

Privacy Policy

Turning Technologies Privacy Policy for Online Services

Turning Technologies, LLC (“Turning”) respects the privacy of our users. This Privacy Policy (“Policy”) describes our privacy practices concerning information collected in connection with Turning’s online services, including TurningPoint, ResponseWare, and our mobile applications (the “Services”). A separate policy, available <http://www.turningtechnologies.com/privacy>, describes our privacy practices in connection with our online website, located at www.turningtechnologies.com.

Turning makes the Services available to third parties for those parties’ use in a variety of contexts, including instant polling and classroom surveys and examinations. Turning collects, uses, and discloses individual users’ personal data only as directed by these third parties and, accordingly, Turning is a mere processor of user information with respect to the Services and not a controller. Thus, to fully understand how your information will be handled when you use the Services, you must review not just this Policy, but also the privacy policy of the third party (such as a university) with whom you are dealing directly (the “Third-Party Data Controller”). By using the Services, you agree to the terms of this Policy.

Turning is headquartered in the United States at 255 West Federal Street, Youngstown, OH 44503. As discussed below, Turning complies with the US-EU Safe Harbor Framework and the US-Swiss Safe Harbor Framework regarding the collection, use, and retention of personal information from European Union member countries and Switzerland.

Who uses the Services

The Services are used in different ways by different types of users. As discussed further below, the information that the Services collect from and share about a user may depend on his or her user type. In this section, we describe three types of Services users.

Presenters: These individuals lead or facilitate the discussion, examination, or other activity using an administrator version of the Services. This may include, for example, software designed to tabulate Participants’ responses to questions posed by the Presenter. Alternatively, Presenters also may evaluate responses remotely and not in real time if the Services are used in a self-paced or “homework” environment.

Participants: Individuals using personal versions of the Services. This may include, for example, a hardware clicker or software that turns the user’s smartphone, tablet, computer, or other device into a device that registers the Participant’s answers to survey or test questions.

Administrators: These users have special administrative access to the Services and the information collected through the Services. These users can not only view that information, but also alter or otherwise manage the information. They also have organization-level access to the Services and can perform such functions as granting or removing access for Presenters. These users may or may not be Presenters themselves.

What personal and other information Turning collects about you

Turning collects both “personal information” and “non-personal information” about users of the Services. For purposes of this Policy, “personal information,” is information such as a name or email address that Turning can directly associate with a specific person without additional information. By contrast, “non-personal information” is information that Turning cannot directly associate with a specific person without

the aid of additional information. When we combine non-personal information with personal information, we treat all of the combined information as personal information.

Personal information. Turning collects a range of personal information through the Services. This information varies depending on the Turning application, the Third-Party Data Controller, and the type of user in question, but it may include such information as name, email address, user ID, student ID, learning management system ID, account password, user market (e.g., K-12, higher education, corporate, government, or rental), and country. The information that we collect also may include information that you consider sensitive, such as your test scores or your responses to confidential survey questions.

Data provided by third parties. We may receive personal or non-personal information about you from the Third-Party Data Controller that uses the Services or other third parties. This information may include such information as an individual or student ID, selected by the Third-Party Data Controller, that uniquely identifies you in the third party's database. We also may receive information from other third parties, such as service providers for the Third-Party Data Controller. For additional information, review the privacy policy of the Third-Party Data Controller.

Cookies and other tracking data. When you use the Services, we automatically receive and record certain information from your computer (or other device) and/or your web browser. This may include such information as the date and time that you use the Services, your IP address, your software and hardware attributes (including operating system, device model, device IDs, and device fingerprint information), and your general geographic location (e.g., your city, state, or metropolitan region). To obtain such information, we may use web logs or applications that recognize your computer and gather information about its online activity.

We also use cookies in connection with the Services. Cookies are small files that are stored on your computer or other device by your web browser. A cookie allows Turning to recognize whether you have used the Services before and may store user preferences and other information. For example, cookies can be used to collect information about your use of the Services during your current session and over time, your computer or other device's operating system and browser type, your Internet service provider, your IP address, and your general geographic location. If you are concerned about having cookies on your computer or device, you can set your browser to refuse all cookies or to indicate when a cookie is being set, allowing you to decide whether to accept it. You can also delete cookies from your computer. However, if you choose to block or delete cookies, certain features of the Services may not operate correctly.

How Turning uses the personal and non-personal information that we collect

In general, Turning uses the personal and non-personal information that we collect in connection with the Services as discussed in this section of the Policy. However, Turning uses such information only as directed by the Third-Party Data Controller that integrates the Services into its website, application, or other online service. Thus, our agreement with the Third-Party Data Controller may trump the following language.

Turning may use your personal information to provide the Services. For example, we might use your personal information to enroll you in a course, or we might use your survey responses and student ID to compile a record of your performance on an in-class examination. We also may use your personal information to fulfill the terms of any agreement between us and the Third-Party Data Controller; to complete a transaction that you initiate; to deliver confirmations, account information, notifications, and similar operational communications; to associate your copy of the services or your user ID with one or more Turning licenses; to identify users by market; to provide efficient and effective customer service; to

perform analytics; to improve your user experience and the quality of our products and services; to comply with legal and/or regulatory requirements; and to manage our business.

We may use the non-personal information that we collect in connection with the Services for such purposes as: counting and recognizing users of the Services; analyzing how users make use of the Services and various features of the Services; improving the Services and enhancing users' experiences with the Services; creating new products and services or improving our existing products and services; enabling additional analytics and research concerning the Services; and managing our business. Turning may link non-personal information with personal information. But in that event, we will treat the combined information as personal information.

Turning may use information that has been anonymized for its own purposes. These purposes include research and analytics, as well as efforts to improve the Services.

How Turning shares personal and non-personal information with third parties

In general, Turning shares the personal and non-personal information that we collect in connection with the Services as discussed below. However, Turning shares such information only as directed by the Third-Party Data Controller, and thus our agreement with that third party may trump the following language.

Third-Party Data Controller. We share the personal and non-personal information that we collect on behalf of a particular Third-Party Data Controller with that Third-Party Data Controller.

Presenters and Administrators. Some of the information that Participants provide may be shared with Presenters and Administrators. Examples may include roster lists, survey responses, and examination results.

Participants or the public. When surveys or examinations are performed publicly, some information and responses submitted by respondents may be shared publicly or with other Participants.

Learning integration tools. Information obtained through the Services (such as test answers or survey responses) and data derived from that information (such as student grades) might be uploaded by users or the Third-Party Data Controller into web portals or software such as Blackboard, Acuity, Schoolnet, and other similar tools. Third-Party Data Controllers are responsible for disclosing to users any such sharing. For more information, review the privacy policies of the Third-Party Data Controller and the providers of the relevant web portal or software.

Turning service providers. Turning also uses third-party service providers to help us deliver, manage, and improve the Services. These service providers may collect and/or use your personal or non-personal information to assist us in achieving the purposes discussed above in the section entitled "How we use the personal and non-personal information that we collect." For example, we use a third-party service provider to host some of the Services in the cloud.

We also may share your personal or non-personal information with other third parties when necessary to fulfill your requests for services; to complete a transaction that you initiate; or to meet the terms of any agreement that you have with us or our partners.

Analytics providers. We partner with certain other third parties to collect non-personal information and engage in analysis, auditing, research, and reporting. These third parties may use web logs or cookies. The use of online tracking mechanisms by third parties is subject to those third parties' own privacy policies, and not this Policy. If you prefer to prevent third parties from setting and accessing cookies on your computer or other device, you may set your browser to block cookies.

Legal purposes. We also may use or share your personal or non-personal information with third parties when we believe, in our sole discretion, that doing so is necessary:

- to comply with applicable law or a court order, subpoena, or other legal process;
- to investigate, prevent, or take action regarding illegal activities, suspected fraud, violations of our terms and conditions, or situations involving threats to our property or the property or physical safety of any person or third party;
- to establish, protect, or exercise our legal rights or defend against legal claims; or
- to facilitate the financing, securitization, insuring, sale, assignment, bankruptcy, or other disposal of all or part of our business or assets.

Anonymized and aggregated information. From time to time, Turning may also share with third parties anonymized and/or aggregated information about users of the Services. This may include reports on trends in the usage of the Services (e.g., the number of university professors using the product) or information about behavior or polling responses in different markets. For example, with respect to a city-wide poll about lunch preferences, Turning might disclose that on a question concerning side dishes, 30% of male, white students in the 12th grade preferred tater tots over French fries.

Security

Turning uses commercially reasonable physical, electronic, and procedural safeguards to protect your personal information against loss or unauthorized access, use, modification, or deletion. However, no security program is foolproof, and thus we cannot guarantee the absolute security of your personal or other information. Moreover, we cannot guarantee the safety of your information when in the possession of other parties, such as the Third-Party Data Controller.

Reviewing and updating your information

Turning will grant you access to your information as directed by the Third-Party Data Controller. Turning also will retain your information as directed by the Third-Party Data Controller.

If you want to learn more about the personal information that Turning has about you, or you would like to submit a request to update or change that information, please contact us by email at info@turningtechnologies.com.

Information for users of the Services from outside the United States (including US-EU and US-Swiss Safe Harbor information)

Turning complies with the US-EU Safe Harbor Framework and the US-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. Turning has certified that it adheres, where applicable, to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view Turning's certification, please visit <http://www.export.gov/safeharbor/>. The list of certified companies is available here: <https://safeharbor.export.gov/list.aspx>.

In compliance with the US-EU and US-Swiss Safe Harbor Principles, Turning commits to work with the Third-Party Data Controller to resolve complaints about your privacy and our collection or use of your personal information. European Union or Swiss citizens with inquiries or complaints regarding this Policy should first contact Turning at:

Privacy Director
Turning Technologies, LLC
255 West Federal Street
Youngstown, OH 44503

Toll Free Phone: 1-866-746-3015

Phone: (330) 746-3015

Fax: (330) 746-6863

Email: info@turningtechnologies.com

Turning has further committed to refer unresolved privacy complaints under the US-EU and US-Swiss Safe Harbor Principles to an independent dispute resolution mechanism, the JAMS Safe Harbor Program. If you do not receive timely acknowledgment of your complaint by Turning, or if your complaint is not satisfactorily addressed by Turning, please visit the JAMS Safe Harbor web site at <http://www.jamsadr.com/file-safe-harbor-claim/> for more information and to file a complaint.

The personal and non-personal information that Turning collects through or in connection with the Services is transferred to and processed in the United States for the purposes described above. Turning also may subcontract the processing of your data to, or otherwise share your data with, affiliates or third parties in the United States or countries other than your country of residence. The data-protection laws in these countries may be different from, and less stringent than, those in your country of residence. By using the Services or by providing any personal or non-personal information to Turning, you expressly consent to such transfer and processing.

Changes to this Policy

Turning reserves the right to amend this policy at any time. We will post all changes to this policy on our website at www.turningtechnologies.com, so you should review the policy periodically. Any such amendments to this policy may apply to information we collect in the future as well as any information we obtained prior to such amendment. If we make a material change to this policy, we will provide appropriate notice as required by law.

Questions or comments

If you have any questions or comments regarding our Policy, please mail or email us at:

Turning Technologies, LLC
255 West Federal Street
Youngstown, OH 44503

Email: info@turningtechnologies.com

Effective date: July 11, 2014