

## **Zimfly Privacy Policy**

(Last updated August 2015)

Your privacy is important, so Zimfly, Inc. has created the following Privacy Policy to let you know what information we collect when you visit our web sites and services, as well as our offline product support services, why we collect it and how it is used. This Privacy Policy explains the data collection and use practices of Zimfly web sites that link to this Privacy Policy. It does not apply to other Zimfly sites, products or services that do not display or link to this statement or that have their own privacy statements. The terms “you,” “your,” and “yours” refer to the customer/purchaser utilizing our Site. The terms “Zimfly,” “we,” “us,” and “our” refer to Zimfly, Inc. and its subsidiaries and affiliates. By using our web sites (including, but not limited to, the BIManywhere web sites), you consent to the data practices prescribed in this statement. We may periodically make changes to this Privacy Policy that we will include on this page. It is your responsibility to review this Privacy Policy frequently and remain informed about any changes to it, so we encourage you to visit this page often.

### **Collection of Your Personal Information.**

“Personal information” means any information that may be used to identify an individual, including, but not limited to, a first and last name, home or other physical address, an email address, phone number or other contact information, whether at work or at home. Zimfly collects the following personal information from you when you use our sites and services:

- If you register or submit inquiries on our sites, or purchase a license from us, we ask you to provide personal information, such as your e-mail address, name, home or work address, or telephone number. We may also collect demographic information, such as your ZIP code, age, gender, preferences, interests and favorites. If you choose to make a purchase or sign up for a paid subscription service, we will ask for additional information, such as your credit card number and billing address.
- In order to access some Zimfly services, you will be asked to sign in with a username or e-mail address and password. By signing in on one Zimfly site or service, you may be automatically signed into other Zimfly sites and services that use the same user ID and password.
- We collect additional information about your interaction with Zimfly sites and services without identifying you as an individual. For example, we receive certain standard information that your browser sends to every web site you visit, such as your IP address, browser type and language, access times and referring web site addresses. We may also use web site analytics tools on our sites to retrieve information from your browser, including the site you came from, the search engine(s) and the keywords you used to find our sites, the pages you view within our sites, your browser add-ons, and your browser's width and height.
- We use technologies, such as cookies, to collect information about the pages you view, the links you click and other actions you take on our sites and services.
- We collect project related information including information relating to project size, type, value, status, and duration, number of personnel relating to a project, user titles, and model types and size.

You can choose not to provide us with certain information, but then you might not be able to take advantage of many of our features.

### **Use of Your Personal Information.**

Zimfly collects and uses your personal information to operate and improve its sites and services. These uses include:

- providing you with more effective customer service;
- delivering to you and billing you for Zimfly products and services, and communicating with you concerning your account and customer service issues. This may include verifying authorization of credit card usage before any purchase of Zimfly products or services;
- providing you with product information;
- offering you upgrades or updates to our products and services;
- providing you with news, free newsletters, updates, targeted advertising, promotions, and special offers;
- supporting the services we offer on our web sites;
- notifying you of technical updates or changes in policy;
- making the sites or services easier to use by eliminating the need for you to repeatedly enter the same information;
- performing research and analysis aimed at improving our products, services and technologies; and
- emailing or displaying content that are customized to your interests and preferences.

We also use your personal information to communicate with you. We may send certain mandatory service communications such as welcome letters, billing reminders, information on technical service issues, and security announcements. Some Zimfly services may send periodic member letters that are considered part of the service. Additionally, with your permission, we may also occasionally send you product surveys or promotional mailings to inform you of other products or services available from Zimfly and its affiliates, and/or share your personal information with Zimfly partners so they may send you information about their products and services. You can opt-out from receiving newsletters or promotional e-mail anytime by following the steps as described in the respective newsletter or promotional e-mail.

### **Sharing and Disclosure of Your Personal Information.**

Except as described in this Privacy Policy and other Zimfly agreements for services that you have signed up for (including without limitation, the Master Service Agreement), Zimfly does not rent, sell or share personal information it collects about you to or with third parties without your consent. Information collected from you is only used to complete and support your purchases from and use of the Zimfly sites and to comply with any requirements of law. Some Zimfly sites allow you to choose to share your personal information with select Zimfly partners so that they can contact you about their products, services or offers. Other sites instead may give you a separate choice as to whether you wish to receive communications from Zimfly about a partner's particular offering (without transferring your personal information to the third party).

Zimfly may disclose personal information if required to do so by law or in the good faith belief that such action is necessary to: (1) conform to the edicts of the law or comply with legal process served on Zimfly or Zimfly web sites; (2) protect and defend the rights or property of Zimfly; or (3) act in urgent circumstances to protect the personal safety of users of Zimfly, its web sites or the public. If Zimfly should ever file for bankruptcy, or sells its assets to, merge with, or is acquired by, another entity, we may sell the information you provide to us on Zimfly Sites to a third party or share your personal information with any entity with whom we sell our assets, merge or are acquired by.

### **Access Your Personal Information.**

If you register on our sites in connection with products or services that we offer, you may have the ability to view or edit your personal information online. To help prevent your personal information from being viewed by others, you first will be required to sign in. In case you cannot access personal data collected by Zimfly sites or services by signing in on our sites, these sites and services may provide you with alternative means of access to your data. In any case, you can contact Zimfly in accordance with the contact information below.

### **The Security of Your Personal Information.**

Zimfly protects the security of your information during transmission by using Secure Sockets Layer (SSL) software, which encrypts the information you input.

### **International Transfers of Your Personal Information.**

Personal information collected on Zimfly web sites may be stored and processed in the United States or any other country in which Zimfly or its affiliates, subsidiaries, agents or third party service providers maintain facilities or servers, and by using Zimfly web sites, you consent to any such transfer of information outside of your country.

### **Collection and Use of Children's Personal Information.**

Zimfly sites are not intended for or directed to persons under the age of 13. Any person who provides their information to Zimfly through the registration process, account login page or product purchase page for new customers or any other part of Zimfly sites represents to Zimfly that they are 13 years of age or older.

### **Use of Cookies.**

Cookies are small text files stored by your browser in your computer when you visit our sites. We use cookies to improve our sites and make them easier to use. Cookies permit us to recognize users and avoid repetitive requests for the same information. Cookies from our sites cannot be read by other sites. You are always free to decline cookies by making the appropriate adjustments on your web browser settings. Most browsers will accept cookies until you change your browser settings to refuse them.

### **Your Consent To This Privacy Policy.**

By using our sites, you agree to this Privacy Policy. This is our entire and exclusive Privacy Policy and it supersedes any earlier version. We may occasionally update this Privacy Policy. When we do, we will also revise the "last updated" date on the Privacy Policy. For material changes to this Privacy Policy, we will notify you either by placing a prominent notice on the home page of our web site or by directly sending you a notification. We encourage you to periodically review this Privacy Policy to stay informed about how we are protecting the personal information we collect. Your continued use of Zimfly web sites constitutes your agreement to this Privacy Statement and any updates.

### **Legal Disclaimer.**

THE ZIMFLY SITES OPERATE ON AN "AS IS" AND "AS AVAILABLE" BASIS, "WITH ALL FAULTS" AND WITHOUT WARRANTY OF ANY KIND. TO THE FULLEST EXTENT PERMITTED BY LAW, WE, OUR AFFILIATES, CONTRACTORS, SERVICE PROVIDERS, EMPLOYEES, AGENTS, LICENSORS, AND OTHER PARTY INVOLVED IN CREATING, PRODUCING OR DELIVERING THE ZIMFLY SITES DISCLAIM ALL WARRANTIES AND REPRESENTATIONS OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AND WE SPECIFICALLY DISCLAIM ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTIES OF NON-INFRINGEMENT, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ACCURACY, COMPATIBILITY AND WORKMANLIKE EFFORT. WE SHALL NOT BE RESPONSIBLE FOR ANY HARM TO YOUR COMPUTER SYSTEM, LOSS OR CORRUPTION OF DATA OR CONTENT, OR OTHER HARM THAT RESULTS FROM YOUR ACCESS TO OR USE OF THE SITES. WITHOUT LIMITING THE FOREGOING, WE DO NOT WARRANT OR REPRESENT THAT THE SERVICES WILL BE CONTINUOUS, SECURE, RELIABLE, ACCESSIBLE, UNINTERRUPTED OR ERROR-FREE, OR THAT OUR SERVERS OR SITES ARE FREE OF VIRUSES OR OTHER HARMFUL COMPONENTS, OR THAT OUR SECURITY PROCEDURE AND MECHANISMS WILL PREVENT THE LOSS OR ALTERATION OF, OR IMPROPER ACCESS TO, PERSONAL INFORMATION BY THIRD PARTIES. We are not responsible for events beyond our direct control. This Privacy Policy is governed by the laws of California, excluding conflicts of law

principles. Any legal actions against us must be commenced in California within one (1) year after the claim arose, or such action(s) will be barred.

**Contacting Zimfly.**

If you believe that Zimfly has not adhered to this Privacy Policy, please contact us by email at [legal@zimfly.com](mailto:legal@zimfly.com) or by postal mail at **1141 Harbor Bay Parkway, Suite 260 Alameda CA 94502 Attn: Legal** and we will use commercially reasonable efforts to remedy the problem.