclose your Personal Information to one or more of their respective subsidiary and parent companies and businesses, and other affiliated legal entities and businesses who are under common corporate control. However, all of the parent, subsidiary and affiliated legal entities and businesses of Whistle that receive your Personal Information will comply with the terms of this Privacy Policy with respect to their use and disclosure of such Personal Information. Whistle itself assumes no responsibility or liability for the privacy practices of our Clients in their handling of your Personal Information they collect from you online or offline.

8. How We Collect Personal Information

a. When you register for an account or interact with our Services. We collect Personal Information when you access a Site/App or seek to access the Services, including when you register with us. We use this Personal Information to create your account, enable your activity within our Services, and to provide the Services generally, including to develop, enhance, and improve our Services and your experience. We also use this data for internal purposes related to certain research, analytics, innovation, testing, monitoring, customer communication, risk management, and administrative purposes.

b. When you communicate with us or sign up for promotional materials. We collect Personal Information when you communicate with us or sign up to receive promotional materials or information via email, push notifications, or text messages – including email address, mobile number, etc.

If you consent to such messages, we may use your Personal Information and other information to communicate with you about the products of our Clients; provide you with promotional messages and personalized advertising; to notify you of other products; to notify you of contests, challenges, sweepstakes, and other promotions; to notify you of Services we think may be of interest to you; and, for other marketing purposes. Please note that regardless of your email settings, we may send you notifications pertaining to the performance of our Services, such as revision of our Terms or this Privacy Policy or other formal communications relating to the processing of payments.

We may use your Personal Information to respond to your requests for technical support, online services, information regarding your claim, or to any other

communication you initiate. This includes accessing your account to address technical support requests. We may also use your Personal Information to address your requests, enquiries, and complaints.

c. When you engage with our online communities or advertising. We may collect your Personal Information when you engage with our online communities. This includes when you click on advertisements, interact with our social media pages, submit content, leave reviews, or otherwise enter information into comment fields, blogs, message boards, events, and other community forums sponsored by or affiliated with Whistle.

d. When you connect with us through social media. You may choose to enable, log into, or sign on to the Services through various social media or social networking services, such as Facebook or Twitter (“Social Media”). When you connect using your Social Media accounts, we may collect Personal Information that you have provided to that Social Media. For example, when you log in with your Facebook credentials, with your consent, we may collect Personal Information from your Facebook profile that is permitted under Facebook’s Terms of Use – such as your email address, profile picture, and friend list. We use this data to provide, enhance, and personalize the Services (e.g., to help connect you with or suggest friends within our Services). If you do not want to provide us with this data, you need to adjust the privacy settings on your Social Media account.

e. When we leverage and/or collect cookies, device IDs, location data from the environment, and other tracking technologies. We may collect certain Personal Information using cookies and other technologies such as web beacons, device IDs, and IP addresses. We specifically use browser cookies for different purposes, including cookies that are strictly necessary for functionality and cookies that are used for personalization, performance/analytics, and advertising. Our Cookie and Device Identifiers section contains more information and options to control or opt-out of certain data collection or uses.

9. Sharing of Personal Information

Your Personal Information has been collected by us in connection with your relationship with the Clients for whom we provide Services, and for the other uses described in the Why We Collect Personal Information section above.

We will not otherwise share your Personal Information, except: to third parties performing functions on our behalf (such as analyzing data, providing marketing assistance, providing search results and links, processing credit card and other payments, providing customer service and providing charitable services); where we are required by law to disclose Personal Information; in connection with any legal proceedings or prospective legal proceedings; in order to establish, exercise or defend our legal rights (including providing information to others for the purposes of fraud prevention and reducing credit risk); and, to the purchaser (or prospective purchaser) of any business or asset which we are (or are contemplating) selling, we will require any

person or entity to whom we provide your Personal Information to agree to comply with our then current Privacy Policy. We will take reasonable commercial efforts to ensure that they comply with our Privacy Policy, however we will have no liability to you if any such person or entity fails to do so.

If you have elected within our services to donate to a registered charity of your choice, your Personal Information will be shared with the elected charity organization for the purpose of lawfully issuing a tax receipt to your registered e-mail address, should you meet the qualifying criteria of the charity.

10. International Data Transfers

Whistle is a global organization and provides Service in a variety of jurisdictions. Sharing data cross-border is essential to the Services so that you receive the same high-quality service wherever you are in the world. As a result, we will, subject to law, transfer Personal Information collected in connection with the Services, to entities in countries where data protection standards may differ from those in the country where you reside. By accessing the Site/App and utilizing the Services, you understand and consent to our transfer of your Personal Information globally. In certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries will be entitled to access your Personal Information.

11. Consent

We try to ensure that you understand how we use your Personal Information. One of the ways this is done is by obtaining your consent. Consent may be either express or implied. Express consent is given when we specifically ask you if it is acceptable to you that we gather certain information and you explicitly agree that it is. Implied consent occurs when you provide information that may be Personal Information without objection. As we obtain only the information necessary to assist you with the transaction you require, we operate under the understanding that you have agreed to provide us with this Personal Information voluntarily and with knowledge of this Policy whenever you do so.

12. Withdrawal of Consent

Except as required by law, we will not use or disclose your Personal Information for any purpose for which you refuse us consent or later withdraw your consent. You may at any time withdraw your consent with future effect and without affecting the lawfulness of processing of your Personal Information based on the consent you provided before you withdrew it. If you withdraw consent, you agree that in spite of this withdrawal we may continue to use the Personal Information previously provided to us to the extent that we are contractually obligated to do so and to the extent necessary to enforce any contractual obligations you may have to Whistle. You also understand that although you can use our Site/App for some purposes without providing us with any Personal Information, we need Personal Information about you for some Services, including those that require payment or involve an ongoing relationship with Whistle or our

Clients. If you refuse to provide us with the Personal Information we require or later withdraw your consent to use and disclose this information, we may no longer be able to provide you with the Services.

13. Cookies and Device Identifiers

This Site/App uses “cookies” and device identifiers to help personalize your online experience with us. A cookie is a small text file that is stored on your computer to help us make your visit to our Site/App more “user-friendly”. A device identifier is a unique label can be used to identify a mobile device. Device identifiers may be used to track, analyze and improve the performance of the Site/App and the Services. Cookies and device identifiers provide us with information about your use of the Site/App that can help us improve the Site/App and your experience with it. Any Personal Information collected about you through cookies or device identifiers will be treated in accordance with this Privacy Policy. If you have set your browser to warn you before accepting cookies, you should receive a warning message with each cookie. You may refuse cookies by turning them off in your browser, however you should be aware that our Site/App like most other popular Site/Apps may not work well with “cookies disabled.”

14. Site/App Usage Information

Like most website/Apps and applications, this Site/App gathers traffic patterns, Site/App usage information and other aggregated data in order to evaluate our visitors’ preferences and the effectiveness of our Site/App. This aggregate usage data does not identify you individually. We may share anonymous, aggregated statistics about visitors to our Site/App with others outside our company, or we may allow third parties to collect aggregate data through our Site/App.

15. Access

We will advise you on request about what Personal Information about you that we have collected, as well as how it has or will be used. If you provide a written request for this information, we will provide it to you within a reasonable time following confirmation of your identity and may, if you are not a European Economic Area resident, charge a reasonable cost (e.g. photocopying and mail charges) to the individual making the request. We will inform you whether or not we hold Personal Information about you and, when possible, the source of the Personal Information, its use, and any parties to whom it may have been disclosed. You may be required to provide sufficient proof of your identity at this time to ensure the safety and security of the Personal Information we hold and that it is provided to individuals in accordance with this Policy. We reserve the right to decline to provide access to Personal Information where the information requested: would disclose Personal Information of another individual or of a deceased individual; is subject to legal privilege; is personal health information that was not provided to us directly by the individual requesting access; is not readily retrievable and the burden or cost of providing would be disproportionate to the nature or value of the information; does not exist, is not held, or cannot be found by us; could reasonably

result in serious emotional harm to the individual or another individual, or serious bodily harm to another individual; or, may harm or interfere with law enforcement activities and other investigative or regulatory functions of a body authorized by statute to perform such functions. We will not respond to repetitious or vexatious requests for access.

16. Updating or Correcting Your Information

You may in most cases correct or update your Personal Information by accessing your Account directly, or by instructing us to do so on your behalf.

17. Security and Retention

We operate secure data networks protected by industry standard, cloud-based firewall and password protected systems, and maintain physical encryption, electronic and procedural safeguards to guard the integrity and privacy of these servers and of your Personal Information. Although we cannot guarantee that there will never be a security problem, we and our agents that have access to your information carefully guard against the loss, misuse or alteration of the information we collect on our Site/App. We will retain and use your Personal Information as necessary in accordance with our internal data retention policies in order to comply with our legal obligations, resolve disputes, enforce our agreements and carry out anti-fraud investigations. Note that we may retain limited elements of Personal Information even after an erasure request has been fulfilled in order to carry out mandatory anti-fraud investigations. Data retained for this purpose is restricted from processing within our systems and is fully deleted after a period of time in accordance with our data retention policies.

18. Delete Account / Withdraw Processing Consent

You are free to withdraw your account consent for Whistle to process your Personal Information by sending an email to privacy@weWhistle.com or by writing to us at Whistle, 3101 A Sutton Blvd, Maplewood, MO 63143 Attention: Chief Privacy Officer

19. Residents of the European Economic Area

In order to comply with the requirements of the European General Data Protection Regulation (GDPR) for our European consumers and users, this Privacy Policy outlines the legal basis on which we process your Personal Information and provides other information required by the GDPR.

In addition to the common rights granted to all users of the Site/App who provide us with Personal Information, the GDPR provides the following additional rights to residents of the European Economic Area:

Right to erasure (Art. 17 GDPR): You have the right to ask us to delete your Personal Information, as permitted by law.

Right to restriction of processing (Art. 18 GDPR): You have the right to request the limiting of our processing under limited circumstances.

Right to data portability (Art. 20 GDPR): You have the right to receive the Personal Information that you have provided to us, in a structured, commonly used and

machine-readable format, and you have the right to transmit that information to another controller, including to have it transmitted directly, where technically feasible.

Right to object (Art. 21 GDPR): You have the right to object to our processing of your Personal Information, as permitted by law.

Right to lodge a complaint before the Data Protection Authority (Art.77 GDPR): We encourage you to contact us directly and allow us to work with you to address your concerns.

Nevertheless, you have the right to lodge a complaint with a competent data protection supervisory authority, in particular in the EU Member State where you reside, work or the place of the alleged infringement. You have the right to do so if you consider that the processing of Personal Information relating to you infringes applicable data protection laws.

20. Residents of California

In order to comply with the requirements of the California Consumer Privacy Act (CCPA) for our Californian resident consumers and users, this Privacy Policy outlines the legal basis on which we collect and process your Personal Information and provides other information required by the CCPA.

Whistle does not sell Personal Information and has not done so in the past 12 months.

The CCPA provides Californian resident consumers and users with specific rights regarding their personal information.

Information We Collect

We have collected the following categories of personal information from consumers within the last twelve (12) months:

Categories	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris	NO

	or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website/App, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Access to Specific Information and Data Portability Rights

You have the right to request that Whistle disclose certain information to you about our collection and use of your Personal Information over the past 12 months. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability and Deletion Rights), we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- If we disclosed your Personal Information for a business purpose, a list disclosing disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Whistle delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability and Deletion Rights), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service providers to:

- Complete the transaction for which your Personal Information was collected, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability and Deletion Rights

To exercise the access, data portability and deletion rights described above, please submit a valid consumer request to us by:

- Emailing us at privacy@weWhistle.com.

Only you, or a person registered with the California Secretary of State that you authorize to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify that you are the person we collected Personal Information from or an authorized representative on your behalf.
- Describe your request with sufficient detail that allows us to properly understand, evaluate and respond to it.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you.

21. Privacy Shield Statements

Whistle Systems, Inc. is self-certified under the EU-U.S. Privacy Shield Framework (“Privacy Shield”) regarding the collection, use, and retention of Personal Information from European Union member states.

For EU Personal Information received in the United States under the Privacy Shield, we certify that it adheres to the Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, and Recourse, Enforcement and Liability. If there is any conflict between the standards of this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles govern. To learn more about the Privacy Shield program, please visit the US Department of Commerce Privacy Shield site.

Under the Onward Transfer Principle, we may remain liable for the processing of European Personal Information that we transfer to our third-party agents or service providers. In some instances, we may also be required to disclose Personal Information to comply with valid requests from public authorities, including for national security or law enforcement purposes.

In compliance with the Privacy Shield, we commit to resolve your complaints concerning data privacy and our collection or use of your Personal Information. We welcome you to bring any concerns directly to us. Eligible unresolved privacy complaints related to violations of the Privacy Shield Principles can be reported to the JAMS Mediation,

incentive Arbitration and ADR Services (“JAMS”), an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by us, please visit <https://www.jamsadr.com/eu-us-privacy-shield> for information on how to file a complaint with JAMS.

Note that if your complaint is not resolved through either a direct interaction with us, or JAMS, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel.

For the purposes of enforcing compliance with the Privacy Shield, Whistle Systems, Inc. is subject to the investigatory and enforcement powers of the United States Federal Trade Commission.

22. Marketing communications

Where we are legally required to do so, we ask you for your prior consent before providing you with promotional materials or information (referred to as “Commercial Electronic Messages, or “CEM”s). You may revoke your consent to the receipt of CEMs at any time. This will not affect the processing of your Personal Information in relation to any rebate or incentive claim submitted to us on behalf of any of our manufacturer or distributor clients.

23. Changes to this Privacy Policy

In order to enhance our Services, it might be necessary to change this Privacy Policy from time to time. We therefore reserve the right to modify this Privacy Policy in accordance with the applicable data protection laws. Please visit our Website/App from time to time for information on updates to this Privacy Policy.

24. Governing Law

Whistle controls and operates this Site/App in the United States. Our online privacy practices are governed by the laws of the United States, which may differ from privacy laws in your province, state or home country. By submitting your Personal Information to this Site/App or to a Whistle Client, you consent to the transfer of your Personal Information to any country and its use and disclosure in accordance with United States law and with this Privacy Policy.

25. Privacy Officer Contact

If you have any questions regarding this Privacy Policy or the privacy practices of Whistle or its affiliates, or if you require assistance to withdraw your consent to our processing of your Personal Information or wish to request that your Personal Information be deleted, you may contact our Privacy Office by sending an email to privacy@weWhistle.com or writing to us at Whistle, 3101 A Sutton Blvd, Maplewood, MO 63143, Attention: Chief Privacy Officer.