

FERPA AND GENERAL PRIVACY POLICY FOR THE LT SERVICE AND APPLICATIONS (US VERSION)

The Company with which you have entered into Terms of Service ("**we**" or "**us**" or "**our**") is committed to protecting and respecting your privacy.

This policy and our Terms of Service set out the basis on which any personal data we collect from you, or that you provide to us, will be processed by us. Capitalised terms in this policy have the same meanings as in the Terms of Service.

Please read the following carefully to understand the applicable laws and our practices regarding your personal data and how we will treat it. By using the Service, including www.kuracloud.com, and any mobile or other Apps, you are accepting and consenting to the applicable laws and practices described in this policy.

If you have any questions about this policy, please contact our Data Protection and Privacy Officer at privacy@adinstruments.com.

1. INFORMATION WE MAY COLLECT FROM YOU

We may collect and process the following information about you:

1.1 Information you give us

You may give us information about you by using the Service or Apps or by corresponding with us by phone, email or otherwise. This includes information you provide when you use the Service or Apps. The information you give us may include your name, address, email address and any image, video, audio, animation, text, and any other data captured via the Apps. In using the Services, in particular the sampling panel and other data acquisition features, you may provide us with certain biological information about yourself, such as information about heart, muscle, and brain activity and function.

1.2 Information we collect about you

With regard to each of your visits to the Service we may automatically collect the following information:

- 1.2.1 technical information, including the Internet protocol ("**IP**") address used to connect your computer to the Internet, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;
- 1.2.2 anonymised and aggregated information about visits, including page response times and download errors;
- 1.2.3 any phone number, email or address used to contact our customer service team or information provided in this correspondence;
- 1.2.4 the date and time of the creation of your account.

2. COOKIES

- 2.1 The Service uses essential cookies to distinguish you from other users of the Service and Apps.

3. USES MADE OF THE INFORMATION

We use information held about you in the following ways:

3.1 Information you give to us

3.1.1 We will use this information:

- (a) to carry out our obligations arising from any contracts entered into between you and us and to provide you with the information, products and services that you request from us;
- (b) to notify you about changes to our Service and Apps;
- (c) to ensure that content from our Service and Apps is presented in the most effective manner for you and for your Device; and
- (d) to guide the development of the Content.

3.1.2 We will only use your biological information to provide the Services to you. We will not use such information for any other purpose. We will not share your biological information with any third party, except as needed to provide the Services to you.

3.2 Information we collect about you

We will use this information:

- 3.2.1 to issue invoices and for account management purposes;
- 3.2.2 to administer the Service and Apps and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
- 3.2.3 to improve the Service and Apps to ensure that content is presented in the most effective manner for you and for your Device;
- 3.2.4 if you are an educator, to enable you to measure the success of and improve your teaching;
- 3.2.5 to allow you to participate in interactive features of our Service and Apps, when you choose to do so; and
- 3.2.6 as part of our efforts to keep the Service and Apps safe and secure.

4. DISCLOSURE OF YOUR INFORMATION

- 4.1 We will use all reasonable efforts to ensure that any third party with whom we share your personal information complies with applicable laws and regulations and this privacy policy.
- 4.2 We may share your personal information with any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries.
- 4.3 We may share your anonymised and aggregated information with selected third parties including business partners, suppliers and sub-contractors for the performance of any contract we enter into with them or you.
- 4.4 Where you participate in a group or elect to share your information with other groups, the Service and Apps will allow you to share certain personal or other information of yours with those groups in order to provide the Services and Apps to you and to others. For example,

you may share lab data with other members of your group, other groups, or your instructor as part of your lab course work.

4.5 We may disclose your personal information to third parties:

- 4.5.1 in the event that we sell or buy any business or assets, we may disclose your personal information to the prospective seller or buyer of such business or assets;
- 4.5.2 if our assets, or substantially all of our assets are acquired by a third party, personal information held by us about you will be one of the transferred assets; or
- 4.5.3 if we are under a duty to disclose or share your personal information in order to comply with any legal obligation, or in order to enforce or apply our Terms of Service or our framework subscription agreement and other agreements; or to protect our rights, property, or safety of the rights, property, or safety of our customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and law enforcement.

5. WHERE WE STORE YOUR PERSONAL INFORMATION

- 5.1 The information that we collect from you will be stored in the United States of America. However, if we are required by law or by a request of a Government entity, the information that we collect from you may be transferred to, and stored in, a country other than the United States of America. It may also be processed outside your location by staff who work for us or for one of our suppliers. Such staff may be engaged in, among other things, the provision of support services. By submitting your personal information, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your information is treated securely and in accordance with this privacy policy. We may continue to store your User Content after you terminate your account as long as it is needed for the purposes for which it was provided.
- 5.2 All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password which enables you to access our Service, you are responsible for keeping this password confidential. You should not share this password with anyone.
- 5.3 Unfortunately, the transmission of information via the internet is not completely secure. Although we will work hard to protect your personal information, we cannot guarantee the security of your information transmitted to the Service; use of the Service and Apps is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

6. YOUR RIGHTS

Our Service and Apps may, from time to time, contain links to and from the websites of our partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal information to these websites.

7. BE CAREFUL WHEN YOU SHARE INFORMATION WITH OTHERS

Please be aware that whenever you share information through the Apps or Services, that information may be accessed by others. In addition, please remember that when you share information in any other communications with third parties, that information may be passed along or made public by others. This means that anyone with access to such information can potentially use it for any purpose, including sending unsolicited communications.

8. CHILDREN'S RIGHTS

- 8.1 The Service and Apps are intended for users who are 18 years old or older. If you are under the age of majority in your state of residence, and consequently deemed to be a minor, but still over 13 years old, you must ensure that your parent or legal guardian agrees to the Terms of Service on your behalf.
- 8.2 We do not knowingly collect personal information from children under the age of 13. If we become aware that we have inadvertently received personal information from a child under the age of 13, we will delete such information from our records.

9. CHANGES TO OUR PRIVACY POLICY

Any changes we may make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by email. Please check back frequently to see any updates or changes to our privacy policy. The changes will go into effect on the "Last updated" date shown in the revised privacy policy. By continuing to use the Service or Apps, you are consenting to the revised privacy policy.

10. FERPA AND OTHER APPLICABLE US PRIVACY LAWS

- 10.1 If you are resident in the United States, this policy will be interpreted and followed pursuant to FERPA and all other applicable US privacy laws.
- 10.2 The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "**eligible students**". Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, under certain conditions including but not limited to school officials with legitimate educational interest. Third parties such as us are considered school officials under certain circumstances.
- 10.3 Additionally, schools may disclose, without consent, "**directory**" information such as a student's name, address, telephone number, date and place of birth, honours and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify

parents and eligible students annually of their rights under FERPA, including the use of third parties such as us.

- 10.4 For additional information, please see your school's FERPA policy or you may contact the federal Family Policy Compliance Office at:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-8520

11. CONTACT

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to our Data Protection and Privacy Officer at privacy@adinstruments.com.

Last updated: 5 April 2019