

RBdigital Privacy Policy

Effective May 25, 2018

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PRIVACY STATEMENT FOR RECORDED BOOKS INC.

Your privacy is of great importance to Recorded Books Inc. ("We", "our" or "us"). As a user of this website and/or one of our mobile applications (collectively, the "Site"), you are valued by Recorded Books Inc. and We will take appropriate measures to protect the personal data provided by, and collected from, you on the Site in connection with the functions, facilities, products and services offered on the Site.

THE EU GENERAL DATA PROTECTION REGULATION ("GDPR")

The GDPR is a data protection regulation of the European Union. It comes/came into force May 25, 2018. The GDPR is relevant to Recorded Books, Inc. because We process the personal data of individuals who are based in the European Economic Area ("Europe") both on our own behalf and on behalf of our EU-based library partners.

This Privacy Policy is intended to meet our duties of transparency under the GDPR, and to assist the libraries with whom We have partnered to do the same.

In particular, We want to make it clear to you what rights you have and how you can exercise them.

WHAT IS PERSONAL DATA UNDER THE GDPR?

The GDPR definition of 'personal data' can be found here. Essentially, it means: information about an individual, from which that individual is either directly identified or can be indirectly identified.

It does not include anonymous information (i.e., information where the identity of individual has been permanently removed). However, it does include 'indirect identifiers' or 'pseudonymous data' (i.e., information which alone doesn't identify an individual but, when combined with certain additional and reasonably accessible information, could be attributed to a particular individual). For example, certain of the technical information that We automatically collect when you use the Site may constitute pseudonymous personal data by which you could indirectly be identified.

To the extent it meets the definition in GDPR, each reference to how We deal with your 'personal information' or 'personally identifiable information' in this Privacy Policy should, for users based in Europe, be read as a reference to personal data.

WHAT DOES THIS PRIVACY POLICY APPLY TO IN THE CONTEXT OF EUROPEAN USERS?

This Privacy Policy aims to give you information on how Recorded Books, Inc. collects and processes your personal information through your use of the Site for our own purposes (i.e., where We are a Controller).

This Privacy Policy is not directly intended to describe how We process Personal Data on your library's instructions (i.e., where We act as their Processor). However, to assist our library partners with their own duties of transparency as Controllers, We have sought to describe how

your personal information is treated under our agreements with, and under instructions from, our library partners.

If you want to know how your library handles your personal information, you should check its Privacy Policy.

Alternatively, if you are a library who has partnered with Recorded Books, Inc. please contact us on the details set out at the bottom of this Privacy Policy to request a copy of our Data Processing Addendum to learn more about how We process your patron's personal information on your instructions or with your permission as part of our agreement with you.

WHAT INFORMATION DOES RECORDED BOOKS INC. COLLECT?

We gather information so that We can improve and personalize your experience with RBdigital. Information that We collect falls into the following primary categories.

INFORMATION THAT CUSTOMERS GIVE US:

We receive and store the information that you enter at the Site or give to us in any other way off line. For example, We collect the information that you provide when you fill out the information in any "contact us" form on the Site or when you create an account. You can always choose not to provide some or all of the information We ask for, but this may prevent you from receiving information or obtaining certain services that you desire.

We collect the minimum data set that allows us to deliver the RBdigital services you choose to use and to assist you through Customer Support if you request it. For RBdigital this means at minimum, your name, email address, and library card number. If you engage our Customer Support team they may collect your phone number and other information specific to resolving your issue. Our service partners may collect additional information in the process of creating your account on their sites. You control the information you give Recorded Books and our service partners.

This information will be deleted in accordance with the terms of the Data Processing Agreement we have entered into with the library on whose behalf it is collected and processed.

AUTOMATIC INFORMATION & COOKIES:

Whenever you interact with the Site, We receive and store certain types of information. For example, We use "cookies" to obtain information when your web browser accesses this Site. A cookie is an alphanumeric identifier, which We transfer to your computer via your Web browser and store on your computer's hard drive. The cookie file allows us to recognize your computer when you visit the Site. On most web browsers you will find a "help" section on the toolbar. Please refer to this section for information on how to receive notification when you are

receiving a new cookie, and how to turn cookies off. We recommend that you leave cookies turned on because they will enable you to take advantage of some of the Site's best features.

DATA ACCURACY MINIMISATION AND RETENTION

We maintain a policy of data minimisation and pseudonymization. This means we seek to process only the Personal Data necessary for our purposes and otherwise anonymise it where reasonably possible.

Connected with this, we are required to keep Personal Data up to date so we offer you a place to check the accuracy of your information and to update it. Select ***My Account>Profiles*** from the website or mobile menus and make any necessary changes.

RETENTION OF PERSONAL DATA:

Data Protection Laws oblige us not to keep Personal Data for longer than is necessary for the purposes for which it was originally collected or otherwise to enable the us to comply with our statutory obligations (for example for tax purposes, health and safety purposes) or to defend any claims or complaints brought against us.

Although we cannot keep Personal Data for longer than is necessary, we also need to ensure that we do not delete Personal Data that we still need, whether for commercial business purposes, legal compliance purposes or to defend or exercise our rights. For example, we will obviously need to keep Personal Data of our patrons for the duration of their relationship with us but we may also need to retain certain information to deal with inquiries, resolve disputes and/or enforce or defend our rights.

To help us with our data minimization and retention practices, we undertake the following regular reviews of our Personal Data to determine whether it can be minimized, pseudonymized, archived, put out of reach or securely destroyed:

- We generate a new email list from our production patron data for every email effort. This means our email lists reflect ForgetMe and No Marketing Email requests within a minimal number of days of the time email is sent. Forgotten patrons do not receive email. We no longer keep their email address. We maintain the status of No Marketing Email for active patrons as long as they keep their RBdigital account. Access to our patron email lists is limited to certain employees.
- We honor librarian placed ForgetMe requests immediately for our external environments – the sites exposed to the public. Likewise, where patrons request not to receive marketing email, we honor those requests immediately. Access to our patron data is limited to certain employees.
- We forget the data of patrons who have not been active for a period exceeding three years. We welcome forgotten patrons to create a new account if they wish to do so.

TEST PLATFORMS AND BACKUP DATA:

We refresh our test environments with data from our active patron database on a regular basis. This insures that we test upgrades and new features planned for your RBdigital experience in a safe environment under conditions that closely duplicate our active data. Access to patron data is limited to certain employees.

We also backup data regularly to insure our sites can be restored and operate around the clock, all days of the year without interruption should We experience technical difficulty. For both Test and Backup environments, it takes less than two months for our refreshment cycles to completely overwrite all information. Test and Backup environments are never used for purposes other than internal operations. The test and Backup environments are maintained and monitored with the same diligence as We maintain our production environments.

LOG FILES:

This Site uses cookies to log IP addresses, browser types, track where a user came from, where a user goes on our Site, most popular pages, least popular pages, and other similar types of information for systems administration purposes.

The information gathered via these cookies does not directly identify any individual visitor. However, it may render such visitors “indirectly identifiable”. This is because the information collected is typically linked to a pseudonymous identifier associated with the device you use to access our Site.

Log files are overwritten regularly, usually with a week however, for some log files a period of not more than two months may be required for a complete overwriting of data.

HOW DOES RECORDED BOOKS INC. USE THE INFORMATION IT RECEIVES?

Recorded Books Inc. uses the information that users provide to the Site in a manner that is consistent with the reason for which such information was provided. For instance, if a user contacts Recorded Books Inc. with a question, Recorded Books Inc. will use the contact information of that user in order to respond to that inquiry.

INFORMATION WE USE AS A PROCESSOR ON BEHALF OF OUR LIBRARY PARTNERS:

When you register online, We collect your name, email address, and library card number to provide the services your library contracted for your use (as described in the section entitled “Information that Customers Give Us”, above). We only process this personal information on behalf of your library as their Processor (i.e., We only process this information under instruction from your library and to perform our agreement with them) – these purposes include:

- establishing and maintaining your account on the Site;

- managing your use of the Site and its functionalities – e.g., administering content you’ve loaned or are looking to loan, sending you emails/notifications about content you might be interested in or have a hold on, etc.;
- providing you with the customer support that We have agreed with your library that We will provide;
- ensuring that you are properly entitled to use the Site – i.e., We cross-check your information against your library’s systems to ensure that you are a valid recipient of the services your library has purchased for its patrons;
- ensuring that the additional services of our partners, your library purchased for your use, are available to you.

In respect of each of these purposes, your library as the Controller is responsible for ensuring that there is a valid legal basis for the processing of your personal information that is involved.

For more information on the legal basis established and relied upon by your library, We recommend that you review their Privacy Policy.

INFORMATION WE USE AS A CONTROLLER ON OUR OWN BEHALF:

In addition to the information We process as your library’s Processor, We also process certain technical data on our own behalf and for purposes which We determine. As We act as a Controller for the purposes of these processing activities, the GDPR requires us to ensure that we have a “legal basis” for that use. As you will see from the below, We typically rely on “legitimate interests” as the legal basis for our processing. This means that, We have made an assessment that the nature and extent of our use of your personal information is necessary for our legitimate interests and your own interests and fundamental rights do not override those interests that We are pursuing.

In the table below, We have described the particular legitimate interests We are pursuing in respect of each purpose for which We process your personal information as a Controller.

| Purpose | Personal information involved | Legal basis: |
|--|--|--|
| To administer and protect our business and this Site (including fraud prevention, troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data) | <ul style="list-style-type: none"> • Automatic Information & Cookies • Log Files | Legitimate Interests. We have a legitimate interest in ensuring the ongoing security and proper operation of our offering and associated IT services and networks. |

| | | |
|---|--|--|
| <p>To enable us to deliver relevant content to our users and measure or understand the effectiveness of our Site and particular elements thereof.</p> | <ul style="list-style-type: none"> • Automatic Information & Cookies • Log Files | <p>Legitimate Interests. We have a legitimate interest in studying how our users use our offerings. This helps us improve our offering and the Site, grow our business and to inform our product strategy.</p> |
| <p>To use data analytics to improve our Site, offerings, marketing, customer relationships and experiences.</p> | <ul style="list-style-type: none"> • Automatic Information & Cookies • Log Files | <p>Legitimate Interests. We have a legitimate interest in analyzing our user base to keep our Site and offerings relevant and up-to-date. As well as developing our business and informing our marketing strategy.</p> |

In addition to the above, in certain circumstances, We may also have to process your personal information where We need to comply with a legal or regulatory obligation.

DOES RECORDED BOOKS INC. SHARE THE INFORMATION IT RECEIVES?

Recorded Books Inc. considers the information provided by our users to be a vital part of our relationship with our users and We treat it with great care and respect. There are, however, certain circumstances in which We may share such personal data with certain third parties, as set forth below.

AGENTS:

Recorded Books Inc., like many companies that serve consumers, hires other companies to perform certain functions. Examples include managing our database and mailing requested information. When We employ another company to perform a function of this nature, We only provide them with the information they need to complete the task and they are not allowed to use that information for any other purpose.

The following is a list of Recorded Books, Inc. partner services. Depending on the services your library purchased, some, none, or all of these services may be available to you. We share your personal information with these third parties under instruction from your library to provide the services your library contracted for your use and only when you have chosen to use the service.

- **Acorn TV**
 Conditions of Use:
<https://www.amazon.com/gp/help/customer/display.html?nodeId=201909000>
 Privacy Notice:
https://www.amazon.com/gp/help/customer/display.html/ref=footer_privacy?ie=UTF8&nodeId=468496

- **ArtistWorks**
Terms of Use: <https://artistworks.com/legal>
- **Comics Plus**
Terms of Service: <https://www.comics.plus/tos->
Privacy Policy: <https://www.comics.plus/privacy-policy-en>
- **Comics**
Terms of Service: <https://rbdigital.rbdigital.com/#terms-service>
Privacy Policy: <https://rbdigital.rbdigital.com/#privacy>
- **ePrep**
User Agreement: <https://www.eprep.com/user-agreement>
Privacy Policy: <https://www.eprep.com/privacy-policy>
- **Hoonuit**
Terms & Conditions of Use: <https://www.hoonuit.com/terms-and-conditions>
Privacy Policy: <https://www.hoonuit.com/privacy-policy>
- **IndieFlix**
Cookie Policy: <https://indieflix.vhx.tv/cookies>
Privacy Policy: <https://indieflix.vhx.tv/privacy>
- **KidSpeak**
Terms of Service: <https://www.transparent.com/about/terms.html>
Privacy Policy: <https://www.transparent.com/about/privacy.html>
- **LawDepot**
Terms of Service: <https://www.lawdepot.com/terms.php>
Privacy Policy: <https://www.lawdepot.com/privacy.php>
- **LearnItLive**
Terms and Conditions: <https://www.learnitlive.com/terms-of-service.php>
Privacy Policy: <https://www.learnitlive.com/privacy-policy.php>
- **Magazines**
Terms of Service: <https://rbdigital.rbdigital.com/#terms-service>
Privacy Policy: <https://rbdigital.rbdigital.com/#privacy>
- **OnePlay**
Terms of Service: <http://www.oneplay.com/en/terms>
Privacy Policy: http://www.oneplay.com/en/privacy_policy
- **Pongalo**
Terms and Conditions of Use: <https://pongalo.com/terms>
Privacy Policy: <https://pongalo.com/privacy>

- **Pressreader (UK only)**
Terms of Service: <https://care.pressreader.com/hc/en-us/articles/206528495-Terms-ofUse>
Privacy Policy: <https://care.pressreader.com/hc/en-us/articles/205818089-Privacy-Policy>
- **Qello Concerts**
Terms of Service: https://qello.com/terms_of_use
Privacy Policy: https://qello.com/privacy_policy
- **Signing Savvy**
Terms of Service: <https://www.signingsavvy.com/termservice>
Privacy Policy: <https://www.signingsavvy.com/privacypolicy>
- **Transparent Language**
Terms of Service: <https://www.transparent.com/about/terms.html>
Privacy Policy: <https://www.transparent.com/about/privacy.html>
- **Universal Class**
Terms of Service: <https://www.universalclass.com/tos.htm>
Privacy Policy: <https://www.universalclass.com/myinterests/privacypolicy.htm>

BUSINESS TRANSFERS:

As We develop our business, We might sell or buy businesses, stores or assets. In transactions such as these, customer information is generally one of the transferred business assets. Moreover, in the unlikely event that Recorded Books or one of its business lines are acquired, customer information may be one of the transferred assets. If such changes result in updates to the Terms of Service and/or Privacy Policy, you will be notified when you login to RBdigital.com and you will be given the opportunity to read and accept the new documents.

PROTECTION OF RECORDED BOOKS INC. AND OTHERS:

Except for the limited rights granted in Section II.1(a) of our Terms of Service, Recorded Books and/or its licensors own and/or control all right, title and interest (including, without limitation, all copyrights) in and to the Site, Site Content and Service. "Site Content" means any and all files, text, graphics, hyperlinks, interlinks, search engines, images, software, illustrations, photos, animation, video, audio, audiovisual works, designs or logos, information and other works of authorship made available to you through the Site and/or Service. You agree and acknowledge that you shall not acquire any ownership rights by accessing or using the Site, Site Content or Service. You acknowledge and agree that modification of the Site Content or use of the Site Content for any other purpose is a violation of Recorded Books' and possibly other third parties' copyright and proprietary rights.

WILL RECORDED BOOKS INC. SELL MY PERSONAL INFORMATION TO OTHER COMPANIES?

Recorded Books Inc. will not sell your personal information to any third-party or otherwise transfer it to any third-party for marketing purposes.

HOW SECURE IS INFORMATION ABOUT ME?

We have put in place what We consider to be appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. For example, your personal information is stored offline on a secure server which is password protected.

We take steps to limit access to your personal information to those employees and other staff who have a real business need to have such access. All such people are subject to a contractual duty of confidentiality.

HOW CAN I ACCESS INFORMATION ABOUT ME?

In order to enable our library partners to comply with their obligations under the GDPR with respect to complying with your exercise of your data subject rights under the GDPR, as a service to those library partners, We have established an automated procedure whereby you can access, correct and/or remove your Personal Information.

If you desire to review your own personal information, to correct existing information, or to remove your information, visit your patron profile page on the site. Use the menu to reach *My Account>Profiles* to edit your data. To have your information removed from Recorded Books, Inc., see the section *Remove My Personal Information – Forget-Me* below.

WHAT CHOICES DO I HAVE?

As outlined in this Privacy Policy, you can always choose not to provide information (except that technical information We collect automatically about your use of the Site), however, doing so may prevent you from receiving certain information or accessing other valuable features at the Site In summary your choices are these:

- You may restrict the information you share with Us, although this choice may limit the services We can deliver to you.
- You may view and print the personal data We store for you by visiting your *My Account>Profiles* at the site
- You may choose to have us remove all of your personal data from our data systems. This choice, “Forget-Me”, will terminate your relationship with Recorded Books, Inc. Upon completion We will not be able to contact you and We will not know that you had an account with us. To request the Forget-Me process, contact your librarian.

In respect of that processing of your personal information comprised in the technical information We collect automatically about your use of the Site (“Automatic Information & Cookies” and “Log Files”), the basis for this processing activity is the pursuit of our legitimate interests. This means that you have the right to object to this processing should you feel it impacts on your fundamental rights and freedoms. If you wish to exercise this right to object, please contact us at the contact information outlined below.

LINKS TO THIRD PARTY SITES

You may be able to access third party websites through links available on this Site You understand and agree that your use of such third party sites will be governed by the Privacy Policies of those sites and not by this Privacy Policy. Recorded Books Inc. shall not be responsible for the actions of the operators of such third party websites. We have contracts in place whose terms govern the relationship between Recorded Books, Inc. and the partners. These contracts state that our partners will adhere to the standards of the GDPR.

REMOVE MY PERSONAL INFORMATION – FORGET-ME

Recorded Books Inc. has implemented a “Forget-Me” process that will remove your personal information from our records and notify any third-party partner websites of your Forget-Me request if you signed up for their services. To have your personal information “Forgotten”, contact your librarian and request to have your information “Forgotten”. Here’s how the process works:

1. You request Forget-Me from your librarian
2. As a Data Controller and Administrator, your librarian triggers your account for Forget-Me
3. Recorded Books receives your request and honors it immediately through an automated process
 - 3.1. We notify all of our third-party partner services with whom you established an account – they start the process of the Forget-Me request on their sites
 - 3.2. We send you an email acknowledging your request and confirming it is complete in our production environment
 - 3.3. Just after we send the confirmation email, We remove all of your personal information from Recorded Books’ primary systems. This normally is processed right away within the same business day.
 - 3.4. Within the next 2 months, your personal information is also overwritten in our backups, logs, and testing databases as part of regular maintenance.

The Forget-Me process is irrevocable and cannot be stopped once started. We cannot access your information once it is removed. We will not be able to contact you. However, you are always welcome to return to RBdigital.com and create a new account.

YOUR CHILDREN

Recorded Books Inc. does not knowingly collect information from children under the age of 13 except in the cases of specific school libraries where age-appropriate content has been purchased for student only use. In these cases, only that information necessary to establish each student's account is collected. We do not market or sell to students. Except as defined by the contract terms negotiated with each school or school system and then, only to provide services, We do not share student information. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children to never provide information on this Site without their permission. At the discretion of their library, some of patrons both inside and outside the EU will be asked to affirm that they are at least 16 years of age as they create or update their account with us.

BREACH NOTIFICATION

We have put in place procedures to deal with any actual or suspected breach or compromise affecting personal information. In the event of any such breach, We have systems in place to work with applicable regulators and our library partners to minimize the impact of any such breach. In addition, in certain circumstances (e.g., where We are legally required to do so) We may notify you of breaches affecting your personal information.

TERMS OF SERVICE, NOTICES, AND REVISIONS

If you choose to visit the Site, your visit and any dispute over privacy is subject to this Privacy Policy and our Terms of Service Agreement, including limitations on damages and application of the law of the **State of Delaware, United States of America**. If you have a concern about privacy at our Site, please send an email with a detailed description of your concern to: rbdigital@recordedbooks.com and We will try to resolve it. Our business and Site change constantly. The Terms of Service and this Privacy Policy may change also. Our use of information that We receive and store is subject to the Privacy Policy and Terms of Service in effect at the time of our use of such information. If We decided to change our Privacy Policy, We will post the revised Privacy Policy on this Site. You will be notified to read and accept the updated documents when you login to the website.

RBDIGITAL PLATFORM AND WEBSITE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

Recorded Books Inc. and RBdigital continually endeavor to make the RBdigital Platform and Website accessible to individuals with disabilities in accordance with Section 508 of the Rehabilitation Act. These pages also meet Recorded Books Inc.' policy and guidelines for the Section 508 requirements. If you have difficulty viewing any page via adaptive technology, please contact us (rbdigital@recordedbooks.com) so that We can make the information available to you.

TRANSFERS OF PERSONAL INFORMATION TO ENTITIES BASED OUTSIDE EUROPE

We are a U.S.-based company. Although We do not have an establishment within Europe, as noted above, the GDPR is relevant to us and our use of personal information of individuals located in Europe. For this reason, We take appropriate steps to ensure that when We process such personal information (despite the fact that We are not based in Europe) We do so in accordance with the GDPR.

In addition, where We transfer personal information of individuals located in Europe to any of the third parties outlined above, We take steps to ensure that We have implemented appropriate safeguards to provide that such protection is maintained and is not undermined as a result of that disclosure. This typically means that we endeavor to provide that all our partners with whom we share your Personal Information (see Agents above) are bound by contractual provisions that establish appropriate safeguards for your Personal Information (including

HOW TO CONTACT RECORDED BOOKS, INC.

Patron Support

RBdigital Customer Service

877-77-AUDIO or 877-772-8346

Patron Support via email:

yoursupport@recordedbooks.com

Copyright Complaints

Agent for Claims:

Recorded Books Inc.

270 Skipjack Road Prince

Frederick, MD 20678

Attention: Neil Tress

Facsimile: (410) 535-2761 E-

Mail:

ntress@recordedbooks.com

Notices

Recorded Books Inc.

270 Skipjack Road

Prince Frederick, MD 20678

Attention: Neil Tress

Facsimile: (410) 535-2761 E-

Mail:

ntress@recordedbooks.com

In addition, as We do not have an establishment within Europe, We have appointed a representative based in Europe who you may address directly to raise any issues or queries you may have relating to our processing of your personal information. Our EU representative is W.F. Howes, LTD. You can contact our EU representative directly, by emailing them at

Digital Customer Support: rbdigital@wfhowes.co.uk

General Support: info@wfhowes.co.uk

WF Howes, LTD:

Unit 5, St. Georges House

Rearsby Bus. Park, Gaddesby Lane

Rearsby, Leicestershire, LE7 4YH

44 (0) 1664 423000