

## Privacy Policy

Last modified: 11/27/2018

### **Introduction**

Independent Billing Services, Inc., d/b/a IBS Software (the “**Company**”) respects your privacy and the privacy of persons who use Elmo Anywhere (a Point-of-Sale cloud-based software program for windshield repair and replacement professionals) through the website [www.elmoanywhere.com] and is committed to such protection through Company’s compliance with this Privacy Policy. For convenience, in this Privacy Policy, the Company may also be referred to with first person personal pronouns such as “we,” “us,” and “our.” Second person personal pronouns will refer to you.

This policy describes the types of information we may collect from you or that you may provide when you use Elmo Anywhere and visit the website www.elmoanywhere.com (our “**Website**”) and our practices for collecting, using, maintaining, protecting, and disclosing that information.

#### **1. Acceptance:**

By using Elmo Anywhere, by accessing our Website, or by clicking “I Accept” when presented with the opportunity to do so, you are conclusively deemed to have read, understood, and agreed to the provisions of this Privacy Policy. If, at any time, you either do not understand or disagree with anything in this Privacy Policy or our Terms of Use, you must cease using Elmo Anywhere and must refrain from further accessing our Website. Your continued use of Elmo Anywhere and the Website will themselves be deemed agreement to the terms of this Privacy Policy and our Terms of Use.

#### **2. Information:**

This policy applies to information we collect on the Website, in the Elmo Anywhere profiles and other edit fields in the program, and in email messages sent or received through the Elmo Anywhere platform. It does not apply to information collected by any third party, including through any application or website that may link to or be accessible from the Website, or to information collected or received through means other than Elmo Anywhere or the Website.

#### **3. Changes:**

This Privacy Policy may change from time to time. Your continued use of this Website after we make changes is deemed to be acceptance of those changes; so, please check the Privacy Policy periodically for updates. If you do not wish to agree to or be bound by any updates, modifications, or alterations to this Privacy Policy, you must cease all use of the Website and Elmo Anywhere.

#### **4. Types of Information We Collect About You and How We Collect It:**

(a) **Types of Information.** We collect several types of information from and about Users of Elmo Anywhere and our Website, including information:

(i) by which you may be personally identified, such as name, postal address, e-mail address, telephone number or numbers, web address, or any other identifier by which you may be contacted online or offline ("**personal information**");

(ii) that is about you but individually does not identify you, such as your internet connection, the equipment you use to access our Website and usage details; and

(iii) that pertains to your purchasing decisions, such as prices, delivery details, payment methods, and payment means, subject to the limitations of Section 5(b) hereof. We do not collect or retain financial information such as credit card numbers, bank account numbers, or debit card numbers. Rather, we use a payment intermediary that collects such information, passing on to us actual payments, but not the details of the means of the payment.

(b) **How Information is Collected.** We collect the information identified in Sections 4(a)(i), 4(a)(ii), and 4(a)(iii) above:

(i) Directly from you when you or one or more of your employees provides it to us;

(ii) When you use the Elmo Anywhere platform to send or receive email messages; and

(iii) Automatically as you use Elmo Anywhere or navigate through the Website. Information collected automatically may include usage details (including order information such as prices, payment means, and delivery and other order details, subject to the limitations of Section 5(b) hereof), IP addresses, and information collected through cookies, web beacons, and other tracking technologies such as the details of your visits to our Website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Website, subject to the limitations of Section 5(b) hereof.

(c) **Purpose for Collection.** The information we collect helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

(i) Store information about your preferences, allowing us to customize our Website according to your individual interests and improve the functionality and ease of use of Elmo Anywhere;

(ii) Recognize you when you return to our Website; and

(iii) Share information with distributors/vendors offer competitive prices and quality services.

(d) **Technologies.** The technologies we use for automatic data collection may include:

(i) **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. If, however, you select this setting, you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so

that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.

(ii) **Flash Cookies.** Certain features of our Website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our Website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For information about managing your privacy and security settings for Flash cookies, see [Choices About How We Use and Disclose Your Information](#).

(iii) **Web Beacons.** Pages of the Website and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit the Company, for example, to count users who have visited those pages or [opened an email] and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

(e) **Third-Party Use of Cookies and Other Tracking Technologies.** Some content or applications, including advertisements, on the Website are served by third-parties, including advertisers, ad networks and servers, content providers, and application providers. These third parties may use cookies alone or in conjunction with web beacons or other tracking technologies to collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. They may use this information to provide you with interest-based (behavioral) advertising or other targeted content. We do not control these third parties' tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly. For information about how you can opt out of receiving targeted advertising from many providers, see [Choices About How We Use and Disclose Your Information](#).

## 5. **How We Use Your Information:**

(a) **Site-Based Uses.** We use information that we collect about you or that you provide to us, including any personal information:

- (i) To present our Website and its contents to you;
- (ii) To provide you with information, products, or services that you request from us, from our Affiliates, or from other vendors of auto glass (“**Vendors**”);
- (iii) To determine current wholesale prices for an array of glass products and, thereby enable distributors/vendors to offer competitive prices and other terms;
- (iv) To fulfill any other purpose for which you have provided it;
- (v) To provide you with notices about your account or subscription, including expiration and renewal notices, delinquencies, and defaults;
- (vi) To carry out our obligations and enforce our rights arising from any contracts entered into between you and us or between you and one or more of our Affiliates, including for billing and collection;

(vii) To notify you about changes to Elmo Anywhere or to our Website or any products or services we offer or provide through such Website;

(viii) In any other way we may describe when you provide the information; and

(ix) For any other purpose with your consent.

(b) **Wholesaler Limitation.** Notwithstanding anything to the contrary herein or in the Terms of Use, we will share with wholesalers only (i) Vendor prices without identifying the specific Vendor or the quantity of products purchased by any auto glass retailer and (ii) with respect to other order information, only aggregate data.

(c) **Promotions.**

(i) We may also use your information to contact you about our own and third-parties' goods and services that may be of interest to you. If you do not want us to use your information in this way, please check the relevant box located on the form on which we collect your data (the registration form). For more information, see [Choices About How We Use and Disclose Your Information](#).

(ii) We may use the information we have collected from you to enable us to display advertisements to our advertisers' target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

## 6. **Disclosure of Your Information:**

(a) **Aggregated Information.** We may disclose aggregated information about registered visitors to our Website and registered users of Elmo Anywhere (“Users”), and information that does not identify any individual, without restriction.

(b) **Personal Information.** We may disclose personal and other information that we collect or you provide as described in this privacy policy:

(i) Subject to the limitations of Section 5(b) hereof, to our Affiliates;

(ii) To contractors, service providers, and other third parties we use to support our business, Elmo Anywhere, and the Website;

(iii) To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of The assets of the Company, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Company about the Users is among the assets transferred;

(iv) To fulfill the purpose for which you provide it (For example, if you give us an email address to use a feature of Elmo Anywhere, we will transmit the contents of that email and your email address to the recipients);

(v) For any other purpose disclosed by us when you provide the information;

(vi) With your consent; and

(vii) To third parties to market their products or services to you if you have not opted out of these disclosures. For more information, see [Choices About How We Use and Disclose Your Information](#).

(c) **Legal Compliance.** We may also disclose your personal information:

(i) To comply with any court order, law, or legal process, including to respond to any government or regulatory request;

(ii) To enforce or apply our terms of use [INSERT AS LINK TO WEBSITE'S TERMS OF USE] and other agreements, including for billing and collection purposes;

(iii) If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of the Company; our Affiliates; the officers, directors, and employees of either of them; our customers; or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

(d) **Retail Prices:**

We do not intend to collect or receive your retail glass prices. Please do not share such prices with us. If for some reason, your retail glass prices or the retail glass prices of other retailers are received by us, we will not share such prices with other glass retailers.

## 7. **Choices About How We Use and Disclose Your Information:**

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

(a) **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe's [website](#). If you disable or refuse cookies, please note that some parts of the Website may then be inaccessible or not function properly.

(b) **Promotional Offers from the Company.** If you do not wish to have your email address or contact information used by the Company to promote our own or third parties' products or services, you can opt-out by clicking the unsubscribe link in the promotional email or by sending us an email stating your request to [CustomerServer@IBSSoftware.com](mailto:CustomerServer@IBSSoftware.com). If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions.

(c) **Third Parties.** We do not control third parties' collection or use of your information to serve interest-based advertising.

These third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

8. **Accessing and Correcting Your Information:**

You can review and change your personal information by logging into the Elmo Anywhere at the Website and visiting your account profile page. You may also send us an email at [CustomerServer@IBSSoftware.com](mailto:CustomerServer@IBSSoftware.com) to request access to, correct or delete any personal information that you have provided to us. We cannot delete your personal information except by also deleting your User account. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

9. **Data Security:**

(a) **Security Measures.** We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. All information you provide to us is stored on our secure servers behind firewalls. Any payment transactions will be handled by a third party processor and will be encrypted using SSL technology.

(b) **Your Care Needed.** The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public. The information you share in a public area may be viewed by other Users of the Website.

(c) **Inherent Problems.** Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is subject to interception and at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

10. **Definitions:**

Where capitalized terms are used herein, but are not defined herein, such capitalized terms shall have the definitions assigned them in the Terms of Use.

11. **Contact Information:**

To ask questions or comment about this privacy policy and our privacy practices, contact us at: [CustomerServer@IBSSoftware.com](mailto:CustomerServer@IBSSoftware.com)