

## ***Privacy Policy***

Birkman International, Inc., its subsidiaries and its affiliated entities throughout the world (collectively, “Birkman,” “we,” “us,” or “our”) is committed to protecting the privacy of your personal information. Set forth below is a summary of the policies and procedures that we follow to protect the confidentiality of the personal information that you provide to us through our Websites <https://www.birkman.com>, <https://direct.birkman.com>, <https://q.birkman.com>, and <https://my.birkman.com> (collectively, the “Websites”), by phone, email or in writing. These policies and procedures, including the EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield privacy statement and the website privacy statement, are referred to collectively as the “Privacy Policy”.

### ***Information We Collect Generally***

The information that we may collect includes your name, age, gender, educational background and career information, country, ethnicity, email address and mailing address (collectively, “Personally Identifying Information”). Your use of the Websites constitutes your affirmative decision to provide Personally Identifying Information to us.

### ***Information We Collect From Our Websites***

We may log a user’s computer IP address, browser type and version, domain, and operating system when a user visits our Websites. IP addresses may in some cases be linked to Personally Identifying Information. We use the tracked information, including IP addresses, to help diagnose problems with our servers, administer our Websites and ensure the security of our network

Our Websites have specific areas where you can purchase products and services, register for training classes and update your contact information. As part of the purchase and registration process, we may request contact information (such as name, mailing address and email address) and financial information (last four digits of credit card number and expiration date (“Financial Information”). Financial Information may be shared with third parties for verification, processing and fraud detection purposes only.

We may place a piece of information known as a “cookie” on your computer when you visit our Websites. Cookies are commonly used by websites to improve the user’s experience. We may use cookies for a number of purposes – for example, to maintain continuity during an extended user session or to gather data about the usage of our Websites for information technology, sales and marketing and other corporate purposes. Cookies have not been known to

transmit computer viruses or otherwise harm computers. Many cookies persist only through a single session or visit, but others may have an expiration date or may remain indefinitely on a computer until deleted.

Our cookies will track only your activity on our Websites and will not track your other Internet activity. Our cookies do not gather Personally Identifying Information or Financial Information. We may occasionally use third parties to set cookies on our Websites and gather cookie information for us, or to operate web servers.

Upon your first visit to our website, you can decide if and how your computer will accept cookies by configuring your preferences using a clear “Accept” or “Decline” notice. You have the right to revoke prior consent at any time by clicking the button below.

## REVOKE TRACKING COOKIES

In addition to the information we collect from cookies, we also obtain information that you provide to us online. Contact information from online forms is used to process orders, register for training classes and pay for goods and services. We also collect and use contact information in connection with the dissemination of newsletters, research reports, case studies and marketing materials. We may conduct research surveys during which non-personally identifiable information is collected exclusively for purposes of the survey, unless otherwise stated. You may opt out of receiving any of our surveys, newsletters, reports or marketing materials by sending an email to: [unsubscribe@birkman.com](mailto:unsubscribe@birkman.com) and specifying which items you would no longer like to receive or by using the unsubscribe feature on the materials we distribute.

### ***Purpose for Which Personally Identifying Information is Collected and Used***

Our Websites are the principal means by which individuals access The Birkman Method® assessment. The assessment is comprised of a questionnaire of approximately 300 questions and a series of reports derived from the responses to these questions. Individuals take The Birkman Method® assessment on his/her own initiative or at the request of an employer, a prospective employer, educational, religious or not-for-profit organization or other group (a “Sponsoring Organization”). In connection with our Privacy Policy, consultants and consulting firms that help administer The Birkman Method® assessment are considered to be Sponsoring Organizations. Of the Personally Identifying Information collected from you, only the “Assessment Results”, specifically your name, gender, and email address, and the reports about you generated in connection with The Birkman Method® assessment, are accessible by the Sponsoring Organization.

For research purposes, we may aggregate your responses with the responses of other individuals to develop group norms, conduct validation studies, perform statistical analysis, develop new products and services and otherwise improve our assessments. In these cases, your age, gender and other personal information may be used to create only aggregated results which may be included in reports that are published or otherwise disseminated, and which can in no way be linked to your Personally Identifying Information. You may at your option elect to provide personal information in connection with participation in future research initiatives (for example, providing an e-mail address to participate in follow-up research).

We do not barter, trade or sell access to your Personally Identifying Information, other than with your written permission, as set forth below.

### ***Consent to Collect, Use, and Limited Disclosure of Personally Identifying Information***

When taking The Birkman Method® assessment at the request of a Sponsoring Organization, your participation indicates your consent to the disclosure of the Assessment Results only to that Sponsoring Organization. In addition, access to your Personally Identifying Information may be used by our employees in connection with the administration of The Birkman Method® assessment. In providing your Assessment Results to Sponsoring Organizations, we will not disclose your particular answers to particular questions but will provide computer-generated reports derived from your responses by means of our proprietary process.

Except as provided below for purposes of corporate restructuring, compliance with applicable law, legal process, or enforcement, your Personally Identifying Information will not be transferred or disclosed by Birkman to a third party (other than a Sponsoring Organization, if applicable) without your express written consent. Permission may be in the form of (i) an email addressed to [support@birkman.com](mailto:support@birkman.com), which must be sent from the email address associated with your name in our database, or (ii) your signature on the Birkman Report Release Authorization form, which may be faxed to: (713) 331-5610, or mailed to: Birkman International, Inc., 3040 Post Oak Boulevard, Suite 1425, Houston, Texas, 77056, Attention: Support. Charges may apply in connection with any such transfer and release.

We may disclose Personally Identifying Information about you if such disclosure is required by federal, state, local or foreign law, statute or regulation. In such cases, we will use commercially reasonable efforts to disclose only the information required by law.

In the event there is a change in Birkman's corporate structure, including, without limitation, merger, consolidation, or transfer of substantial assets, Birkman may, in its sole and absolute discretion, transfer information collected, including, without limitation, aggregated information and Personally Identifying Information, to one or more of such affiliated or unaffiliated successors to Birkman's business. Transfer will only be to a country whose legal regime provides an "adequate" level of personal data protection or otherwise in accordance with applicable law.

Any affected users will be notified via our Site or email. Birkman may also retain and disclose Personally Identifying Information in order to: (1) comply with applicable laws; (2) respond to governmental inquiries or requests; (3) comply with valid legal processes; (4) protect the rights, privacy, safety or property of Birkman, Website visitors, clients or the public; (5) enforce our Websites terms of service; and (6) permit us to pursue available remedies or limit the damages that we may sustain.

### ***Links to Other Websites***

Our Websites may contain links to other websites. We have no control over the privacy practices of such other websites, nor should any such link be considered an endorsement of such other websites' privacy practices. We recommend that you read the privacy policies of such other websites before providing them any Personally Identifying Information.

### ***Security and Retention***

Birkman takes commercially reasonable procedural, physical and electronic measures to protect your information from loss, misuse and unauthorized access, disclosure, alteration and destruction. We protect your information during electronic transmission by using the Transport Layer Security (TLS) protocol, which encrypts the information that you transmit to us and the information that we transmit to you. We also take appropriate physical safeguards to protect your information while in storage and in our office. We restrict access to information collected about you at our Websites to our employees or others who need to know that information to provide services to you or in the course of conducting our normal business operations. We may retain your Personally Identifiable Information, contact information or other information you may provide to us for so long as required by law, as necessary to provide services and conduct research, which may be for an indefinite period of time.

## ***Customer Testimonials and Comments***

We post customer testimonials and comments on our Websites, which may contain Personally Identifiable Information. We obtain each customer's consent via email prior to posting the customer's name and testimonial.

## ***International Transfer of Information***

To facilitate our global operations, we may transfer and access Personally Identifiable Information and Financial Information from around the world, including the United States. This Privacy Policy shall apply even if we transfer Personally Identifiable Information to other countries.

## ***Data Integrity***

Birkman takes reasonable steps to ensure that the Personally Identifying Information it maintains is reliable for, and relevant to, its intended use. We also endeavor to ensure that such Information is accurate, complete and current.

## ***Children's Information***

We do not solicit or intentionally collect data from persons under 16 years old nor do we publish content that is targeted at anyone under 16 years old. If you are under 16, you may not use any of our Websites.

## ***Changes to Your Personally Identifiable Information***

You have the right to review the Personally Identifying Information that we maintain about you and to correct, amend or delete that information where it is inaccurate. Our ability to provide you with access to your Personally Identifying Information is dependent on the completeness and accuracy of the information that you provide to us. For continued access, you are, and Birkman is not, responsible to contact us in the following manner to update and maintain the accuracy and completeness of your information. Requests may be made by email to our Privacy Officer, Beverly Martin, at: [privacy@birkman.com](mailto:privacy@birkman.com). The email request must be followed up with written proof of identity, which should be a copy of your current driver's license, passport, birth certificate or national identity card. Information about where to send such proof of identity will be forwarded to you in response to your email request, along with information about any associated fees, and the anticipated response time.

## ***Emails, Questions, Complaints, and Disputes***

We welcome your email messages to mailboxes listed on our Websites. We will share your messages with those within our organization who are most capable of addressing the issues contained in your message. We will keep a copy of your message until we have had an opportunity to address your concerns. We may archive your message for a certain period of time or discard it.

If you have taken The Birkman Method® assessment at the request or under the aegis of a Sponsoring Organization, you should submit complaints concerning the use of your Personally Identifying Information to that Sponsoring Organization in accordance with its policies and procedures, including its dispute resolution mechanism, if any. We will participate in your Sponsoring Organization's dispute resolution process upon your written request.

In situations where the Sponsoring Organization's dispute resolution mechanism is not available, and, in all cases in which a Sponsoring Organization is not involved, you should communicate all complaints, concerns or questions regarding the subject matter of this Privacy Policy to our Privacy Officer, Beverly Martin, at: [privacy@birkman.com](mailto:privacy@birkman.com). Please include your name, address and phone number or e-mail address in all communications to us and state clearly the nature of your complaint, concern or question.

We regularly review our compliance with this Privacy Policy and verify that it is accurate, comprehensive for the information intended to be covered, prominently displayed, fully implemented and accessible and in conformance with the Privacy Shield Framework. Any concerns related to this Privacy Policy should be addressed in writing to the Privacy Officer identified above and we will take steps, consistent with applicable law, to address and to remedy any compliance issues identified by you, if necessary.

If we fail to respond in a reasonable period of time or you are not satisfied with our response, you may pursue the matter by filing a claim with the international division of the American Arbitration Association (ICDR/AAA). Information about this organization and the relevant procedures can be found on the ICDR-AAA EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield Program Independent Recourse Mechanism (IRM) website: (<http://go.adr.org/privacyshield.html>). Arbitration will be conducted by telephone, email or other electronic means of communication, or via a "documents only hearing."

## ***EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework***

Birkman complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and the United Kingdom and/or Switzerland, respectively, to the United States (collectively, the “Privacy Shield”). Birkman has certified to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit <https://www.privacyshield.gov/>.

Birkman’s participation in the Privacy Shield applies to all personal data that is subject to this Privacy Policy and is received from the European Union, European Economic Area, and Switzerland. Birkman will comply with the Privacy Shield Principles in respect of such personal data. We are also subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission (FTC).

Birkman’s accountability for personal data that it receives under the Privacy Shield and subsequently transfers to a third party is described in the Privacy Shield Principles. In particular, Birkman remains responsible and liable under the Privacy Shield Principles if third-party agents that it engages to process the personal data on its behalf do so in a manner inconsistent with the Principles, unless Birkman proves that it is not responsible for the event giving rise to the damage. Birkman may also be required to disclose your personal information in response to a lawful request by public authorities, including to meet national security or law enforcement requirements.

In compliance with the Privacy Shield Principles, Birkman commits to resolve complaints about our collection or use of your personal information. European Union and Swiss individuals with inquiries or complaints regarding our Privacy Shield policy should first contact Birkman at: [privacy@birkman.com](mailto:privacy@birkman.com).

Birkman has further committed to refer unresolved Privacy Shield complaints under the Privacy Shield to Birkman’s independent recourse mechanism, the International Centre for Dispute Resolution, a division of the American Arbitration Association (“ICDR/AAA”). If you do not receive timely acknowledgment of your complaint from us, or if we have not resolved your complaint, please contact or visit the ICDR/AAA website at <http://go.adr.org/privacyshield.html> for more information and to file a complaint. The services of ICDR/AAA are provided at no

cost to you. If a complaint or dispute cannot be resolved by Birkman or ICDR/AAA, you may, under limited circumstances, invoke binding arbitration.

### ***Changes to this Privacy Policy***

Birkman may change this Privacy Policy from time to time and at any time. When we do, we will also revise the “last updated” date at the bottom of this Privacy Policy and post notification of a change on the Websites. You should review this Privacy Policy regularly for changes.

***Last Updated: April 12, 2019***