

LIVING SOFTWARE INC

PRIVACY POLICY

Effective May 25, 2019

This website (the “**Site**”) is the property of Living Software Inc, a Wisconsin Corporation, whose primary offices are located at Box 154, New Richmond, WI 54017, (collectively, “**LSI**”, “**we**”, or “**us**”). LSI respects the privacy of those who access and/or use the Site (“**You**”, “**Your**”, “**User**”, or collectively “**Users**”) and is committed to protecting the privacy of the personally identifiable information we collect from You as You access and/or use the Site via the internet, the world wide web, mobile networks, or any other communication methods now known or in the future developed.

For the purpose of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereafter “the GDPR”), the data controller is LSI.

LSI is committed to protecting and respecting your privacy. This policy sets out the basis on which personal data we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.

The Information That the Site Collects

Automatically Collected Information

Like many websites, when You access the Site, we may automatically record certain information from Your system by using different types of other common Internet technology. This automatically collected information may include, but not be limited to, usage, viewing and technical data, including Your Internet Protocol address (“IP Address”), a unique device or User ID, version of software installed, system type, the content and pages that You access on the Site, the dates and times that You visit Site, and whether you opened an email we sent.

Personally Identifiable Information

We may collect and process the following data about you:

1. Details of transactions you carry out through our site and of the fulfilment of your orders. When ordering a product through our site, we collect your email address, first name, last name, postal address, phone number and your payment information.
2. Information that you provide when registering a unique Customer account, including your email address.
3. Information that you provide when you download a trial version of our software.
4. Information that you provide when you report a problem with our site.
5. If you contact us, we may keep a record of that correspondence.

The Way We Use This Information

Automatically Collected Information

LSI uses cookies and other automatically collected information to identify prior Users, to track usage of the Site, and for analytical purposes to help us improve the Site and our business in general. We may on occasion provide this information to an affiliate or third party to assist us in providing these functions.

Personally Identifiable Information

The personally identifiable information that Users voluntarily provide to LSI may be used by LSI and our Affiliates for administrative purposes; for authentication purposes; to properly operate, maintain, and provide You with the features and functionality of the Site; to customize and personalize features for You and otherwise enrich your experience when using the Site; to present You with promotions, advertisement, and opportunities We believe may be of interest to You; to enable our affiliates and to assist us in operating, maintaining, and providing our Services and products to You; to enable us to carry out our obligations arising from any contracts/subscriptions entered into with You; to notify You about changes to the Privacy Policy or the Terms of Service, Site, or Site (if we deem it appropriate); to investigate and help prevent potentially unlawful activity or activities that threaten the integrity of the Site, LSI Content, or LSI Technology; to investigate allegations of fraud or violations of the Terms; to enforce or apply our rights under the Terms; and/or to protect the rights, property, or safety of any of our Users or others; to improve the quality and design of the Site and to create new features, promotions, functionality, and services by storing, tracking, and analyzing your preferences and trends.

Alternative Use of Personally Identifiable Information

Although consent for the use or disclosure of personally identifiable information will usually be obtained at the time of collection, there may be occasions where consent is sought after the personally identifiable information has been collected (but before use). If LSI intends to use personally identifiable information for a purpose other than what was identified at the time the personally identifiable information was collected, then we will obtain Your prior consent to that additional use unless it is for a situation where consent can be implied through Your actions with us.

Security of Information

The security, integrity and confidentiality of your information are extremely important to us. LSI maintains our systems in accordance with commercially reasonable industry standards to preserve the integrity and security of Your personally identifiable information. We cannot, however, ensure or warrant the security of any information You Transmit through the Site, and You do so at Your own risk. Once we receive Your transmission of information, we make commercially reasonable efforts to ensure the security of our systems including contractual and/or other safeguards to ensure that affiliates, related companies or third party service providers ("Third Parties") provide a comparable level of protection for your personally identifiable information. However, please note that this is not a guarantee that such information may not be accessed, disclosed, altered, or destroyed by breach of any of our physical, technical, or managerial safeguards. "Perfect security" does not exist on the Internet, and You use the Site at Your own risk. If You have reason to believe that Your information stored with us is no longer secure, you must immediately notify us of the problem by contacting us as set out on our Site.

LSI has safeguards to protect personally identifiable information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification, regardless of the format in which the information is held. Personally identifiable information will be safeguarded by physical measures (locking filing cabinets, restricting access to offices), organizational measures (employee training, limiting access on a necessity basis) and technological measures (Secure Sockets Layer (SSL) technology passwords, firewalls and encryption). Some records, including older records, may be stored at an offsite storage facility, in either paper or electronic format. Where records are stored with off-site storage facilities, LSI uses contractual or other means to ensure that your privacy rights are protected. As a result, personally identifiable information may be subject to legal requirements of foreign countries as applicable, such as the requirement to disclose personally identifiable information to foreign governments.

From time to time, we review our security procedures to consider appropriate new technology and methods. Please be aware though that despite our best efforts, no security measures are perfect or impenetrable.

Limiting Use, Disclosure, and Retention

LSI always uses contractual or other safeguards to ensure protection of personally identifiable information and such information will be used and disclosed only for the purpose for which it was collected or as required by law, except with the consent of the individual.

Access to personally identifiable information is limited to LSI employees with a business need to know and Third Parties who require access for business purposes. From time to time, LSI will disclose personally identifiable information to others, including to affiliated entities or unrelated companies that carry out certain responsibilities on behalf of LSI. LSI takes necessary steps to ensure that the affiliated entities or unrelated companies do not use or disclose personally identifiable information for any purpose other than the specific purpose requested.

Please note that once we share your personally identifiable information with a Third Party, the information received by the Third Party becomes subject to the Third Party's privacy practices.

We will only retain personal data held about you as long as we need it to fulfill the purposes for which we have initially collected it, unless otherwise required by law. Although in some instances difficult to provide an exact timeframe in advance, please find below the criteria used to determine the data retention period:

1. Customer data: Details of transactions that you carry out through our site and of the fulfilment of your orders will generally be stored for at least 12-months following the delivery date of the Products. Depending on the information and services provided, the retention period of such details may be extended as set forth below.
2. Marketing data: Personal data retained for marketing purposes will be deleted as soon as possible after having received your withdrawal of consent to processing for such purposes.
3. Customer account: Personal data provided through creating a unique account on the site will be retained for as long as the account is active and for at least 3 months after you have chosen to terminate your account. Your personal data will be retained for at least 12 months in the event that you have not replied to our inquiries concerning the deletion of your account due to inactivity.
4. Inquiries: Records of correspondence between you and us concerning our products or reported problems with our site, will be stored for at least 6 months after the correspondence has been finalized.

Furthermore, we will retain and use any personal data necessary to comply with our legal obligations, resolve disputes, and enforce our agreements as follows:

1. Billing information is retained for the period allowed in accordance with the relevant accounting and taxation laws; and
2. Information on legal transactions between you and LSI is retained for the period of time allowed in accordance with the general limitation period set for civil claims by law

LSI will take all reasonable efforts to ensure that personally identifiable information is accurate, complete, and up-to-date in relation to the purposes for which the personally identifiable information is to be used.

Individual Access

Access to personally identifiable information, including how we use and disclose the personally identifiable information may be obtained on written request. An individual can challenge the accuracy and completeness of their personally identifiable information and have it amended as appropriate. An individual's written request for access to personally identifiable information will be answered within a reasonable time and at a reasonable cost. We will assist any individual who informs us that they need assistance in preparing a written request and we may require an individual to provide sufficient information to permit us to provide an account of the existence, use and disclosure of personally identifiable information. Any such identifying information shall be used only for this purpose.

If an individual successfully establishes the inaccuracy or incompleteness of personally identifiable information such personally identifiable information will be amended to ensure that it is accurate. If a challenge to the accuracy of personally identifiable information is not resolved to the satisfaction of the individual, we will document the content of the challenge. The amended personally identifiable information or the existence of the unresolved challenge, as the case may be, may be transmitted to affiliated entities or unrelated companies having access to the information in question.

Requests for access to personally identifiable information we hold about an individual may be refused if permitted or required by law. In such a case, the reasons for denying access will be provided to the individual upon request which reasons may include: information that contains references to other individuals or contains confidential commercial information which cannot be redacted from the file; information collected in the course of investigating a breach of an agreement or in the course of a formal dispute resolution process; and information that is subject to solicitor-client privilege.

Lost or Stolen Information

You are solely responsible for any and all use of Customer Account. You are solely responsible for the confidentiality and security of Customer Account password and log-in information. You agree to immediately notify LSI of any actual or suspected breach of security or unauthorized use of Your Customer Account.

Links to Third Party Sites

The Site may include links or references to other websites or services ("Linked Sites"). Linked Sites are provided for Your convenience and information only. Please be aware that LSI is not responsible for the privacy practices of such sites. We encourage You to be aware of when You leave the Site and to read the privacy statements of each and every website that collects personally identifiable information. This Privacy Policy applies solely to information collected by LSI through the Site.

Events Outside of Ordinary Business Practices

IN CONNECTION WITH AN EVENT OUTSIDE OF LSI'S ORDINARY BUSINESS PRACTICES, INCLUDING BUT NOT LIMITED TO A SALE, MERGER, CONSOLIDATION, CHANGE IN CONTROL, TRANSFER OF SUBSTANTIAL ASSETS, REORGANIZATION, OR LIQUIDATION, LSI RESERVES THE RIGHT TO TRANSFER, SELL, OR ASSIGN THE INFORMATION THAT WE HAVE COLLECTED FROM USERS.

LSI ALSO RESERVES THE RIGHT TO DISCLOSE USER INFORMATION IN THE GOOD-FAITH BELIEF THAT IT IS REQUIRED TO DO SO PURSUANT TO JUDICIAL OR OTHER GOVERNMENTAL SUBPOENAS, WARRANTS, OR ORDERS, OR TO DISCLOSE SUCH DATA TO A GOVERNMENTAL INSTITUTION THAT HAS ASSERTED ITS LAWFUL AUTHORITY TO OBTAIN THE INFORMATION. LSI ALSO RESERVES THE RIGHT TO DISCLOSE USER INFORMATION THAT WE BELIEVE, IN GOOD FAITH, IS APPROPRIATE OR NECESSARY: TO TAKE PRECAUTIONS AGAINST LIABILITY; TO PROTECT LSI FROM FRAUDULENT, ABUSIVE, OR UNLAWFUL USES; TO INVESTIGATE AND DEFEND OURSELVES AGAINST THIRD-PARTY CLAIMS OR ALLEGATIONS; TO ASSIST GOVERNMENT ENFORCEMENT AGENCIES; TO PROTECT THE SECURITY OR INTEGRITY OF THE SITE; OR TO PROTECT THE RIGHTS, PROPERTY, OR PERSONAL SAFETY OF LSI, OUR USERS, OR OTHERS.

DATA TRANSFERS, STORAGE AND PROCESSING GLOBALLY

We operate globally and may transfer your personally identifiable information to other affiliated companies or Third Parties in locations around the world for the purposes described in this privacy policy. Wherever your personally identifiable information is transferred, stored or processed by us, we will take reasonable steps to safeguard the privacy of your personally identifiable information. Additionally, when using or disclosing personally identifiable information transferred from the European Union, we abide by the Safe Harbor Principles as set forth by the U.S. Department of Commerce, use standard contractual clauses approved by the European Commission, adopt other means under European Union law for ensuring adequate safeguards, or obtain your consent. We also apply the substantive requirements of standard contractual clauses when transferring personal information from Australia.

FOR USERS VISITING THE SITE FROM THE EUROPEAN ECONOMIC AREA, CANADA OR OTHER NON-U.S. TERRITORIES, PLEASE NOTE THAT ANY DATA YOU VOLUNTARILY PROVIDED US WILL BE TRANSFERRED OUTSIDE THE EUROPEAN ECONOMIC AREA, CANADA OR SUCH OTHER NON-U.S. TERRITORY FOR USE BY LSI FOR ANY OF THE PURPOSES DESCRIBED HEREIN.

Change in Privacy Policy

By using the Site, you are accepting the Privacy Policy. LSI reserves the right, in our sole discretion, to modify, alter, or otherwise update this Privacy Policy at any time. If this Privacy Policy materially changes, LSI will take reasonable measures to notify you of these changes, including posting a copy of the revised Privacy Policy on the Site. Your continued consent to our collection, use and disclosure practices following notification of any material change and/or your continued access to the Site following the posting of any changes to this Privacy Policy shall constitute your acceptance of such changes.

Google Analytics

Through our provider, Google Analytics, data is collected about use of our sites. We will not provide Google Analytics with your name, credit card number, birthday, phone number, email address and address information. We assign a random number to your usage so that Google Analytics can identify unique users of our sites. However, Google Analytics cannot associate that number with your personally identifiable information. We recognize that you may prefer to limit or eliminate the data that Google Analytics collects about your use of our sites. Google Analytics does provide an "Opt-out" option. Directions can be found at: <http://www.google.com/analytics/learn/privacy.html>.

Your California Privacy Rights

If you are a California resident, you may have certain additional rights. California Civil Code Section 1798.83 permits you to request information regarding the disclosure of your personally identifiable information by LSI to third parties for the Third Parties' direct marketing purposes. California Business and Professions Code Section 22581 permits registered users who are minors to request and obtain deletion of certain posted content. . If you do not want us to share your personal information with such third parties, please send us your name, email address, street address and phone number via <http://dairydrive.com/DL/SupportForm.asp>. Your opt out request will be processed within 30 days of the date it was received.

Visitors From Outside the US

If you are a visitor from outside the United States, please be aware that our company and servers are located in the United States. You hereby consent to your information being processed in the United States as set forth in this Privacy Policy.

EU and Swiss individuals have the right, under certain circumstances, to:

- Access their personal information;
- Correct inaccurate personal information;
- Request erasure of their personal information without undue delay;
- Request the restricted processing of their personal information;
- To receive the personal information that they have provided us with, in a structured, commonly used and machine-readable format and you have the right to transmit that information to another controller without hindrance or ask us to do so;
- To object to the processing of their personal information;

Such users may request access to their personal information and modify or remove most information associated with their LSI account at any time by logging into their LSI account and accessing features such as Edit Profile and Account Info. Users may also email to exercise any of the above rights by sending a request to us at <http://dairydrive.com/DL/SupportForm.asp>. EU and Swiss users also have the right to lodge a complaint with a supervisory authority, in particular in the EU Member State of their habitual residence, place of work or place of the alleged infringement if they consider that our processing of their personal information infringes the applicable data protection laws. Please contact us at <http://dairydrive.com/DL/SupportForm.asp> and we will provide you with detailed information regarding the contact details of the respective competent supervisory authority.

Privacy Shield - EU – US and Swiss US Data Transfers

If you are located outside the United States and provide personal data to us, LSI may transfer your personal data to the United States and process it in the United States in accordance with this Privacy Policy.

Our Obligations to you under the Privacy Shield

LSI complies with the E.U. – U.S. and Swiss – U.S. Privacy Shield Framework ("Privacy Shield") as set forth by the U.S. Department of Commerce and approved by the European Commission and Swiss Federal Council regarding the collection, use, and retention of personal information LSI receives from European Union member countries and Switzerland.

LSI has certified that it adheres to the following Privacy Shield Principles of (1) Notice; (2) Choice; (3) Accountability for Onward Transfer; (4) Security; (5) Data Integrity and Purpose Limitation; (6) Access; and (7) Recourse, Enforcement and Liability in respect of any personal data received from the European Union and Switzerland.

We collect and process data in accordance with this Privacy Policy. Please see Section I for further details of the types of data which we collect from you and the purposes for which we collect it in Section II.

If there is any conflict between the policies in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page on the Privacy Shield List, please visit <https://www.privacyshield.gov/>

Accountability and Liability for Onward Transfer

LSI is required to take certain steps when transferring personal information received from the European Union and Switzerland to third parties (such as including necessary contractual provisions in our third party contracts). LSI may be potentially liable in cases of onward transfer of EU and Swiss individuals' data received pursuant to the Privacy Shield to third parties.

Privacy Complaints Handling, Recourse and Enforcement

In compliance with the Privacy Shield Principles, LSI commits to resolve complaints about your privacy and our collection or use of your personal information (without charge to you). European Union and Swiss individuals with inquiries or complaints regarding this Privacy Policy should first contact us at:

<http://dairydrive.com/DL/SupportForm.asp>

We will respond to any complaints as soon as possible and within 45 days.

We encourage EU and Swiss individuals who have questions or complaints about how we process their Personal Data under Privacy Shield to contact us at <http://dairydrive.com/DL/SupportForm.asp>. We will work to resolve your issue as quickly as possible, but in any event within 45 days of receipt. If you are an EU or Swiss individual and unable to resolve any complaints through any of the above methods, you may be able to invoke binding arbitration through a Privacy Shield panel, in accordance with the Privacy Shield Framework at <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>.

Please note that if your complaint is not resolved through these channels, in certain limited circumstances, a binding arbitration option may be available.

LSI is subject to the investigatory and enforcement powers of the Federal Trade Commission in the case of any failure to comply with the Privacy Shield.

Unsubscribe

LSI will communicate with You only if you want to hear from us. If You also prefer that we not use the personal information you have provided to contact You for our own marketing, advertising and promotional purposes, You can let us know by following the "opt out" instructions provided in promotional electronic mail sent to You. These instructions, however, do not apply to non-promotional transactional messages from us.

If you ask us to remove your name and address from our promotional lists, we will maintain your name in a "do not contact" file in order to honor your request. It may take up to eight (8) weeks to process your request, during which period you may continue to receive communications from LSI.

Please note that your instructions (above) do not govern the use of information you have provided directly to our affiliates or to third parties (including any merchants referenced or accessible via our Site). The use of information You have provided directly to our affiliates or to third parties is governed by their respective privacy policies and terms of use.

Contact Information

Living Software Inc
Box 154, New Richmond, WI 54017

Phone: +1 (800) 642-5808, from 8 am to 5 pm CT

If you have a privacy question about our website or would like to change or remove any of your information, please submit a request to <http://dairydrive.com/DL/SupportForm.asp>.

All written complaints will be investigated and if LSI determines a complaint to be justified, we will take all appropriate measures, including, if necessary, amending our Privacy Policy, policies and/or practices. A complainant will be advised of the outcome of the investigation regarding their complaint.

For users in Canada, we encourage the use of our internal information and resolution process to resolve a complaint however an individual may also seek advice from the Office of the Privacy Commissioner of Canada at 1.800.282.1376 or info@privcom.gc.ca and, if appropriate, file written complaint with that office.