

LEGAL

Privacy Policy

Last Updated: January 1, 2020

ActiveCampaign, LLC (“ActiveCampaign”) provides a marketing platform that allows clients to reach their customers, to understand how their customers interact with those communications and other content, and to customize marketing based on their customers’ interests. This Privacy Policy explains how ActiveCampaign collects, uses and discloses information from job applicants, website visitors, and our current and prospective clients (“clients” or “you”) when you use our websites, platform, mobile application, and other online products and services (collectively, the “Services”) that link to this policy or when you otherwise interact with us. This policy does not apply to the information that our clients import into our Services, such as the email addresses of your customers or business contacts (“Contact Data”) or to the end users, customers, or business contacts to whom that Contact Data may belong. For additional information about the use of Contact Data in connection with our Services, please consult our Terms of Service, available at <https://www.activecampaign.com/terms-of-service/>.

We may change this Privacy Policy from time to time. If we make changes, we will notify you by revising the date at the top of the policy and, in some cases, we may provide you with additional notice (such as adding a statement to our homepage or sending you an email notification). We encourage you to review the Privacy Policy whenever you access the Services or otherwise interact with us to stay informed about our information practices and the choices available to you.

Collection of Information

Information You Provide to Us

We collect information you provide directly to us. For example, we collect information when you create an account, participate in any interactive features of the Services, fill out a form, make a purchase, participate in a contest or promotion, communicate with us via third party social media sites, interact with a message board, apply for a job, request customer support, use our platform or otherwise communicate with us. The types of information we may collect include: (1) identifiers, such as your full name, phone number, email address, postal mail address, unique personal identifier, online identifier, internet protocol address, (2) commercial information, such as records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies, (3) professional or employment-related information such as company name, company payment information, and business contact information (e.g., business phone number, address, or email); and (4) any other information you choose to provide.

Information About Your Use of the Services

Usage Information

We collect information about your use of the Services, such as the ways in which you use our platform, the way you respond to us when we send you emails or communications or your preferences when you interact with our Services.

Information We Collect Automatically When You Use the Services

When you access or use our Services, we automatically collect information about you, including:

- **Log Information:** We log information about your use of the Services, including the type of browser you use, access times, pages viewed, your IP address, your general location and the page you visited before navigating to our Services.
- **Transactional Information:** When you make a purchase, we collect information about the transaction, such as purchase details, purchase

price, and date and location of the transaction. We or a designated third party may collect payment and credit card information when you subscribe to our paid Services or purchase additional services.

- **Device Information:** We collect information about the computer or mobile device you use to access our Services, including the hardware model, operating system and version, unique device identifiers and mobile network information.
- **Information Collected by Cookies and Other Tracking Technologies:** We and our service providers use various technologies to collect information, including cookies and web beacons. Cookies are small data files stored on your hard drive or in device memory that help us improve our Services and your experience, see which areas and features of our Services are popular, and count visits. Web beacons are electronic images that may be used in our Services or emails and help deliver cookies, count visits and understand usage and campaign effectiveness. For more information about cookies, and how to disable them, please see "Your Choices" below or visit our "Cookie Policy" available at <https://www.activecampaign.com/cookie-policy/>.

Information We Derive

We may derive information or draw inferences about you based on the information we collect. For example, we may make inferences about your location based on your IP address. We may also infer information about your email and contact preferences based on how you respond to our communications with you, what information you find helpful, and what type of communication language most resonates with you.

Information We Collect From Other Sources

We may also obtain information from other sources and combine that with information we collect through our Services. For example, we may collect information about you from third parties, including but not limited to social media sites, credit bureaus, data enrichment providers and publicly available sources. Additionally, if you create or log into your account through a third-party site, we may have access to certain information from that site,

which could include information such as your name, account information, and other information you make available, in accordance with the authorization procedures determined by such third-party site.

Integrations with Other Services

You may have the option of integrating our Services with other services, technologies or platforms on your desktop, permitted websites and/or your mobile phone. For example, we may offer you widgets that have countdowns to various launches as well as the opportunity to connect the Services with other third-party services that you use in your business. These integrations may require you to input information about you or result in the disclosure of information about you from the Services to a third party, or cause the Services to receive information about you from a third party with whom you instruct us to integrate. These integrations may (i) check for updates automatically and transmit your information to their server and/or engine; (ii) send information entered into or accessed by the technology to its server and/or engine; (iii) be visible to the public if embedded on publicly available webpages (such as social networking webpages); or (iv) transmit information about you to or from the Services, depending on the policies of that website. Please note that when you enable an integration between the Services and a third party, any information about you that is transmitted to a third party will be subject to the policies and procedures of that third party and not of ActiveCampaign.

Connecting Your Email Account

Should you choose to connect your email account to our platform, you will be using a set of features built using technology from Nylas, Inc. By signing up or using the Nylas application, you understand and agree that Nylas, Inc. and its affiliates who provide Nylas (“Nylas”), will have access to your information and will be permitted to use that information for specific, limited purposes to provide the Services to you, in accordance with our agreement with Nylas. This integration is a completely optional service and is not required to use our platform.

Google OAuth:

You have the option of integrating aspects of your Google email metadata with your account through our integration with Nylas. We will ask for your consent to connect your Google account to your ActiveCampaign account. This step is optional but can be very valuable in helping you to make the best use of our platform by tracking your interactions with your leads and customers.

When you connect your Google account with the ActiveCampaign platform through Nylas, we will have access to certain information such as the email meta headers (sender, recipient, and date), the email message body and subject line (“Google Data”).

We only process Google Data you make available to us through this integration in order to provide the Service to you and to improve the Services, consistent with [Google's Limited Use Requirements](#). We do not independently access the Google Data ourselves unless we first obtain your consent to view the Google Data (e.g., to provide you with tech support), we need to do so for internal security purposes, to comply with applicable law, or where the data is fully aggregated and anonymized for internal use purposes and cannot be used to identify you or your email recipients.

In addition, we will only transfer the Google Data to others if necessary to provide or improve user-facing features that are prominent in the Services, to comply with applicable laws, or as part of a merger, acquisition, or sale of assets. We also do not use Google Data for advertising purposes.

At any time, you can disconnect your Google account and delete this data in your account or by reaching out to privacy@activecampaign.com and requesting that it be deleted.

Information We Collect From Other Sources

We may also obtain information from other sources and combine that with information we collect through our Services. For example, we may collect

information about you from third parties, including but not limited to social media sites, credit bureaus, data enrichment providers and publicly available sources.

Use of Information

We use the information we collect to provide, maintain and improve our Services, such as to administer your account and to provide you with insights to help you optimize your use of our platform.

We may also use the information we collect to:

- Provide and deliver the products and services you request, process transactions and send you transaction-related information, including confirmations and invoices,
- Send you technical notices, updates, security alerts and support and administrative messages;
- Respond to your comments, questions and requests and provide customer service;
- Communicate with you about products, services, offers, promotions, rewards and events offered by ActiveCampaign and others, and provide news and information we think will be of interest to you;
- Monitor and analyze trends, usage and activities in connection with our Services;
- Audit related to a current interaction with the consumer and concurrent transactions, including but not limited to, counting ad impressions of unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards;
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, and prosecute those responsible for that activity;
- Debug to identify and repair errors impairing existing intended functionality;
- Undertake internal research for technical development and demonstration;

- Undertake activities to verify or maintain the quality or safety of a service owned, manufactured, manufactured for, or controlled by ActiveCampaign, and to improve, upgrade, or enhance the service owned, manufactured, manufactured for, or controlled by ActiveCampaign;
- Detect, investigate and prevent fraudulent transactions and other illegal activities and protect the rights and property of ActiveCampaign and others;
- Personalize and improve the Services and provide advertisements, content or features that match user profiles or interests; and
- Facilitate contests, sweepstakes and promotions and process and deliver entries and rewards; and

Sharing of Information

We often need to engage third party companies and individuals (such as payment processors, research companies and analytics and security providers) to help us operate and provide the Services. These third parties have only limited access to information about you, may use such information only to perform these tasks on our behalf, and are obligated to us not to disclose or use information about you for other purposes.

We will not share information about you except in the following circumstances or as otherwise described in this Privacy Policy:

- With vendors, consultants and other service providers who need access to such information to carry out work on our behalf;
- In response to a request for information if we believe disclosure is in accordance with any applicable law, regulation or legal process, or as otherwise required by any applicable law, rule or regulation;
- If we believe your actions are inconsistent with the spirit or language of our user agreements or policies, or to protect the rights, property and safety of ActiveCampaign or others;

- In connection with, or during negotiations of, any merger, sale of company assets, financing or acquisition of all or a portion of our business by another company;
- Between and among ActiveCampaign and our current and future parents, affiliates, subsidiaries and other companies under common control and ownership; and
- With your consent or at your direction.

We may also share aggregated or de-identified information, which cannot reasonably be used to identify you.

Advertising and Analytics Services Provided by Others

We may allow others to serve advertisements on our behalf across the Internet and to provide analytics services. These entities may use cookies, web beacons and other technologies to collect information about your use of the Services and other websites, including your IP address, web browser, mobile network information, pages viewed, time spent on pages, links clicked and conversion information. This information may be used by ActiveCampaign and others to, among other things, analyze and track data, determine the popularity of certain content, deliver advertising and content targeted to your interests on our Services and other websites and better understand your online activity. For more information about interest-based ads, or to opt out of having your web browsing information used for behavioral advertising purposes, please visit www.aboutads.info/choices or <http://www.youronlinechoices.eu/> if you are in the EEA.

We also use Google Analytics within our Services. For more information on how Google may use personal information about you, see www.google.com/policies/privacy/partners/ for more information.

Please note: If you choose to opt-out of interest-based advertising, you may continue to see or receive online advertising, but such ads may not be as relevant to you.

Retaining Your Information

ActiveCampaign will retain information about you only for as long as is necessary for the purposes set out in this Privacy Policy or as described to you, including for as long as your account is active (i.e., for the lifetime of your ActiveCampaign account), or as needed to provide the Services to you. If you no longer want ActiveCampaign to use information about you to provide the Services to you, you may cancel your account. ActiveCampaign will retain and use such information to the extent necessary to comply with our legal obligations (for example, if we are required to retain your information to comply with applicable tax/revenue laws or to demonstrate our compliance with applicable laws governing our interaction with you), resolve disputes and enforce our agreements. We also retain log files for internal analysis purposes. These log files are generally retained for a limited period of time, except in cases where they are used for the safety and security of the Services, to improve functionality of the Services or we are legally obligated to retain them for longer time periods.

Transfer of Information to the U.S. and Other Countries

In order to provide you with the Services you subscribe to or that you request from us, information about you may be transferred to ActiveCampaign locations in the United States, Australia, and Ireland as well as countries where our service providers may be based. In some cases, information about you may be transferred to or accessed from other countries, including when you consent and allow us to do so, where it is required in order for us to provide Services to you and when we need to do so to provide functions like product support, troubleshooting and gaining insights into the usage patterns of our Services. When information about you is transferred to countries other than your home country, you may not have the same rights and protections as you do under local law. Any international transfers of such information will be done in accordance with applicable law.

EU-US and Swiss-US Privacy Shield

In connection with ActiveCampaign's processing of personal data (as defined by European law) it receives from the European Union ("EU") or Switzerland, we comply with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework (together "Privacy Shield") with respect to personal data we process from the EU or Switzerland and transfer to the United States. For more information about the Privacy Shield, and to view our certification, please visit the Privacy Shield website. We remain responsible and liable under the Privacy Shield for any personal data that we share with third parties for external processing on our behalf, as described in the "Sharing of Information" section above, unless we prove we are not responsible for the event giving rise to the damage. If you have an inquiry regarding our adherence to the Privacy Shield, we encourage you to contact us at privacy@activecampaign.com. We are subject to the investigatory and enforcement authority of the U.S. Federal Trade Commission. You may also refer your complaint free-of-charge to JAMS using this link: <https://www.jamsadr.com/eu-us-privacy-shield>, our designated Privacy Shield dispute resolution provider. In certain circumstances, the Privacy Shield provides the right to invoke binding arbitration to resolve complaints (see Annex I to the Privacy Shield Principles for more details).

Residents of the European Economic Area and Switzerland

If you are a resident of the European Economic Area ("EEA") or Switzerland, you have certain rights and protections under the law regarding the processing of your personal data.

Lawful Basis for Processing

If you are a resident of the EEA or Switzerland, we primarily rely on the following bases to process your personal data lawfully.

- First, it is necessary for us to process your personal data in certain ways in order to provide the Services to you, in accordance with a

contract between you and us, including, our Terms of Service, available at <https://www.activecampaign.com/terms-of-service/>.

- Second, where you have given us valid consent to use your personal data in certain ways, we will rely on your consent. This includes situations where we will obtain your consent prior to sending you information about our products and Services.
- Third, in certain cases we may process your personal data where necessary to further ActiveCampaign's legitimate interests, where those legitimate interests are not overridden by your rights or interests. This includes usage statistics, analytics and internal analysis we run to better understand how to use our platform so that we can improve our Services and also provide you with better recommendations on how to get the most out of our platform and to accomplish your goals.
- Fourth, in some cases we may process your personal data where necessary to satisfy our legal obligations. This includes records containing your personal data that we may be required to retain for a period of time or may be legally required to disclose to a government authority or third party.

Data Subject Rights Requests

If you are a resident of the EEA or Switzerland, you have the right to request access to personal data we hold and to ask that your personal data be corrected, erased, or transferred. You may also have the right to object to, or request that we restrict, certain processing activities.

If you submitted personal data directly to us or in accordance with the provision of our Services and you would like to view, change, limit or delete your personal data, you can do so via your account settings or by contacting us. Upon request, we will notify you about whether we hold any of your personal data. By visiting your account settings, you can access, correct, change and delete certain of your personal data associated with your account. In certain cases where we process your personal data, you may also have a right to restrict or limit the ways in which we use your personal data. In certain circumstances, you also have the right to object to the processing

of your personal data, to request the deletion of your personal data and to obtain a copy of your personal data in machine-readable format.

If you need assistance accessing or modifying your personal data or wish to delete your personal data, please email us at privacy@activecampaign.com.

Withdrawing Consent

You have the right to withdraw your consent to our processing of your personal data where we process it based on your consent. You can do this at any time by opting out of commercial emails we send you by clicking on the unsubscribe links in those emails, or emailing us with your request at privacy@activecampaign.com, or by simply cancelling your account through your account settings and then emailing privacy@activecampaign.com to request that your personal data be deleted.

If you withdraw your consent to the processing of your personal data for the purposes set out in this Privacy Policy, you may not have access to some (or any) of the Services, and we might not be able to provide you some (or any) of the Services. Please note that, in certain cases, we may continue to process your personal data after you have withdrawn consent and requested that we delete your personal data, if we have a legal basis to do so. For example, we may retain certain information if we need to do so to comply with an independent legal obligation, or if it is necessary to do so to pursue our legitimate interest in keeping the Services safe and secure.

Questions or Complaints

If you are a resident of the EEA and have a concern about our processing of your personal data that we are not able to resolve, you have the right to lodge a complaint with the data protection authority where you reside. For contact details of your local Data Protection Authority, please see:

http://ec.europa.eu/justice/data-protection/article-29/structure/data-protection-authorities/index_en.htm.

Residents of California

If you are a resident of California, you have certain rights and protections under the California Consumer Privacy Act (“CCPA”).

CCPA Consumer Rights

The CCPA requires us to communicate information about rights California consumers have with respect to their personal information (as defined within the CCPA). These rights include the right to request: access to their personal information; deletion of their personal information; additional details about our information practices; the categories of personal information sold in the preceding 12 months and the categories of third parties to whom the personal information was sold; the categories of personal information shared within in the preceding 12 months; to opt out of the “sale” of their personal information, and to not be discriminated against.

For details about how to exercise these rights, please see “Your Choices” below to exercise your rights by sending us an email with your request, or you may contact us through our toll-free number at [+1 \(866\) 851-5211](tel:+18668515211), and finally, you may exercise your rights by clicking on the appropriate link on our [CCPA page](#) on our website to take you to a webform. California consumers may also designate an authorized agent to exercise these options on their behalf. If you would like to use an authorized agent registered with the California Secretary of State to exercise these rights, we may request evidence that you have provided such agent with power of attorney or that the agent otherwise has valid written authority to submit requests on your behalf. We will not discriminate against you if you choose to exercise your rights related to your personal information.

Categories of Personal Information Collected

In the preceding 12 months, we have collected the following CCPA-defined categories of personal information:

- Identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, and account name;

- Characteristics of protected classifications under state or federal law, such as age or gender;
- Commercial Information, including records of Services purchased and credit card or other payment information;
- Internet or electronic network activity information, information, including, but not limited to, browsing history, search history, and information regarding your interaction with the Services including an internet website, application, or advertisement;
- Audio, electronic, visual, thermal, olfactory, or similar information such as profile pictures;
- Professional or employment related information;
- Education Information; and
- Inferences drawn to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

For more specific examples of the personal information we collect, please see "Collection of Information" above.

Business or Commercial Purpose for Collecting Personal Information

We collect personal information for the business and commercial purposes described in the "Use of Information".

Categories of Sources of Personal Information

We collect personal information directly from you, automatically from your use of our Services, by using or combining personal information to derive additional personal information about you, and from others as described in "Collection of Information".

Categories of Third Parties with Whom We Share Personal Information

We may share your personal information with third parties as described in the “Sharing of Information” section above.

Categories of Personal Information Disclosed

In the preceding 12 months, we have disclosed the following CCPA-defined categories of personal information for business or commercial purposes:

- Identifiers such as a real name, alias, postal address, unique personal identifier, online identifier, internet protocol address, email address, and account name;
- Characteristics of protected classifications under state or federal law, such as age or gender;
- Commercial Information, including records of Services purchased and credit card or other payment information;
- Internet or electronic network activity information, information, including, but not limited to, browsing history, search history, and information regarding your interaction with an internet website, application, or advertisement;
- Audio, electronic, visual, thermal, olfactory, or similar information such as profile pictures;
- Professional or employment related information;
- Education Information; and
- Inferences drawn to create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

Sales of Personal Information

We are also required to disclose that in the preceding 12 months, to facilitate certain advertising activities commonly deployed by online and technology companies, we sold (as defined by the CCPA) to third parties the following categories of personal information: device identifiers and internet and electronic network activity including, but not limited to, a unique number that identifies your device was linked to online activity and shared with third

parties who aggregate that data for advertising purposes. We do not knowingly collect, and therefore do not sell, the personal information of minors.

Your Choices

Account Information

If you are a current ActiveCampaign client, you may update, correct or delete certain account information about you at any time by logging into your online account or emailing us at privacy@activecampaign.com. If you wish to cancel or temporarily pause your account, please email us at privacy@activecampaign.com and let us know what you are requesting, but note that we may retain certain information as required by law or for legitimate business purposes. We may also retain cached or archived copies of information about you for a certain period of time.

Cookies

Most web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove or reject browser cookies. Please note that if you choose to remove or reject cookies, this could affect the availability and functionality of our Services. You can visit our [Cookie Policy](https://www.activecampaign.com/cookie-policy/), available at <https://www.activecampaign.com/cookie-policy/> for more information on your choices with respect to cookies.

Promotional Communications

You may opt out of receiving promotional emails from ActiveCampaign by following the instructions in those emails or by clicking the “unsubscribe” link at the bottom of any of our emails. If you opt out, we may still send you non-promotional emails, such as those about your account or our ongoing business relations.

Mobile Push Notifications/Alerts

With your consent, we may send promotional and non-promotional push notifications or alerts to your mobile device. You can deactivate these

messages at any time by changing the notification settings on your mobile device.

Contact Us

If you have any questions about this Privacy Policy, please contact us at privacy@activecampaign.com or you can otherwise reach us at:

1 North Dearborn Street, 5th floor

Chicago, IL 60602

For ActiveCampaign job applicants as well as current, former, and prospective clients or website visitors in the EEA, the data controller for purposes of processing information about you is ActiveCampaign, LLC.