

Effective: December 2018

## PaintCare Privacy Policy

Please read this Privacy Policy (“Privacy Policy”) carefully to learn how PaintCare Inc, (“PaintCare,” “we,” “us,” or “our”) collects, uses, shares, and otherwise processes information relating to individuals or entities that provide personal data to PaintCare (“you”, “attendee” or “applicant”). PaintCare is the controller of the personal data we receive from you (“Personal Data”) and is responsible for the collection, use, and storage of your Personal Data, as specified herein.

### How We Collect Information

This Privacy Policy applies to the following activities in which you provide PaintCare with your information:

- Visiting our website located at [www.paintcare.org](http://www.paintcare.org) and other websites that are owned or operated by PaintCare and are linked to on the [www.paintcare.org](http://www.paintcare.org) website or the mobile and social media versions thereof (“PaintCare Website(s)” or “Website(s)”)
- Visiting our offices
- Registering for and/or attending our events
- Purchasing and/or signing up for our products and services, including any publications and other Program offerings
- Subscribing to our newsletters or other communications

Our Website(s) or forms may contain links to other websites or services that are managed by a third party and governed by that party’s own privacy policies. We do not have control over the information you supply directly to these sites or services. We encourage you read the privacy statements of each and every party that collects your information.

### Types of Information Collected

The Personal Data that we collect directly from you or from one of our affiliated organizations includes the following:

- If you visit our offices, you may be required to sign in as a visitor and provide us with your full name, email address, and other basic contact information;
- If you sign up for one of our events, subscribe to one of our newsletters or other communications, participate in one of our programs or promotions, or utilize a tool on our Website(s), we may require you to provide us with your basic contact information, such as, without limitation, your full name, email, your company’s name, job title, phone number, business phone number, mailing address, business address, your organization’s web address, and/or other contact information for yourself or a third party;
- If you register for one of our events or make any purchase on the PaintCare Website(s), in addition to your basic contact information, we may also require you to provide us with financial information and billing information, such as billing name and address, payment card number, and bank account information; and
- If you visit the PaintCare Website(s), the type of data collected by PaintCare will vary with your particular use of the Website(s). Here are some specific examples of the types of Personal Data PaintCare may collect through the Website(s):
  - Technical Information: PaintCare may collect Internet Protocol (IP) addresses from all users of our Website(s) as well as the date and time of access and the web page(s)

accessed. PaintCare may also catalog your log-in information and the type of computer, browser, or operating system used by you.

- **Geolocation Data:** When you access and use the Website(s), we may receive, store and process different types of information about your geographic location, including, without limitation, general information (e.g., zip code) and more specific information (e.g., GPS-based functionality on mobile devices used to access the Website(s)). If you access the Website(s) through a mobile device and you do not want your device to provide us with location-tracking information, you can disable the GPS or other location-tracking functions on your device (provided that your device allows you to do so). See your device manufacturer's instructions for further details.

The PaintCare Website(s) are cookie-enabled to give you more customized user experience. A cookie is a small piece of information that a website can store on a computer and later use to recognize a user. A purpose of cookies is to enhance your ability to receive the information you want. Cookies may be either persistent cookies or session cookies: a persistent cookie will be stored by a web browser and will remain valid until its set expiration date, unless deleted by the user before the expiration date; a session cookie, on the other hand, will expire at the end of the user's session, when the web browser is closed. Users can personalize their browser settings to reject cookies, although certain features of the PaintCare Website(s) may not function as intended. Please be informed that aggregate data – such as, without limitation, tool or feature (and related database) utilization, registration information, activity, navigation, exit page tracking, or content selection data – is also collected from users of the PaintCare Website(s) and may be used by PaintCare for any purpose. PaintCare may use this aggregate data for marketing, administrative, and support purposes in order to provide or improve any software solutions, programs, events, products or services that PaintCare may offer. In addition, PaintCare may also share, license, and/or sell such aggregate data (which will not identify any particular user) with or to third parties, including, without limitation, advertisers or business partners. We also may use Google Analytics to analyze the use of our Website(s). Google Analytics gathers information about website use by means of cookies. The information gathered relating to the PaintCare Website(s) is used to create reports about the use of our Website(s). Google's privacy policy is available at: <https://www.google.com/policies/privacy/>.

### **Our Purposes for Collecting Your Information and Our Bases for Collecting It**

We collect your Personal Data for the purposes and on the legal bases identified as follows:

#### Performance of a Contract

- Providing access to requested features and services: We may process your Personal Data for the purpose of providing you with the services that you have purchased and/or requested, including, without limitation, webtools, activities, events, promotions, and other offerings;
- Managing event/activity registrations and attendance: We may process your Personal Data to enable you to fully participate in the events/activities you have registered for and to adequately operate such events/activities; and
- Managing paid transactions: We may process your financial Personal Data, as provided, to verify financial qualifications and collect payments to the extent this is necessary for completing transactions with you.

#### Consent\*

- Managing subscriptions: We may process your Personal Data to ensure that you receive all subscriptions and correspondence you have elected to receive;
- Sending marketing communications: We may process your Personal Data to market products, events, or other services to you;
- Allowing fellow event participants to contact you: We may share your Personal Data with event participants to allow them to engage with you directly;
- Personalizing your experience: We may process your Personal Data to create a personalized experience for you when using the Website(s), including providing you with a list of facilities participating in the PaintCare program in your general vicinity on the Website(s);
- Providing you with updated information: We may process your Personal Data to provide you with information regarding (a) transactions conducted through the Website(s), (b) material changes made by PaintCare to the Website(s)'s policies and/or agreements, and (c) new programs, events, products, services or software solutions offered by PaintCare; and
- Performing other lawful activity: We may process your Personal Data for any other lawful purposes as determined by PaintCare in its sole discretion.

#### Legitimate Interests

- Managing office visitors: We may process your Personal Data to keep a record of who has visited our offices based on our legitimate business interests, including security purposes;
- Handling contact and user support requests: We may process your Personal Data to communicate with you as necessary to respond to your inquiry based on our legitimate interest to fulfill your request;
- Investigating a crime: We may process your Personal Data to investigate a possible crime, such as fraud or identity theft;
- Enforcing PaintCare's Terms and Conditions: We may process your Personal Data to enforce our Terms and Conditions or other agreements that govern your use of the PaintCare Website(s);
- Maintaining data security safeguards: We may process your Personal Data to assist with security or fraud prevention or response measures and to protect against misuse or unauthorized use of the Website(s);
- Assessing and mitigating PaintCare's legal risk: We may process your Personal Data to limit legal liability, protect or defend our rights, property, or interests, or protect the safety, rights, or property of others;
- Managing PaintCare's information systems: We may process your Personal Data to help diagnose problems with our servers, analyze Website(s) usage trends, track user movements on the Website(s), and to otherwise improve, manage, and monitor our Website(s); and
- Assisting in business transactions: In the event that PaintCare goes through a business transaction, such as a bankruptcy event, merger, investment transaction, or acquisition by another entity involving the sale of all or a portion of its assets, we may process your Personal Data in the transfer or review of our assets.

#### Legal Obligations

- Complying with legal obligations: We may process your Personal Data to respond to a court order or subpoena or to otherwise comply with the law.

Where we intend to process your Personal Data for a purpose other than the purpose for which it was collected, we may provide you with information regarding the purpose for the processing, as well as other relevant information, prior to processing your Personal Data for the new purpose.

\*If you reside in the European Economic Area, Switzerland or the United Kingdom, we will process your Personal Data for the purposes listed in this category with your explicit consent. If you do not reside in one of these jurisdictions, your consent may be implicit or received on an opt-out basis depending on your interaction with PaintCare.

### **Sharing Your Information**

We share your Personal Data, including with the following recipients:

- PaintCare's affiliate organizations to ensure continuity and efficiency in our operations;
- Our contracted service providers which provide services such as IT and web-hosting, credit card processing, marketing, subscription and order fulfillment, and cloud services; and
- If you attend an event organized by us, we may share your information with exhibitors, registrants, and/or sponsors of the event, provided that you consent to such sharing.

In addition, we also may share your contact information with third parties including, without limitation, PaintCare's agents, contractors, advertisers or business partners, to (i) provide or improve our programs, events, products, services, or software solutions, (ii) allow for online registration for programs, events, services, or the online provision of software applications, (iii) facilitate your participation in a promotion, sweepstakes, contest or competition and to identify you to anyone who requests a list of grantees if you are the grantee of such a promotion, contest, competition or sweepstakes; and/or (iv) for other internal business purposes. Also, PaintCare may (i) supplement the Personal Data collected from you with information about you obtained from other sources, such as, without limitation, from PaintCare's advertisers or business partners, or (ii) engage in cross-border transfers of Personal Data in order to provide or enhance our ability to provide or advertise our programs, events, products, services or software solutions and/or the programs, events, products, services, or software solutions of others.

Your Personal Data may be collected, stored by, and processed by us in the United States and by our affiliates and service providers in other countries where they operate. The United States and such other countries may not have the same level of data protection as those that apply in the jurisdiction where you live. If you reside in the European Economic Area, Switzerland or the United Kingdom, we will transfer your Personal Data across national borders with your consent.

### **How We Store Your Data and Data Security**

All Personal Data collected from you is stored on our servers and/or third-party online cloud storage systems for the purpose of archiving and backing up the information we receive from you. We will determine how long we will retain your Personal Data by factoring the time needed to achieve the purposes of processing your Personal Data, the nature and sensitivity of your data, whether such data is required to be retained by law, and whether we can achieve the same data processing purposes through other means. After weighing these factors, if we determine that your Personal Data is no longer needed for the legitimate purposes discussed herein, we will delete your data. If there is any information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further use of the data.

PaintCare maintains data security measures to protect information against unauthorized access and disclosure. These measures include the implementation of reasonable technical, physical and administrative data security safeguards. PaintCare also verifies that any vendors we engage employ reasonable safeguards when carrying out their services on our behalf.

### **Data Rights of Individuals from the EEA or Switzerland**

This section applies to those individuals from the European Economic Area or Switzerland. You have many rights with regards to your Personal Data, subject to local data protection laws. These may include the following rights:

- to access your Personal Data held by us (right to access);
- to correct inaccurate Personal Data and ensure it is complete (right to rectification);
- to erase/delete your Personal Data to the extent permitted by other legal obligations (right to erasure);
- to transfer your Personal Data to another data controller to the extent possible (right to data portability);
- to object to and restrict any processing of your Personal Data by us (right to object);
- to not be subject to a decision based solely on automated processing, including profiling, which produces legal effects ("Automated Decision-Making"); Automated Decision-Making or profiling currently does not take place on our websites; and
- to the extent we base the collection, processing and sharing of your Personal Data on your consent, such as your consent to the terms of this Privacy Policy, to withdraw your consent at any time.

To exercise these rights, contact our Data Protection Officer using the information in the "Contact Us" section below. Please be aware that PaintCare may be unable to afford these rights to you under certain circumstances, such as if we are legally prevented from doing so.

Additionally, you have the right to lodge a complaint against us. To do so, contact the supervisory authority in your country of residence.

### **Photography/Videography Disclaimer**

PaintCare reserves the right to use photographs/video taken at PaintCare-sponsored events, without the expressed written permission of those included within the photograph/video. PaintCare may use such photographs/video in publications or other PaintCare media material, including but not limited to: brochures, invitations, books, magazines, websites, etc. To ensure privacy, images will not be identified using names or personally identifying information, without written approval from the photographed subject. A person attending a PaintCare event who does not wish to have their image recorded for distribution should make their wishes known to the photographer and/or the event organizers. By entering a PaintCare event, you consent to PaintCare and its affiliated companies for the foregoing use of your image, voice, and/or likeness.

## **Use of Minors**

PaintCare cares about the safety of children on its Website(s) and encourages parents and guardians to monitor their children's use of the Internet. Although the Website(s) is suitable for a general audience, the Website(s) is intended for use only by users who are over eighteen (18) years of age. Accordingly, PaintCare does not knowingly solicit Personal Data from children or send them requests for personal information. If you become aware that your child has provided Personal Data to PaintCare, please contact PaintCare immediately so that such information can be deleted and PaintCare otherwise discontinues any further services provided to such child.

## **Governing Law**

This Privacy Policy shall be governed by and construed in accordance with the laws of the District of Columbia, U.S.A. If you are located outside of the United States when you use the Website(s), any information you submit thereto will be transferred to the United States. Accordingly, by using the Website(s) and submitting Personal Data thereto, you therefore authorize the transfer of your Personal Data to the United States. If any part of this Privacy Policy is determined to be invalid or unenforceable pursuant to applicable law, then the invalid or unenforceable provision or part will be deemed suspended by a valid, enforceable provision that most closely matches the intent of the original provision or part and the remainder of this Privacy Policy shall continue in full force and effect.

## **Changes in Our Privacy Policy**

We reserve the right to change or modify this privacy statement at any time. If we revise our privacy statement, we will post those changes on the homepage of each of the PaintCare Website(s) so you are always aware of what information we collect, how we use it, and under what circumstances, if any, we disclose it.

## **Contact Us**

If you have questions about this Privacy Policy or to exercise your rights regarding your data, please contact us in our role as data controller at:

PaintCare Inc.  
901 New York Avenue, NW  
Suite 300 West  
Washington, DC 20001  
Phone: (202) 462-6272

To contact our Data Protection Officer, please send an email to [dataprotectionofficer@paint.org](mailto:dataprotectionofficer@paint.org).

To contact our webmaster regarding any other concerns, please send an email to [webmaster@paint.org](mailto:webmaster@paint.org).