

# Outreach Smartphone Monitoring LLC

## Privacy Policy

Last Updated: February 1st, 2020

### 1. INTRODUCTION

This Privacy Policy applies to all the content, features, products, services, websites and mobile apps (collectively, the “Services”) offered by Outreach Smartphone Monitoring LLC (dba Alcohol Smartphone Monitoring) and other Outreach Smartphone Monitoring affiliates (collectively “OSM” or “we”), except where otherwise noted. Our Privacy Policy explains how we and some of the companies we may work with collect, use, or disclose personal information and data in connection with the Services. This Privacy Policy also gives you choices about the collection and use of your information.

This Privacy Policy applies to anyone using any of the Services (collectively, “you”), whether you are a customer or user of any of the Services, or a visitor of our website or app.

Please read the Privacy Policy carefully before you start to use our Services. By using the Services, you agree to be bound and abide by them Website Terms of Use and/or the Mobile App Terms of Use, as applicable, and our Privacy Policy. If you do not agree to the foregoing terms or if you violate them in any way, your right to access or use the Services is terminated.

By using the Services, you represent and warrant that you are of legal age to form a binding contract with OSM and meet all of the eligibility requirements in the Terms of Use.

### 2. CHANGES TO PRIVACY POLICY

We may revise and update this Privacy Policy from time to time in our sole discretion. Where appropriate, we may seek to provide notice before an updated Privacy Policy becomes effective. You agree that we may notify you of the updated Privacy Policy by posting it on the Services (such as on our website and app), and that your use of the Services after the effective date of the updated Privacy Policy (or engaging in such other conduct as we may reasonably specify) constitutes your agreement to the updated Privacy Policy. It is your responsibility to check the Privacy Policy posted on the Services periodically so that you are aware of any changes, as they are binding on you.

### 3. WHO ARE “YOU”?

We refer to “you” a lot in this Privacy Policy. To better understand what information is most relevant to you, see the following useful definitions.

- You are an “**Agency User**” if you have an account with one of our Services and are an employee or contractor of a federal, state or local law enforcement or governmental agency, court, correctional institution, treatment center, private probation company, or other entity, organization or third party responsible for monitoring certain individuals

(each, an “Agency Monitor”). As an Agency User, you may primarily use the Services by logging into the Agency Login page on our website.

- You are an “**Monitored User**” if you have an account with one of our Services and have enrolled or have been enrolled by an Agency Monitor for the monitoring services that we offered. As a Monitored User, you will need to download one or more OSM apps to use the Services. For certain Services, you will need to purchase an OSM-supplied device (e.g., breathalyzer, Bluetooth wristband or other equipment) (“OSM Equipment”) for use together with an OSM app.
- You are a “**Visitor**” if you are just visiting one of our websites or apps because you are curious, you have heard about us from our marketing and sales channels, or you want to learn more about OSM or our Services.

#### 4. INFORMATION WE COLLECT ABOUT YOU

When you use our Services, we may collect information about you in the following general categories:

- **Contact and Profile Information.** You may provide us with your contact or other profile information, whether through a request for use of our Services, creation or modification of your account or profile, a form on our website, an interaction with our sales or customer support team, a response to one of our surveys or when you otherwise communicate with us. This information may include your personal information such as: name; email address; home, business and/or mobile phone number; billing, shipping and/or other postal address; profile picture; and other information you choose to provide. If you are a Monitored User, we may also collect your unique personal identifier or code and other information specified by your Agency Monitor, which are required for you as a Monitored User to use our Services.
- **Payment Information.** If you use the Services to make or receive payments, we will also collect certain payment information, such as credit card, debit card, or other financial account information, and billing address. Such billing information will be collected through a payment gateway service provider (such as Authorize.net).
- **Location Information.** When you use the Services for monitoring through an OSM app and/or through OSM Equipment, we collect precise location data or geolocation data. If you permit the Services to access location services through the permission system used by your mobile operating system, we may also collect the precise location of your device when the app is running in the foreground or background. When you have one or more of our apps installed on your device, we may use and store GPS and cell tower information relating to your mobile device, in combination with other location-based information such as your IP address, your billing postal code provided by your carrier, or your registration location.
- **BAC Data.** If you are a Monitored User using OSM Equipment and registered for our blood alcohol content (“BAC”) screening services, we also collect blood alcohol content test or screening results (“BAC Data”) from your OSM Equipment.

- **User Contributions.** We may collect any other content or data you choose to submit to our Services (e.g., photos, comments, test results, videos, and other materials), including from OSM Equipment (“User Contributions”). We may receive any metadata associated with the User Contributions, for example, a picture you provide to us may have embedded date/time and location information about where it was recorded (i.e., geotags).
- **Communications.** We may collect any information exchanged in communications with you. For example, you may communicate with us via email or otherwise regarding your use of the Services. We may also receive information you or your device provides to us for technical support or other assistance with the Services.
- **Call and SMS Data.** Our Services facilitate communications between Monitored Users and Agency Monitors or other vendors. In connection with facilitating this service, we may receive call data, including the date and time of the call or SMS message, the parties’ phone numbers, and the content of the SMS message.
- **Mobile Device and Network Access.** If you use our app, some of our application features require us to access your mobile device or mobile device network. For example, to add a court reminder to the native calendar on your mobile device, we must access that calendar to add the reminder. Also to use the video upload feature of the app, we must access your camera and videos to upload the video. The same is true if you authorize fingerprint authentication or facial recognition for authentication; however, any information related to fingerprint authentication or facial recognition will be stored only on your device and we do not collect or store such information.
- **Information Received from Third Parties.** We may receive or collect information about you, including personal information, from third parties where, for example, you give permission to those third parties to share your information with us or where you have made that information publicly available online. Such third parties may include, but are not limited to, Agency Monitors. If we do so, this policy governs any combined information that we maintain about you in personally-identifiable format.
- **Log Data and Analytics Information.** When you use the Services, our servers automatically record certain log file information, including your web request, IP address, operating system version, device type, unique device identifiers such as ID or MAC address, browser type, referring / exit pages and URLs, the files viewed on our site (e.g., HTML pages, graphics, etc.), number of clicks and how you interact with links on the Services, domain names, landing pages, pages viewed, operating system versions, device type and timestamps, and other such information. We may also collect similar information from emails sent to our users which then help us track which emails are opened and which links are clicked by recipients. The information allows for more accurate reporting and improvement of the Services. We may also use third-party analytics tools to help us measure traffic, usage, and sales trends associated with our Services. These tools collect information sent by your device when using the Services, including the web pages you visit, what you click on, when you perform those actions,

what language preference you have, add-ons, and other similar information that assists us in improving the Services.

- **Cookies and Similar Technologies.** In connection with our collection of log data and analytics information, we may use “cookies” and other common online technologies like pixels (also known as web beacons or clear GIFs) and local storage to collect additional information regarding your use of the Services. “Cookies” are small text files stored on a computer or other device that connects with online services through a website browser. Our “Use of Cookies and Similar Technologies” section below contains more information and options about our use of such technologies.
- **Recognition Technologies.** We may use various technologies such as sensory devices for facial, motion or other behavioral patterns coupled with the application of statistical probability algorithms and data sets, that will attempt to recognize or make reasonable assumptions about a Monitored User and his or her devices (e.g., that multiple devices are associated with the same Monitored User, or that a Monitored User is in a certain mental or physical state that may be relevant to the Services for which the Monitored User has been enrolled with an Agency Monitor).

## 5. USE OF COOKIES AND SIMILAR TECHNOLOGIES

As noted above, we use cookies and similar technologies to improve user experience, for performance and analytics, and to improve our content and Services. We also use cookies and similar technologies for purposes of marketing and advertising.

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 the server (for example, when requesting a web page from the same domain that created the cookie). The purpose of cookies is to remember the browser over time and distinguish one browser instance (or user) from all others. Some cookies and other technologies may serve to track personal information previously entered by a user. Most browsers allow you to control cookies, including whether or not to accept them, and how to remove them. Cookies can remember login information, preferences, and similar information. We or third party data and advertising platforms that we work with may use or combine multiple technologies, such as cookies, page tags, mobile identifiers and IP addresses, to infer users’ common identities across different services and multiple devices such as tablets, browsers, and mobile phones.

Cookies, as well as other tracking technologies, such as HTML5 local storage, and Local Shared Objects (such as “Flash” cookies), and similar mechanisms, may record information such as a unique identifier, information you enter in a form, IP address, and other categories of data. We may also use web beacons or “pixels,” and in certain circumstances may collect IP address, screen resolution and browser software and operating system types, clickstream patterns, dates and times that our website is accessed, and other categories of data.

We only share personal information with vendors and others described below for purposes identified in this Privacy Policy, but anonymous online activities collected by those providing cookies, pixels or other third party technologies on our Services could potentially be used by those

vendors for their own purposes, some of whom may be able to associate such information with you based on other information they have collected independently (not from us).

If you want to block the use and saving of cookies, you can take the necessary steps within your browser's settings to block all cookies from OSM and our external serving vendors. Please note that if you choose to erase or block your cookies, certain parts of our Services may not function correctly. For instance we may not be able to store your preferences or login information or customize content viewed by you and advertising to your viewing habits. For information on how to disable cookies, refer to your browser's documentation.

## **6. DE-IDENTIFIED OR ANONYMOUS DATA**

Some of the personal information we collect (as described above) may be de-identified or otherwise anonymized (collectively, "Anonymized Data") so it cannot identify you or be reasonably linkable to you. Our use of Anonymized Data is not subject to this Privacy Policy.

## **7. IMPORTANT INFORMATION ABOUT PLATFORM PERMISSIONS**

Most mobile platforms (iOS, Android, etc.) have defined certain types of device data that apps cannot access without your consent, and these platforms have different permission systems for obtaining your consent. The iOS platform will alert you the first time an app wants permission to access certain types of data and will let you consent (or not consent) to that request. Android devices will notify you of the permissions that the app seeks before you first use the app, and your use of the app constitutes your consent.

## **8. HOW WE USE YOUR INFORMATION**

8.1. **Generally.** In general, we use personal information for a variety of purposes described in this Privacy Policy. In some cases, we may ask for your consent so that we may process your personal information. We may use and process your personal information as permitted by law including to:

- Fulfill our contractual responsibility to you, including to fulfill your request for Services, to deliver the Services to you (and if you are a Monitored User, to deliver the Services to your Agency Monitors), to contact you in regard to any issues with the Services, or to take steps in response to information or inquiries you may submit prior to entering into a contract or agreement with us;
- Provide you with customer support;
- Comply with our and your obligations to third parties consistent with our applicable terms of use, such as sharing your personal information with your designated Agency Monitors and any associated parties as may be required for you to use Services (e.g., relevant service providers and government authorities partnering with the Agency Monitors for you to use the Services);
- Help you efficiently access your information after you sign in;

- Remember information so you will not have to re-enter it during your visit or the next time you visit the Services;
- Provide personalized content and information to you and others, which could include online ads or other forms of marketing;
- Provide, improve, test, and monitor the effectiveness of the Services;
- Develop and test new products and Service features;
- Monitor metrics such as total number of visitors, traffic, and demographic patterns; or
- Diagnose or fix technology problems.

8.2. **Other Essential Purposes.** We may also use personal information for the following purposes:

- For fraud, loss, and other crime prevention purposes, in connection with the prevention or investigation of suspected illegal or wrongful activity, and to protect and defend our rights and property, your rights or safety, or those of third parties;
- To enforce our Mobile App Terms of Use, Website Terms of Use, this Privacy Policy, or our agreements with you or with third parties;
- To comply with laws, regulators, court orders, or other legal obligations, to respond to legal requests, or pursuant to legal process;
- To screen for and prevent undesirable or abusive activity; and
- Subject to applicable contractual or legal restrictions, in connection with a contemplated or actual corporate transaction or reorganization of OSM (e.g., a merger or acquisition).

8.3. **Information collected from our apps and related Services.** If you as an Agency User have allowed us to send you push notifications, we may provide you notifications and updates on non-compliance by a Monitored User under your supervision or oversight, such as when such Monitored User violates a GPS inclusion or exclusion zone, exceeds a specified blood alcohol content level specified in the applicable OSM Equipment (e.g., the OSM breathalyzer device), or is not physically located within range of such Monitored User's mobile phone. If you do not permit us to send you push notifications, we may still provide such notifications and updates through your account portal on our website. If you as a Monitored User have allowed us to send you push notifications, we may provide you notifications of upcoming court dates, check-in dates and other events, reminders of required check-ins, or notifications when you are not physically not within range of your mobile phone. If you do not permit us to send you push notifications, we may still provide such notifications and updates through your account in the OSM App.

If you are a Monitored User, we also collect and use your geo-location information to determine if you are in compliance with your inclusion or exclusion zone or if you are not physically within range of your mobile phone and to notify you and your Agency Monitor accordingly, and to

provide you with personalized assistance. Geo-location information may also be used to protect OSM's interests.

## 9. HOW WE SHARE YOUR INFORMATION.

9.1. We are not in the business of selling personal information about our users to third parties without your consent. We may disclose your information as described in this Privacy Policy, including:

- **Affiliates.** We may disclose your information to our subsidiaries, joint ventures, and other companies under our common control (collectively, "Affiliates"), for the purposes described in this Privacy Policy. Where we share personal information with our Affiliates, we will require our Affiliates to honor this Privacy Policy.
- **Service Providers and Business Partners.** We may disclose your personal information to business partners, distributors, service providers, marketing partners, and vendors in order to maintain the Services (including the website and apps) and provide, improve, and personalize the Services, including to fulfill a request for our Services. We may also share personal information for other technical and processing functions, such as sending e-mails on our behalf, fulfilling orders, technical support, or otherwise operating the Services, for analytics, and for marketing and advertising purposes. If you are an Agency User or a Monitored User, we also share your billing information and other personal information to our authorized payment gateway service provider (such as Authorize.net) to facilitate you in making payments. We only provide such third parties with information so they can perform their required functions on our behalf.
- **Customer Referrals.** If you are an Agency User, we may ask you to serve as a customer reference with prospective customers and, with your prior permission, share your Personal Information with such prospective customers for this purpose.
- **Pursuant to Legal Process.** We may disclose personal information to comply with applicable laws and regulations, to respond to a subpoena, search warrant, or other lawful request or enforceable governmental request for information we receive, or as otherwise pursuant to legal process.
- **Protection of Rights and Interests.** We may disclose personal information: (i) to establish or exercise our legal rights, (ii) to enforce our <<Mobile App Terms of Use>>, <<Website Terms of Use>>, this Privacy Policy, or our agreements with you or with third parties, (iii) to assert and defend against legal claims, (iv) if we believe such disclosure is necessary to investigate, prevent, or take other action regarding actual or suspected illegal or fraudulent activities, potential violations of policies, or potential threats to the physical safety or well-being of any person, (v) protect against harm to the rights, property or safety of our users, the public or to OSM and/or as required or permitted by law, or (vi) detect, prevent or otherwise address security or technical issues.

- **Business Transactions.** We may transfer personal information to a successor organization in the event of a merger, acquisition, bankruptcy or other sale or transfer of all or a portion of our assets, including for the purpose of permitting the due diligence required to decide whether to proceed with a transaction. If any such transaction occurs, the purchaser will assume the rights and obligations in this Privacy Policy.
- **Account Administrator.** If you are an Agency User, your account information and data will be shared with the primary administrator(s). Your administrator(s) will be able to view your account data, change your passwords, suspend, transfer or terminate your account or restrict your settings. Please refer to your organization’s internal policies if you have questions about this.
- **Agency Monitor.** If you are a Monitored User, your personal information and BAC Data will be shared with all of your Agency Monitors.
- **Otherwise Consented by You.** We may share your personal information if we otherwise notify you and you consent to the sharing.

## 10. HOW WE STORE YOUR INFORMATION

- By registering for and using the Services you consent to the transfer of information to anywhere in the U.S. where the Services or its service providers maintain facilities and the use and disclosure of information about you as described in this Privacy Policy.
- Although we implement reasonable administrative, physical and electronic security measures designed to protect personal information from unauthorized access, we cannot ensure the security of any information you transmit to us or guarantee that your information will not be accessed, disclosed, altered, or destroyed. We will make any legally required disclosures of any breach of the security, confidentiality, or integrity of your information. To the extent the law of your jurisdiction allows for notification of a breach via e-mail or conspicuous posting on the Services, you agree to accept notice in that form.

## 11. YOUR CHOICES ABOUT YOUR INFORMATION.

Your account information and profile/privacy settings:

- Text Messaging
  - You may opt-out of receiving text messages (including SMS) by replying “STOP” to any text message received.
- Emails
  - In all direct promotional or marketing emails, you will be given the opportunity to opt-out of receiving such messages in the future by clicking on the link at the bottom of the email that says “unsubscribe.” It may take up to ten (10) business days for us to process your opt-out request.



- Even if you have unsubscribed from receiving promotional emails from us, we may send you other types of important email communications without offering you the opportunity to opt-out of receiving them, such as Services-related communications (e.g., account verification, payment confirmations, technical and security notices, and other administrative notices).
- Cookies
  - If a Website visitor does not want information collected through the use of cookies, most browsers allow the visitor to reject cookies or clear the cookies in the browser settings. Our “Use of Cookies and Similar Technologies” section above contains more information and options to control or opt-out of certain data collection or uses.

## **12. DATA RETENTION**

If you hold an account with OSM, we will generally retain your personal information for as long as you maintain an account or subscription, for as long as is necessary to provide the Services, for as long as necessary to meet the purposes for which the personal information was collected, or for such longer period as may be required or permitted by applicable law, including in accordance with our data retention policies. We will also retain personal information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. Note that if you are a Monitored User, your personal information may be subject to retention due to applicable laws or court or governmental rules, or your arrangement with your Monitored Agency, and you may need to receive approval from your Monitored Agency to facilitate certain deletion requests.

## **13. CHILDREN’S PRIVACY**

Our Services are not intended for and may not be used by minors under the age of 13. OSM does not knowingly collect or solicit any personal data from such minors or knowingly allow them to register for the Services. If it comes to our attention that we have collected personal information from a minor without parental consent, we will endeavor to delete that information as quickly as possible without notice. If you have reason to believe that we received personal information from a minor, please contact us via the Contact page on our website or by email at [account@osmnow.com](mailto:account@osmnow.com).

## **14. DO-NOT-TRACK**

Do-Not-Track is a public-private initiative that has developed a “flag” or signal that an internet user may activate in the user’s browser software to notify websites that the user does not wish to be “tracked” by third-parties as defined by the initiative. The online community has not agreed on what actions, if any, should be taken by the websites that receive the “do not track” signal, and therefore Do-Not-Track is not yet standardized. Please note that OSM does not alter its behavior or use practices when we receive a Do Not Track signal from your browser.

## **15. LINKS TO OTHER SITES**

Our Services may contain links or otherwise provide access to another website, mobile application, or online service (collectively “Third-Party Sites”). OSM has no control over and is not responsible for Third-Party Sites, their content, or any goods 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 Site with which you interact.

## **16. CONTACTING US REGARDING YOUR INFORMATION**

In the event you would like access to your personal information, amend or update inaccurate or incomplete personal information, or request deletion of your personal information, you may contact us via the contact form on our website at <https://osmnow.com/#contact>, by e-mail at [account@osmnow.com](mailto:account@osmnow.com), or by mail at Outreach Smartphone Monitoring, LLC., 35 Selig Ave. Montrose, CO 81401, and include the subject as “Attn: Legal – Privacy Policy.” Please be sure to include your full name, email address, postal address, and any message. We will evaluate your request and decide on an appropriate response in our sole discretion, subject to applicable law.

## **17. ADDITIONAL RIGHTS FOR CALIFORNIA RESIDENTS**

If you are a California resident, you are entitled to make certain requests regarding your personal information under applicable laws including the California Consumer Privacy Act (“CCPA”). We will take reasonable steps to verify your identity and the authenticity of your request before processing any request. Once verified, we will fulfill each of these requests to the extent required by law:

- (a) You can request a copy of your personal information that we maintain.
- (b) You can ask us to delete your personal information, subject to exceptions provided by law.
- (c) You can opt-out of disclosures of your personal information to third parties, subject to exceptions permitted by law, such as the use of service providers or sharing with your Agency Monitors as previously directed. (The CCPA refers this right as a “Do Not Sell” request)

To exercise the California privacy rights described above, please submit your request via any of the methods under the Contact Us section below. You can make such requests up to two times in a rolling twelve-month period, and such requests will extend to information collected about you in the prior 12 months.

We will not discriminate against you for exercising your rights. This generally means we will not deny you goods or services, charge different prices or rates, provide a different level of service or quality of goods, or suggest that you might receive a different price or level of quality for goods. However, if you ask us to delete or stop selling your data, it may impact your experience with us, and you may not be able to participate in certain programs or membership services which require personal information to function.

This section does not apply to personal information we may collect from employees or job applicants in those capacities. It also does not apply to personal information we may collect from

employees, owners, directors, officers, or contractors of businesses in the course of our provision or receipt of business-related services.

## **18. INTERNATIONAL CONSIDERATIONS**

We have developed data practices designed to assure information is appropriately protected but we cannot always know where personal information may be accessed or processed. While our primary data centers are in the United States, we may transfer personal information to our offices or service providers outside of the United States. If we disclose personal information to a third party or to our employees outside of the United States, we will seek assurances that any information we may provide to them is safeguarded adequately and in accordance with this Privacy Policy and the requirements of applicable laws.

If you are visiting from the European Union or other regions with laws governing data collection and use, please note that you are agreeing to the transfer of your personal information to the United States or other countries which may not have data protection laws that provide the same level of protection that exists in the European Economic Area. By providing your personal information, you consent to any transfer and processing in accordance with this Privacy Policy.

## **19. CONTACT US**

For more information about our privacy practices, if you have questions, or if you would like to make a complaint, please contact us by using the contact form on our website at <https://osmnow.com/#contact>, by e-mail at [account@osmnow.com](mailto:account@osmnow.com), or by mail at Outreach Smartphone Monitoring, LLC., 35 Selig Ave. Montrose, CO 81401, and include the subject as “Attn: Legal – Privacy Policy.” Please be sure to include in any email or postal mail your full name, email address, postal address, and any message.