



## Brainier Privacy Policy

### Our Commitment To Your Privacy

Brainier is committed to respecting your privacy. This privacy policy applies to [www.brainier.com](http://www.brainier.com) owned and operated by Brainier Solutions, Inc. (dba, “Brainier”). Providing a secure environment in which you can participate in on-line activities is important to us. This Policy discloses Brainier (collectively, “We”, “Us”, “Our”) privacy practices and expresses our commitment to keeping you informed of the information we collect, receive, use, store, share, transfer and process your personal information, as well as your rights in determining what we do with the information that we collect or hold about you. We ask that you take time to read it carefully. We may update this Policy from time to time to reflect new uses, rules, regulations or technologies that impact your privacy. We recommend that users review our Policy on a routine basis to view any changes.

Brainier complies with the EU-U.S. Data Privacy Framework (EU-U.S. DPF) as set forth by the U.S. Department of Commerce. Brainier has certified to the U.S. Department of Commerce that it adheres to the EU-U.S. Data Privacy Framework Principles (EU-U.S. DPF Principles) with regard to the processing of personal data received from the European Union in reliance on the EU-U.S. DPF. If there is any conflict between the terms in this privacy policy and the EU-U.S. DPF Principles the Principles shall govern. To learn more about the Data Privacy Framework (DPF) Program, and to view our certification, please visit <https://www.dataprivacyframework.gov/>.



In compliance with the EU-U.S. DPF, Brainier commits to cooperate and comply respectively with the advice of the panel established by the EU data protection authorities (DPAs) with regard to unresolved complaints concerning our handling of personal data received in reliance on the EU-U.S. DPF.

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

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

In compliance with the Data Privacy Principles, Brainier commits to resolve complaints about our collection or use of your personal information. EU individuals with inquiries or complaints regarding our Data Privacy policy should first contact us through one of the methods described below in **QUESTIONS OR COMPLAINTS**.

Brainier has further committed to cooperate with the panel established by the EU data protection authorities (DPAs) with regard to unresolved Data Privacy complaints concerning human



resources data transferred from the EU in the context of the employment relationship.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our third party dispute resolution provider at [https://edpb.europa.eu/about-edpb/board/members\\_en](https://edpb.europa.eu/about-edpb/board/members_en).

Under certain conditions, more fully described on the Data Privacy website, you may invoke binding arbitration when other dispute resolution procedures have been exhausted.

### **Information Collection**

You make the decision whether or not to proceed with any activity that requests personal information, but please be aware that if you choose not to provide the information requested, you may not be able to complete certain transactions with Brainier.

Sometimes, such as when you register for a service, order a product, participate on our blog, request a free demo or make other inquiries, we will ask for specific information about you in order to provide that product or service to you. We will need certain personal information such as name, contact information, and billing information including credit card number.

We post customer testimonials on our Web site which may contain personal information. We do obtain the customer's consent via email prior to posting the testimonial to post their name along with their testimonial. If you wish to update or delete your testimonial, you can contact us at [support@brainier.com](mailto:support@brainier.com).



Please remember that when you submit information to a discussion group, blog, or some other public forum, the information submitted will be deemed public information and will not be considered confidential. You should be aware that any personal information you submit there can be read, collected, or used by other users of these forums, and could be used to send you unsolicited messages. To request removal of your personal information from our blog or community forum, contact us at [support@brainier.com](mailto:support@brainier.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.

- DATA RETENTION

We will retain your information for as long as your account is active or as needed to provide you services. We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. If you wish to cancel your account or request that we no longer use your information to provide you services contact us at [support@brainier.com](mailto:support@brainier.com).

- COMMUNICATIONS FROM THE SITE

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. In order to tailor subsequent communications to you and to continually improve Brainier offerings, we may also ask you to provide information



regarding your personal or professional interests, demographics, past experience with Brainier products and services, and detailed contact preferences. We do, however, provide our users a choice as to whether or not they would like to receive these communications. Please see our Choice/Opt-Out section.

- **NEWSLETTERS**

Users may from time to time receive up-to-date information on products and services via our email newsletter. Again, out of respect for your privacy, we give users the choice to opt-out of receiving these communications. Please see our Choice/Opt-Out section.

- **SURVEYS**

We may also periodically conduct business and individual user surveys because they provide us with important information that helps us to improve our products and services.

Participation in such surveys is completely voluntary and you, therefore, have a choice whether or not to disclose this information. Any personal information submitted in response to a survey will remain strictly confidential.

- **COOKIES / TRACKING TECHNOLOGIES**

Technologies such as: cookies, beacons, tags and scripts are used by Brainier and our marketing partners, affiliates, or analytics or service providers. These technologies are used in analyzing trends, administering the site, tracking 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), for authentication, live chat, and analytics. Users 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. We use Local Storage, such as HTML5, to store content information and preferences. Various browsers may offer their own management tools for removing HTML5.

- LOG FILES

When you visit our Sites, we collect your IP address and store it in a "log file." We also collect information about the browser and operating system you use, and store that information in log files. We use IP addresses we collect to analyze trends, administer our Sites, track users' movements within our Sites, track the sites users access just before (but not after) they visit our Sites, and gather broad demographic information for use in aggregate form. We do not link this automatically collected data to other information we collect about you.

- BEHAVIORAL TARGETING / RE-TARGETING

We partner with a third party to either display advertising on our Web site or to manage our advertising on other sites. Our third party partner may use technologies such as cookies to gather information about your activities on this site and other sites in order to provide you advertising based upon your browsing activities and interests. If you wish to not have this information used for the purpose of serving you interest-based 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 ads. You will continue to receive generic ads.

- OTHER

Data you submit online may also be combined with other information you provide through other means of communication, such as postal mail.

### Choice/Opt-Out

We will not use your personal information for purposes not directly related to products and services you've requested unless you direct us to do so by opting-in at the point where the information is collected. Additionally, if after agreeing to any particular secondary uses of your information, you change your mind, you may opt-out by contacting us through one of the methods described below in Comments and Concerns or by following the unsubscribe instructions included in each promotional email.

### Sharing Information

Unless Brainier has your permission or is required by law, Brainier will not sell, rent, lease or otherwise provide your personal information to others, except in order to provide you with the products and services you request. If you do not want us to share your personal information with these companies, [contact us here](#). Brainier will only share the personal information you provide online with other Brainier entities and/or outside contractors who may be used to ship products, provide technical support, handle order processing, or otherwise act on Brainier's behalf for the



purpose of providing products and services. These third parties are prohibited from using your personal information for any other purpose including their own marketing purposes.

In certain situations, Brainier may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. We reserve the right to disclose your personal information as required by law, such as to comply with a subpoena or other legal process, and 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.

If Brainier 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.

### Frames

Some of our pages may utilize framing techniques to serve content to from our partners while preserving the look and feel of our site. Please be aware that you are providing your personal information to these third parties and not to [www.brainier.com](http://www.brainier.com).

### Data Security

Brainier is committed to ensuring the security of your information. We use encryption technology, privacy protection controls and restrictions on employee access in order to safeguard your personal





information. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security.

Every Brainier employee must abide by our Privacy Policy. Only authorized employees will have access to your personal information and such access is limited to a need-to-know basis. If, for example, you call us with a concern or complaint, the Brainier representative is allowed to access the personal information that he/she requires to address your particular concern.

#### [Internet Commerce](#)

Brainier uses industry-standard security measures available through your browser called Secure Sockets Layer (SSL) encryption for all Online Store purchases where sensitive data such as your credit card information is collected. If you are using Microsoft Internet Explorer 1.0 or later or Netscape 1.0 or later as your Web browser, your transactions are fully encrypted and secure. When you see either a locked padlock icon (Internet Explorer) or a solid key icon (Netscape) in the lower status bar of your browser window, then your connection is secured through SSL. We always use industry-standard encryption technologies when transferring and receiving your personal information within our Online Store. Furthermore, all of the customer data we collect is protected against unauthorized access.

#### [Handling of Customer's Media](#)



Brainier, upon Customer's request and subject to all payment requirements and contract terms, shall convert, through its own efforts and those of its sub-contractors, Customer's multimedia materials into a streaming video and/or audio format, or another agreed upon format. Customer shall provide Brainier with a copy of the materials to be converted in the format as specified on the Customer's quote submitted to Brainier. Customer should not provide Brainier with the original of the materials to be converted and, in no instance, shall Brainier be liable to Customer for direct damages for loss of, or other damage to, Customer's materials greater than the cost of the medium on which the materials were transmitted to Brainier. Customers utilizing this service shall be bound by the terms and conditions of this Agreement. Customers shall not post sensitive or inappropriate content including but not limited to adult, misleading, violent, hateful, or harassing. Customer shall retain all rights, including all trademark, licensing and copyright rights, in both the original multimedia materials as well as the streaming media materials.

### Copyright

If your copyright-protected work was posted on Brainier without your authorization, you can submit a copyright removal request to request that the content be removed by contacting Brainier by email or other means provided by the website. Consider whether fair use, fair dealing, or a similar copyright exception applies. Keep in mind that the copyright owner, or an agent authorized to act on the owner's behalf, should submit the removal request.

### Trademark



If you think your trademark is being infringed, keep in mind that Brainier does not mediate trademark disputes. As a result, we strongly encourage trademark owners to speak directly with the user who posted the content in question. Contacting the uploader may fix the problem faster in a way that benefits everyone. If you cannot reach a resolution with the account holder in question, submit a complaint by contacting Brainier by email or other means provided by the website.

### Defamation

Brainier takes into account local legal considerations in our defamation blocking process, and in some cases, we require a court order. For us to be able to process a defamation blocking request, the claim needs to be specific and strongly supported. Because obtaining a court order can be costly and time-consuming, we encourage users to contact the uploaders of the content in question directly. If you have attempted to contact the uploader, and you believe a defamation claim is more appropriate than a privacy or harassment complaint, you may contact Brainier by email or other means provided by the website.

### Links

Brainier may provide you with links to other sites. Please be aware that Brainier is not responsible for the privacy practices of these sites. Brainier does not endorse them or make any representations about them or any information, services, products or materials found on them. If you decide to access any of the third party sites through links, we strongly encourage you to read their privacy policies.



## Social Media Widgets

Our Web site includes Social Media Features, such as the Facebook button [and Widgets, such as the Twitter button or interactive mini-programs that run on our site]. 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 and Widgets 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 social media company providing it.

## Notification of Changes

Brainier reserves the right to make changes to this privacy policy. If we make any changes that result in the use of personal information in a manner different from that stated at the time of collection, we will first notify you via email prior to the changes taking effect and provide you with the choice as to whether or not you will allow us to use your information in this different manner. In the event there is a material change in our privacy practices that does not affect user information already stored in our database, a notice will be posted on our web site notifying all users of the change.

## Correcting/Deleting Personal Information

Upon request Brainier will provide you with information about whether we hold any of your personal information. Brainier strives to keep your personal information accurate and up-to-date. Should you find inaccuracies or wish to correct, update, amend, delete or



deactivate your personal information, please submit a written request via email to [DPO.US@biworldwide.com](mailto:DPO.US@biworldwide.com).

## RIGHT TO ACCESS, CHANGE OR DELETE PERSONAL DATA

- RIGHT TO ACCESS

Individuals have the right to know what Personal Data about them is included in the databases and to ensure that such Personal Data is accurate and relevant for the purposes for which Brainier collected it. Individuals may review their own Personal Data stored in the databases and request to have it corrected, erased, or blocked, as permitted by applicable law and Brainier policies. Upon reasonable request and as required by the Data Privacy principles, Brainier allows Individuals access to their Personal Data, in order to correct or amend such data where inaccurate. Individuals may edit their Personal Data by logging into their account profile or by contacting Brainier by email or other means provided by the website. In making modifications to their Personal Data, Data Subjects must provide only truthful, complete, and accurate information. To request erasure of Personal Data, Individuals should submit a written request via email to [DPO.US@biworldwide.com](mailto:DPO.US@biworldwide.com).

- REQUESTS FOR PERSONAL DATA

Brainier's parent company, BI WORLDWIDE, will track each of the following and will provide notice to the appropriate parties under law and contract when either of the following circumstances arise: (a) legally binding request for disclosure of the Personal Data by a law enforcement authority unless



prohibited by law or regulation; or (b) requests received from the Data Subject.

- SATISFYING REQUESTS FOR ACCESS, MODIFICATIONS, AND CORRECTIONS

Brainier will endeavor to respond in a timely manner to all reasonable written requests to view, modify, or inactivate Personal Data.

## QUESTIONS OR COMPLAINTS

EU and U.S. Individuals may contact Brainier's parent company, BI WORLDWIDE with questions or complaints concerning this Policy at the following email address: [DPO.US@biworldwide.com](mailto:DPO.US@biworldwide.com).

## Comments and Concerns

We welcome your comments. Should you have any general comments or concerns, please contact us: via email at [support@brainier.com](mailto:support@brainier.com), by telephone at (952) 345-5555, or by mail to: Brainier, Attn: Privacy Coordinator, 7540 Bush Lake Road, Minneapolis, MN 55439.

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