

# ELEMENTAL RESEARCH AND CONSULTING GROUP PRIVACY POLICY

Effective Date: July 20, 2022

## 1. General Purpose

Elemental Research and Consulting Group LLC (“ERCG”) has developed this Privacy Policy to demonstrate its commitment to protecting the privacy of users of the HumanADifferentWay.com website (our “Site”) and the web-based software application (the “Software”)(collectively, the “Services”). This Privacy Policy is intended to summarize and inform you of our general privacy and data protection practices regarding the collection, use, and disclosures of information when you use our Site, and the choices you have with respect to that information.

Please read this Privacy Policy carefully so that you can make an informed decision regarding whether to use our Site. When reading this Privacy Policy, please note that the term “including” (as well as related terms such as “include” and “includes”) means “including, but not limited to,” and is meant to be inclusive not exclusive. This Privacy Policy also forms part of our Terms and Conditions. Please read our Terms and Conditions here before using our Site, or continuing to use our Site.

By accessing and continuing to use our Site, you are consenting to the practices described in this Privacy Policy. Your consent includes authorization for ERCG to collect, receive, store, use, and disclose your information in accordance with this Privacy Policy and applicable law.

## 2. Data Collected through User Submissions

We collect and store information that you voluntarily submit to us, including via registration or purchase activities. If you voluntarily identify yourself by sending us an email, we collect and store your email address and any other information you provide in your email (collectively, “Voluntary Information”). As described in more detail below, we may use this Voluntary Information for our operational and commercial purposes, including to contact you, identify you, and send you information, including marketing information, about our products and services.

While using our Site, we may ask you to provide us with certain information, which we may also use for our operational and commercial purposes above. Such information may include (collectively, “Personal Information”):

- Email address
- First and last name
- Phone number
- Address, City, State, Province, ZIP or Postal Code, Country
- Details related to your purchase

You are not under any obligation to provide this information. However, if you withhold certain information, we may not be able to provide certain services to you.

We share this information with our online hosting provider, Wix, pursuant to their terms and conditions and privacy policy so that they can provide website services to us.

### Form Block Submissions

When you submit information to our Site via web form, we collect the data requested in the web form in order to track and respond to your submissions (the “Web form Information”). We share this Web form Information with Wix so that they can provide website services to us. We also share this information with our order fulfillment service and third-party tech support providers.

### Member Area Subscribers / Customer Accounts

When you create an account and purchase a membership to access paid content on our Site, we collect personal information from you to enable your paid areas access (collectively, “Member Information”). We may collect information like your:

- Billing and shipping address
- Details relating to your subscription (for example, the start and end date of your subscription)
- Email address
- Name
- Phone number

We share this information with Wix so that they can provide exclusive member area hosting services to us.

### Payment Information

Certain aspects of our Site require payment of a fee, such as a subscription fee or a fee for the purchase of products and services. If you choose to subscribe or make a purchase, you will be required to provide us with your payment information during checkout, including credit or debit card number(s), card expiration date, billing information, and other similar data (collectively, “Payment Information”). Such Payment Information will be collected and transmitted to Wix, and potentially other third-party payment vendors, for processing pursuant to the terms and conditions of their privacy policies and terms of use, and we do not obtain access to, or store, any Payment Information in connection with such subscriptions or purchases.

As you go through checkout, this Site may auto complete your shipping and billing address by sharing what you type with the Google Places API and returning suggestions to you to improve your checkout experience. We share only the information needed to provide this functionality with the Google Places API, but Google’s use of any such information is in accordance with Google’s Privacy Policy and Terms of Service.

### **3. Data Collected through User Visits, Interactions, and Activities**

We use cookies, pixels, and other online tracking technologies to collect information, including to understand visitor activity on our Site and to help improve visitors' experience while using our Site.

Cookies are small text files that we use to help us collect data and to enhance your experience with our Site. For example, cookies allow us to recognize repeat visitors and provide expanded functionality, such as the auto-fill of a username at account sign-in. You consent to our use of both session cookies and persistent cookies. Session cookies expire once you close our Site and persistent cookies stay on your mobile device or computer until deleted by you. We may use cookies for various purposes, including, but not limited to analyzing which portions of our Site are visited and used most frequently and to personalize your experience with our Site. More information about the cookies that may be dropped on your device can be found by visiting: [Cookies and Your Wix Site](#).

If you do not want us to deploy cookies through our Site, you can opt out by setting your mobile device or computer to reject cookies. You can still use our Site if you choose to disable cookies, although your ability to use some of the features may be affected. Additional information that may be collected by cookies and other such tracking technology during your use of our Site may include:

- Information about your browser type and language, network, and device
- Referring and exit web pages and URLs
- Your IP addresses (static and dynamic)

Information collected from your use of our Site includes (collectively, with information from cookies, the "Use Information"):

- Clicks while using our Site
- Internal links visited
- Pages visited
- Scrolling
- Searches
- Timestamps

We share this Use Information with Wix, our website analytics provider, to learn about site traffic and activity.

#### 4. How Information is Used and Shared

You authorize us to collect, use, share, disclose and store the above Voluntary Information, Personal Information, Member Information, Payment Information, and Use Information (collectively, the “Information”) as follows.

- a) Affiliated Third Parties. In order to provide products and services, we engage with certain third-party companies and individuals to perform functions on our behalf. Examples may include providing technical assistance and customer service as well as manufacturing and shipping of products created and purchased through our Site, and other similar affiliated parties (collectively, “Third Party Service Providers”).

You expressly authorize us to share the Information with our Third Party Service Providers. We will provide our Third Party Service Providers with access to the Information collected above only to the extent necessary to allow them to perform their functions and to the extent permitted by law.

- b) Unaffiliated Third Parties. We will not sell, share, or license the Information to unaffiliated third parties, such as advertisers and marketing companies.
- c) Data Analytics. In an ongoing effort to better understand our users and our Site, we may analyze certain Information in aggregate form to operate, maintain, manage, and improve the Site. This aggregate information does not identify you personally.

We may share or license this aggregate data to our affiliates, agents, business and promotional partners, and other third parties to the extent necessary to improve our Site. We may also disclose aggregated user statistics to describe the Site to current and prospective business partners and investors.

- d) Internal Sharing. We may share some or all of your Information with any of our parent companies, subsidiaries, joint ventures, or other companies under our common control.
- e) Transmission of Information. We may transmit the Information to and from third party servers, which may include transmitting the Information across third party communication protocols and networks. You expressly consent to our transmission of Information across third party communication protocols and networks and agree to defend and hold ERCG harmless from any and all claims relating to the same.
- f) Storage of Information. We may store the Information on our servers or on servers owned by third parties, whether in the United States or elsewhere. We will use reasonable efforts to ensure that the Information is stored on secure servers with privacy practices that offer the same or equal protection of the Information as in this Privacy Policy.

- g) Sale of Business or Transfer of Assets. We may sell or buy businesses or assets during the growth of our company. In the event of a corporate sale, merger, reorganization, sale of assets, dissolution, or similar event, the Information may be part of the transferred assets.
- h) Disclosure Required by Law. We may disclose the Information when required by law, court order, or other government or law enforcement authority or regulatory agency. By agreeing to the terms of this Privacy Policy, you waive all rights and agree to hold ERCG harmless from any claims resulting from any action taken by ERCG during or as a result of law enforcement or regulatory investigations and from any actions taken at the direction of law enforcement or regulatory authorities.
- i) Disclosure When Necessary Or Advisable. We may disclose the Information whenever we believe that disclosing such Information is necessary or advisable, for example, to protect the rights, property (including Intellectual Property), or safety of us or others, including you.
- j) Troubleshooting and Dispute Resolution. We use the Information to resolve disputes, troubleshoot problems, and enforce our Terms and Conditions.

## **5. Disclosures You Make to Third Parties**

ERCG does not control the privacy policies of any unaffiliated third parties. When you disclose information to unaffiliated third parties, you are subject to the privacy policy of that third party. It is your responsibility to find out about the privacy policy of any such third parties. You agree to defend and hold ERCG harmless from any and all claims regarding your disclosure of information to third parties unaffiliated with ERCG.

## **6. Emails**

You may receive marketing or promotional communications from us following account creation. You can opt out of these communications by clicking on the “unsubscribe” link located on the bottom of any of our e-mails. We will use commercially reasonable efforts to process such requests in a timely manner. You should be aware, however, that it is not always possible to completely remove or modify information in our databases. You cannot opt out of receiving transactional e-mails or messages related to the Site, such as requests for support and other like communications, and as described in more detail below.

We may share certain Information, such as your email address, with Wix, or email marketing provider, so that they can send certain emails on our behalf.

### Marketing Emails

We may send you marketing emails, which you can unsubscribe from by clicking the link at the bottom of the email.

## Order and Account Emails

We may email you with messages about your order or account activity. For example, we may email you to tell you that:

- You've created a customer account
- Your customer account password has been reset or updated
- You've made a purchase
- Your order has shipped

It's not possible to unsubscribe from these messages as they are critical to our provision of services to you.

## **7. Do Not Track**

We do not monitor, recognize, or respond to any opt-out or do not track mechanisms, including general web browser "Do Not Track" settings or signals. Further, we do not authorize third parties to collect any personally identifiable information about individuals who visit our site without separate and express user consent.

## **8. Fonts**

This Site uses font files from Google Fonts and Adobe Fonts. To properly display this site to you, servers where the font files are stored may receive personal information about you, including:

- Information about your browser, network, or device
- Your IP addresses
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The use of Google Fonts and Adobe Fonts is pursuant to Google's and Adobe's respective privacy policies and terms and conditions.

## **9. How We Protect Your Information**

We take commercially reasonable steps to protect the Information from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. For example, our third party payment processors use encryption processes in connection with the handling of Payment Information. Please understand, however, that no security system is impenetrable. We cannot guarantee the security of our databases or the databases of the third parties with which we may share such Information, nor can we guarantee that the Information you supply will not be intercepted while being transmitted over the Internet or other communication protocols. In particular, e-mail sent to us may not be secure, and you should therefore take special care in deciding what information you send to us via e-mail. Additionally, to the extent that we do not foresee a continued business need for all or a part of the Information, we will promptly destroy such Information without retaining copies for our files.

## **10. Important Notices to Non-U.S. Residents**

The Site is operated in the United States. If you are located outside of the United States, please be aware that your Information, including your Personal Information, may be transferred to, processed, maintained, and used on computers, servers, and systems located outside of your state, province, country, or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you are located outside the United States and choose to use the Site, you hereby irrevocably and unconditionally consent to such transfer, processing, and use in the United States and elsewhere.

## **11. Children**

**IF YOU ARE 13 YEARS OR YOUNGER, PLEASE DO NOT USE THE ERCG WEBSITE OR ANY OF ITS SERVICES FOR ANY PURPOSE AT ANY TIME.**

The Site is intended for use by adults only. We adhere to the Children's Online Privacy Protection Act (COPPA) and will not knowingly collect Personal Information from any child under the age of 13. If a child under the age of 13 has provided us with Personal Information, a parent or guardian of that child may contact us and request that such information be deleted from our records.

## **12. Accessing and Deleting Information and Communication Preferences**

If you have provided any Personal Information to us, you may request a copy of your Personal Information or that we permanently delete your Personal Information in our possession at the time the request is made by contacting us below. In addition, you may view and modify your Personal Information through your account at any time. When an account is deleted, we will delete all Personal Information related to the account within a commercially reasonable time.

## **13. Changes to This Privacy Policy**

This Privacy Policy is effective as of the date stated at the top of this Privacy Policy. ERCG reserves the right to change this policy from time to time and in its sole discretion. Any such changes will be posted to the Site. We may also send you notices by email or through the Site after we make any such changes to this Privacy Policy. Each time you use the Site, the current version of the Privacy Policy will apply. By accessing the Site after we make any changes to this Privacy Policy, you are deemed to have accepted such changes. Please be aware that, to the extent permitted by applicable law, our use of the Information is governed by the Privacy Policy in effect at the time we collect the Information. Accordingly, when you use our Site, you should check the "Effective Date" at the top of the Privacy Policy and review any changes or updates since your last visit.

## **14. Governing Law**

This Privacy Policy will be governed by the laws of the United States of America and the state of Washington without regard to its conflict of laws principles. Users agree that the state and federal

courts in King County, Washington will have personal jurisdiction over them in connection with any such disputes.

## **15. How to Contact Us**

If you have any questions about this Privacy Policy, please e-mail us at: [support@elementalpatterns.com](mailto:support@elementalpatterns.com).