

H Engage, Inc D/B/A Airbo

Privacy Policy

Effective Date: August 1, 2011

Last Updated: [August 14, 2020]

H Engage, Inc. d/b/a “Airbo” (“**Airbo**,” “**we**,” “**us**,” or “**our**”) respects your privacy. We are a cloud-based Employee Communications Platform that enables organizations to deliver benefits communications to their employees.

This Privacy Policy (“**Privacy Policy**” or “**Policy**”) describes the types of personal data we collect from you and other people with whom we communicate and interact in the course of providing our employee benefits communication services (“**Services**”) and via our websites at www.airbo.com, www.app.airbo.com, and all related websites and applications such as our related sponsor-specific sites (“**Employer Site**”) and services that enable website visitor and user access on our behalf (collectively, our “**Sites**”). This Policy also describes how we use personal data, under what circumstances we may share it and with whom, and your rights and choices. This Policy does not apply to third-party sites, products, or services, even if they link to our Sites or Services, and we encourage you to read the privacy policies of any third-party site with which you choose to interact.

This Privacy Policy explains the following:

- [Collection of Personal Data](#)
- [Use of Personal Data](#)
- [Sharing of Personal Data](#)
- [Cookie Policy](#)
- [Your Rights and Choices](#)
- [Data Security and Retention](#)
- [International Data Transfers](#)
- [Children’s Privacy](#)
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- [Contact Information](#)

We also include jurisdiction-specific disclosures for residents of the European Economic Area, the United Kingdom and Switzerland as well as Nevada and California.

Overview

Airbo obtains personal data about you from different sources to provide and manage our Sites and Services. “You” may be a visitor to one of our websites, an organization that uses our Services (“**Customer**”) or an employee-user of a Customer (“**User**”).

Collection of Personal Data

For the purposes of this Privacy Policy, “personal data” means any information that relates to an identified or identifiable individual. Personal data does not include publicly available information or information that has been anonymized, de-identified, or aggregated. Personal data we collect will be apparent by the context of the page or your interactions with us, and generally includes personal data you choose to provide us and personal data we collect as you interact with our Sites and Service.

a. Personal Data You Provide Us

Airbo may collect the following categories of personal data about you that you choose to provide to us when you use the Sites and Services:

- **Customer information.** When you fill-in our online form to schedule a demo, we may collect contact information such as your full name, email address, phone number, company name and size, and anything else you tell us about your company, communication needs and timeline.
- **Account information.** When you register for an Airbo account, we may collect contact and account information about you and/or other Users, such as full name, email address, phone number, password, and employee identification number or similar identifier. Most information you submit at the time of registration including your name and photo will be publicly available within the Employer Site; however, we make some information like your email private by default. You may review, correct, update or delete your personal data that we have collected about you at any time by signing into your Airbo account or by [contacting us](#).
- **Profile and other public information.** You may choose to add information to your profile, which becomes publicly available within the Employer Site. Similarly, if you comment on a survey within the site, Administrative users will be able to see your comment. It is your choice to disclose information while using the Sites and Services including revealing personal data and sensitive personal data about you to other Users. You should only provide information you are comfortable sharing with others.
- **Contact information.** When you sign up for benefits education communications via email or text, you can choose to provide your work or personal phone and/or email address. You may also choose to provide the contact information of your spouse for this purpose. You should only provide contact information of others with their consent.
- **Health-related information.** When you interact with our Services, we may collect information related to your health. For example, in response to a target reminder or incentive to schedule a health care service, your response may confirm the types of health care service targets you have already met. We do not collect Personal Health Information under the Health Insurance Portability and Accountability Act.

- **Financial and payment information.** When you engage in a transaction on our Site, we may collect your payment information such as your bank account information and billing address.

When you respond to Airbo emails or otherwise contact us, such as via our chat feature, we may collect your email address, name, and any other information you choose to include in the body of your email or responses. If you contact us by telephone, we will collect the phone number you use to call us and additional information in order to verify your identity and process your inquiry.

You may also choose to submit information to us via other methods, including (i) your email address when you sign up to receive our newsletter, promotional emails or other material you may be interested in; (ii) in response to non-commercial communications, such as surveys; (iii) when you interact with us via social media including any posts, pictures, videos and messages; (iv) when you register or participate in events or programs sponsored by our Customers; and (v) in connection with an actual or potential business relationship with us.

b. Personal Data We Automatically Collect

In addition to the personal data you choose to provide us, our Sites and Services use cookies and similar tracking technologies (“**Cookies**”) which automatically collect personal data about you, including:

- **Browser and device data**, such as IP address, device type, operating system and browser type, screen resolution, operating system name and version, device manufacturer and model, language, plug-ins, add-ons, and the language version of the Sites you are visiting; and
- **Site Usage data**, such as time, frequency and patterns of service use, pages visited, links clicked, language preferences, and the pages that led or referred you to our Site.

We also use third-party cookies on our Sites to help us analyze your use of our Sites and diagnose technical issues. These technologies may collect information such as your location, the time of visit, whether you are a return visitor, and any referring website. To learn more about our use of Cookies and how you can opt-out of analytics tracking by third parties, please see our **Cookie Policy**.

Your browser or device may include “Do Not Track” functionality. At this time, the Site does not respond to browser “Do Not Track” signals.

c. Personal Data From Third-Party Sources

We may collect personal data about you from third-party sources, including business partners and other third parties to provide you with a better experience and help us provide and improve the Sites and Services. These third parties collect and provide this personal data to us pursuant to their privacy policies. To control the information that we receive from a third-party, please update your privacy setting in your browser or account with that third-party. We may combine the personal data that you provide with information that we obtain from these sources, including both online and offline data providers.

How We Use Your Personal Data

We rely on one or more legal bases to process your personal data under applicable law. We may process personal data (1) as necessary to perform our contractual obligations to you; (2) as necessary to pursue our legitimate interests, such as promoting our products and services, protecting the safety of you and others,

ensuring network and information security, and to perform internal research that enables us to continue to develop the Sites and Services; (3) as necessary to comply with our legal obligation; and (4) with your consent.

a. Our Sites and Services

Generally speaking, we may use your personal data in order to provide you with Services as requested by you and/or our Customers, as well as to provide you with a better experience, improve the quality of our Services, protect you and others, and comply with our legal obligations.

- **Contractual obligations.** We use personal data to enter into business relationships with prospective Airbo Customers for our Services, and to perform such contractual obligations. Such uses processing activities may include:
 - Creation of Airbo accounts, including User accounts;
 - Design and launch, and provide ongoing consulting for, your benefits communication program;
 - Delivery of benefits education communications to Users in accordance with their consent under applicable law;
 - Accounting, auditing and billing activities; and
 - Sending service communications and providing related customer support.

- **Legal Obligations.** We use personal data to comply with laws, regulations, and other legal obligations such as a request or order from courts, law enforcement or other government authorities.

- **Legitimate business interests.** We process personal data to pursue our legitimate business interests, as outlined below. To determine these legitimate interests, we balanced our legitimate interests against the legitimate interests and rights of you and others.
 - Promote, analyze and improve our services, systems, and tools and develop new services;
 - Provide, improve, and develop the Sites and Services, and tailor the features to better fit your needs as a Customer and User, including to perform internal analytics, research and development, understand our customer base and understand the effectiveness of our marketing;
 - Analyze and advertise our Sites and Services;

- Share personal data with service providers that provide services on our behalf as well as business partners and affiliates to help us operate and improve the business;
 - Operate and maintain safe, secure, and reliable Sites and Services; and
 - Detect and prevent wrongdoing and crime; to assert or defend a legal claim and enforce our legal agreements and policies; and to protect and defend our rights, interests, and property, or the rights or safety of others.
- **With your explicit consent.** We process personal data in the following ways, with your explicit consent where required by applicable law:
 - Send you marketing email messages and other information that may be of interest to you;
 - Contact you by email, text message, notices posted on the Sites or in your inbox, push notifications and desktop notifications in accordance with your communication preferences. For example, we may process your health-related information when we send you target reminders and incentives as well as to track your targets; and
 - Use location data to provide certain features.

If we need to use your personal data in other ways, we will provide specific notice at the time of collection and obtain your consent where required by applicable law.

b. Electronic benefits education communications

If you are a User, we may send you benefits education communications, such as those related to deadline reminders, wellness challenges, open enrollment participation and much more. We will send you these communications via email, desktop, text and/or email consistent with any notice and agreement between you and the relevant Customer (e.g., your employer) under applicable law and at a frequency based on the relevant Customer's annual communication plan or virtual benefit fair. Because our Customers design their annual communications plans and virtual benefit fairs, which shows what content will be communicated to Users throughout the year, we ask that you direct your consent and benefits education communication preferences, including any requests to opt-out, directly to the relevant Customer.

c. Personal Data Collected From You About Others

If you decide to sign your spouse up to receive benefits education communications, we will collect your spouse's contact information, including your spouse's full name, email address and/or phone number in order to facilitate email and text communications. In other instances, you may choose to provide the contact information of your dependents. We rely on you to obtain consent of from individuals before providing us with their personal data.

d. Combination of Data

We may combine personal data from the Services with other information we obtain from our business records, our affiliates or other third-party sources in order to provide you with a better experience and to provide and improve and maintain our Sites and Services. Additionally, personal data collected about you from a particular browser or device may be linked to personal data collected from another computer or device that we believe relates to you.

Whom We Share Your Personal Data With

Our business is about building a long-term relationship with you. To build that trust, we know that as you spend time on our Sites and Services, your personal data must remain within your control. Be assured that your personal data, such as your name, address, and email address is not sold to others. Airbo may share your personal data with the trusted entities described below:

- **Our affiliates**, to provide, maintain and develop the Sites and Services.
- **Our service providers**, as necessary to provide services on our behalf such as website hosting, analytics, site optimization, marketing, email delivery, technical support, customer support, and payment processing.
- **Our partners**, to provide, maintain and develop the Sites and Services.
- **Business transaction**, subject to applicable law, in the event of a merger, acquisition, bankruptcy, or other sale or transfer of all or a portion of our assets. We cannot promise that an acquiring party or the merged entity will have the same privacy practices or treat your information the same as described in this Policy. If any such transaction occurs, we will provide you with notice before personal data is transferred and becomes subject to a different privacy policy.
- **Compliance and harm prevention**, including to respond to legal process (such as subpoenas, court orders, or search warrants, etc.) or to establish or exercise our legal rights or defend against legal claims. We also may provide information in order to investigate, prevent, or take action regarding illegal activities or wrongdoing; to protect the rights, property, or safety of Airbo, its Customers and Users, and others; to enforce our agreements and policies; or as otherwise required by law.

We may create anonymous or de-identified data from personal data by removing data components that make the data personally identifiable to you or through obfuscation or other means. We may analyze any data we aggregate or de-identify and share our analyses at our discretion, including with marketing agencies and analytics providers. Our use of anonymized and de-identified data is not subject to this Privacy Policy.

Cookie Policy

The Sites may use cookies and similar technologies to improve user experience, for performance and analytics, and to improve our content, products, and services. A “cookie” is a small text file that a web server stores in browser software. A browser sends cookies to a server when the browser makes a connection to that server (for example, when requesting a web page from the same domain that created the cookie).

The general purpose of cookies is to remember a browser over time and distinguish one browser instance (or user) from all others. Some cookies and other technologies may track the personal data users provide when they interact with a site, and may store such personal data. We use first-party and third-party cookies to ensure that our Sites and Services function properly, to understand how individuals use and engage with our Sites and Services and to analyze and improve our Site and Services. For example, we use cookies to help you reset your account password in the event you need to. We also use third-party cookies to analyze and improve our Sites and Services so that we can report on usage activities and trends.

Most browsers are initially set up to accept cookies, but you can reset your browser to block or delete all cookies in your browser’s settings using the links provided below. Please note that if you block essential cookies, certain parts of the Site may not function properly.

- Chrome: <https://support.google.com/chrome/answer/95647?hl=en>
- Explorer: <https://support.microsoft.com/en-us/help/17442/windows-internet-explorer-delete-manage-cookies>
- Safari: <https://support.apple.com/guide/safari/manage-cookies-and-website-data-sfri11471/mac>
- Firefox: <https://support.mozilla.org/en-US/kb/cookies-information-websites-store-on-your-computer>
- Opera: <https://help.opera.com/en/latest/web-preferences/#cookies>

Your Rights and Choices

a. Electronic Marketing Communications

If you would like to stop receiving the Airbo newsletter or other marketing or promotional messages or notifications, you may do so by following the unsubscribe instructions that appear in these email communications. We will try to comply with your request as soon as reasonably practicable. Please be advised that you may not be able to opt-out of receiving certain service or transactional email messages from us that are required to provide you with our Services.

b. Accessing or Changing your Personal Data

You may review, correct, update or delete your personal data that we have collected about you at any time. You may do so by signing into your Airbo account or by [contacting us](#). For your own protection, we may require additional information or contact you to verify your identity before processing your request. We will try to comply with your request as soon as reasonably practicable.

c. Notice for California Residents

California residents are entitled to certain consumer privacy rights related to their personal information under the California Consumer Privacy Act (“**CCPA**”). As a platform that collects personal information in order to provide our Sites and Services to Customers, the CCPA may apply to the personal information we hold about you on behalf of our Customers. If you are a User and California resident, please direct any CCPA-related requests directly to the relevant Customer (e.g., your employer).

d. Rights for Residents of the EEA, the UK, and Switzerland

In certain circumstances, residents of the European Economic Area (“**EEA**”), the UK, and Switzerland are entitled to the following data protection rights:

- **Right to access.** You have the right to request confirmation of whether Airbo processes personal data relating to you, and if so, to request a copy of that personal data;
- **Right to rectification.** You have the right to request that Airbo corrects or updates your personal data that is inaccurate, incomplete or outdated;
- **Right to deletion.** You have the right to request that Airbo erase your personal data in certain circumstances provided by law;
- **Right to restrict processing.** You have the right to request that Airbo restrict the use of your personal data in certain circumstances;
- **Right to object to processing.** You have the right to object to Airbo’s processing of your personal data, under certain conditions, such as when Airbo is processing another request you have submitted; and
- **Right to data portability.** You have the right to request that Airbo export the data that we have collected to you or another company, under certain conditions.

Where the processing of your personal data is based on your previously given consent, you have the right to withdraw your consent at any time. If you would like to exercise any of these rights, please [contact us](#). You must include your full name, email address and postal address in your email or mail request so that we can verify your EEA, the UK, or Swiss residence and respond. We may further require additional information to verify your identity before processing your request. We will comply with your request when required by applicable law. You also have the right to lodge a complaint about our data collection and processing actions

with the appropriate supervisory authority. You can view the contact information for your data protection authority [here](#).

If you are a User, we ask that you direct your requests to the relevant Customer. For example, if you have a request related to the personal data that you have provided through the Employer Site, including as part of the onboarding process or your participation in our benefits education incentives, this request should be sent directly to the relevant Customer (e.g., your employer).

e. **California “Shine the Light” Law.**

California residents additionally have the right to request information regarding third parties to whom Airbo has disclosed certain categories of personal data during the preceding year for the third parties’ direct marketing purposes under California’s “Shine the Light” law (Cal. Civ. Code § 1798.83). Personal information under this California law means “any information that when it was disclosed identified, described, or was able to be associated with an individual.” We do not disclose this type of personal data to third parties for their own purposes, and we permit you to opt-out of any disclosures of non-identifiable personal data. However, if you are a California resident and would like to inquire further, please [contact us](#). You must include your full name, email address and postal address in your email or mail request so that we can verify your California residence and respond.

f. **Your Nevada Privacy Rights.**

Nevada residents have the right to request to opt out of any “sale” of their personal information under Nevada SB 220. We do not currently sell personal information under Nevada law; however, you may still request to opt out of the future sale of your personal information. If you are a Nevada resident and would like to make such a request, please [contact us](#). You must include your full name, email address and postal address in your email or mail request so that we can verify your Nevada residence and respond. In the event we sell your personal information after the receipt of your request, we will make reasonable efforts to comply with such request.

Data Security and Retention

Airbo maintains appropriate technical, administrative and physical safeguards to help protect the security of your personal data against unauthorized access, destruction, loss, alteration, misuse or disclosure. Your personal data is accessible to only a limited number of personnel who need access to the information to

perform their duties. Please note, however, that no method of transmission over the Internet or method of electronic storage is 100% secure.

We will retain your personal data only for as long as is necessary for the purposes set out in this Privacy Policy. We retain and use personal data to the extent necessary for our legitimate business purposes, to comply with our contractual obligations and to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), as well as to resolve disputes, and enforce our legal agreements and policies.

If Airbo learns of a security systems breach, we may attempt to notify you electronically so that you can take appropriate protective steps. By using our Sites and Services or providing personal data to us you agree that we can communicate with you electronically regarding security, privacy and administrative issues relating to your use of the Sites and Services. Airbo may post a notice on Site if a security breach occurs. Airbo may also send an email to you at the email address you have provided to us in these circumstances. Depending on where you live, you may have a legal right to receive notice of a security breach in writing. If you would like to designate your email address for security breach notifications (or to withdraw your consent from receiving electronic notice), you may contact us at support@airbo.com.

International Data Transfers

Airbo may transfer personal data, including sensitive data, that we maintain to the United States or other countries from which the personal data was collected for storage, processing, and use by Airbo. Those countries may have data protection rules that are different from those of your country. However, we will take measures to ensure that any such transfers comply with applicable data protection laws and that your personal data remains protected to the standards described in this Privacy Policy. Personal data transferred to another country may be subject to lawful access requests by courts, law enforcement agencies, or other government authorities in those other countries. If you are located in the EEA, the UK, or Switzerland, we comply with applicable laws to provide an adequate level of data protection to the U.S.

Use by Children

Our Sites and Services are not directed toward individuals under the age of 13 (“Children”). We do not knowingly collect personal data from Children, and no personal data should be submitted to our Sites by Children. If we learn we have collected or received personal data from a Child, we will delete that personal data as permitted by law. You must be old enough to consent to the processing of your personal data in your country, and you must be at least 18 years of age to use our Services.

Links to Other Sites

Our Sites and Services may contain links or otherwise provide access to third-party sites, which may include websites or mobile applications. Please note that we have no control over and are not responsible for third-party sites, their content, or any products or services available through the third-party sites. Our Privacy Policy does not apply to third-party sites. We encourage you to read the privacy policies of any third-party sites with which you choose to interact.

Changes to This Privacy Policy

We may update this Privacy Policy from time to time. The date this Privacy Policy was last updated is identified at the top of this page. Any changes are effective when we post the revised Privacy Policy on the Sites. If we make material changes to this Privacy Policy that expand our rights to collect new personal data or to use differently any personal data that we have previously collected about you, we will notify you and provide you with the disclosure by posting it on our Sites and/or via email. We encourage you to review this Privacy Policy often to stay informed of how we may process your personal data.

Contact Information

If you have any questions or concerns about this Privacy Policy or our privacy practices, please do not hesitate to contact us. You can email us at support@airbo.com or write to us using the information below:

Airbo
1702 Abbot Kinney Blvd
Venice, CA 90291
Attn: Legal
855-646-4402

If you are a resident of the EEA, the UK or Switzerland, you may report a complaint about our use of personal data or if you feel that Airbo has not addressed your concern in a satisfactory manner, with your local supervisory authority. You can view the contact information for your supervisory authority [here](#).