



PRIVACY POLICY

Effective Date: October 3, 2019

GoAnimate, Inc. or its affiliates (which operates the Vyond website and Vyond platform) recognizes the importance of the privacy of our users. This Privacy Policy contains important information for you about how we collect, use, disclose, retain and delete your personal information collected by us through our website vyond.com (<https://vyond.com>) (the “Site”) and the services available through our Site (collectively, the “Services”). It also describes your choices regarding use, access, and correction of our personal information.

Your personal information, as collected through this website and the Vyond platform, will be processed in accordance with this policy and applicable data protection laws. Use of our Site or Services and any dispute over privacy is subject to this Policy and our [Terms of Service](#), including its applicable limitations on damages and the resolution of disputes, subject to any law in your jurisdiction applicable to our Service. Our Terms of Service are incorporated by reference into this Privacy Policy.

Please read this Privacy Policy carefully. If you have any questions, feel free to contact our privacy officers by email at privacy-support@vyond.com or by mail at GoAnimate, Inc., 204 East Second Avenue, Suite 638, San Mateo, CA 94401 USA.

PERSONAL INFORMATION WE COLLECT AND PROCESS

When you register and create a Vyond account, create videos or perform account transactions, we may collect a variety of information, including your name, mailing address, phone number, email address, contact preferences, and credit card information.

When you share your content with colleagues, share or invite others to view your videos or participate in Vyond services or forums, We may collect the personal information you provide about those people such as name, mailing address, email address, and phone number. We will use such information to fulfill your requests, provide the relevant product or service, or for anti-fraud purposes.

We collect your login credentials, which may include your name or email address. We also collect any other information you provide to us, such as contact and employment information. We use this information to communicate with you, including by email, about our Services and to respond to your questions, to offer you additional services, or to provide you with additional content or information that might be relevant or interesting to you.

We may collect information such as occupation, language, zip code, area code, unique device identifier, referrer URL, location, and the time zone where our platform is accessed so that we can better understand customer behavior and improve our products, services, and advertising.

If you choose to record your own voice in an animation or otherwise input information into our Site or Services in any form, such as voice or text, we also collect that voice recording or other information.

We may collect and store details of how you use our services. This information may be used to improve our services. Except in limited instances to ensure the quality of our services over the Internet, such information will not be associated with your IP address. We use the information derived from users’ access to and use of our Site and our Services, both on an individual and aggregated basis, and to respond to user desires and preferences.

We may automatically collect the following information about your use of our Site through cookies and other technologies: domain name; browser type; browser language; device ID; operating system type; device name and model; pages or screens viewed; links clicked; IP address; when and the length of time you visit our Site or use our Services; and the referring URL, or the webpage that led you to our Site.

If we do combine non-personal information with personal information the combined information will be treated as personal information for as long as it remains combined.

HOW WE DISCLOSE INFORMATION

We may disclose the information that we collect about you with the following entities:

Your Employer. If you are using the Site or the Services through your employer's account with us, we may disclose your information to your employer only for the purpose of facilitating their potential purchase of an enterprise account from us.

Authorized Resellers. We may disclose your information including your email address, employer and usage data with our authorized resellers and channel partners so that they can provide customers and potential customers with helpful information about our products and services to allow them to make an informed purchasing decision. Our resellers are not permitted to use your information for any other purpose other than contacting customers and potential customers.

Where we transfer your information, we have also put in place appropriate safeguards to protect your information irrespective of your country of residence.

Service Providers. We may disclose your information to our vendors or service providers or agents who act as sub-processors on our behalf in providing systems support for our services. Accordingly, these vendors, service providers or agents may process and store your personal information.

Information we may disclose includes:

- Name
- Email address
- IP address
- Physical address
- Phone number
- Company or organization name
- Job role
- Site activity

Service providers we may disclose to include:

- Cloud-based hosting providers
- Marketing automation and data enrichment platforms
- Customer relationship management platforms
- Customer support and community platforms
- Social media platforms
- Human resource information service platforms
- Accounting and finance platforms
- User analytics platforms
- Consulting firms

We may also disclose the information that we collect about you in the following ways:

Business Transfers. We may disclose your information to another entity if we are acquired by or merged with another company if substantially all of our assets are transferred to another company, or as part of a bankruptcy proceeding.

In Response to Legal Process. We may disclose your information to comply with the law, or a judicial proceeding, subpoena, court order or another legal process.

To Protect Us and Others. We may disclose your information when we believe it is necessary to investigate, prevent or act regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms of Service or this Privacy Policy, or as evidence in litigation in which we are involved.

Aggregate and De-Identified information. We may disclose aggregate or de-identified information about our users for marketing, advertising, research or similar purposes.

CHOICE

GoAnimate will offer individuals the opportunity to choose (opt-out) whether their personal information is (a) to be disclosed to an employer or non-agent third party or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.

GoAnimate will provide individuals with reasonable mechanisms to exercise their choices.

You may sign-up to receive email or newsletter or other communications from us. If you would like to discontinue receiving this information, you may update your email preferences by using the "Unsubscribe" link found in emails we send to you or by contacting us at support@vyond.com.

CROSS BORDER TRANSFERS

To the extent personal information is transferred out of the country where the owner of that personal information lives, such as to Company's affiliates or business partners in other countries, including in the United States, different standards may apply to how your data is used and protected in those countries.

Company has appropriate safeguards in place in accordance with applicable legal requirements to ensure that data is adequately protected irrespective of the country.

HOW LONG WE RETAIN YOUR INFORMATION AND WHEN WE DELETE YOUR INFORMATION

GoAnimate is subject to various retention requirements and retains personal data only for as long as necessary for a specified purpose or legal requirement wherever technically and operationally feasible and in accordance with any applicable regulations.

USER-GENERATED CONTENT

Users can create content on our Site or Services, such as by creating videos using the assets we provide and importing their own assets (such as image and audio files) for inclusion in these videos.

You control the sharing and distribution settings for the videos created by you according to the control settings you set for yourself. If you have elected to make your animations public, then other users will be able to see that you posted animations and view your animations.

We cannot prevent such information from being used in a manner that might violate this Privacy Policy, the law or your personal privacy. If you or other users authorized on your account download or export a video, the resulting video file does not reside on our Site or Services and is no longer governed by this Privacy Policy.

VYOND COMMUNITY

Users can also post materials and other information through their use of the Vyond Community Site.

You will determine what materials and information you post, and because those postings will be viewable by other users of the Vyond Community Site, you should have no expectation of privacy with respect to such postings.

COOKIES AND OTHER TRACKING MECHANISMS

We and our service providers use cookies and other tracking mechanisms to track information about our users' use of our Site or Services. We or our service providers may combine this information with other personal information we collect from you.

Do Not Track. Our Site does not respond to Do Not Track signals and we or our third-party service providers may track your activities once you leave our Users may disable certain tracking as discussed in this section (e.g., by disabling cookies).

Cookies. We or our service providers may use cookies to track your activity on our Site. A cookie is a text file that a website transfers to your computer or device for record-keeping purposes. We or our service providers may use cookies to track your activities on our Site, such as the pages visited and time spent on our Site.

Most browsers allow users to refuse cookies. The Help portion of the toolbar on most browsers can inform you about how to prevent a computer from accepting new cookies, how to have the browser notify a user upon receipt of a new cookie, or how to disable cookies altogether. If you disable cookies, you may not be able to browse certain areas of our Site or use certain parts of our Services.

Clear GIFs, Pixel Tags, and Other Technologies. Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies, which are embedded invisibly on web We or our service providers may use clear GIFs (also known as web beacons, web bugs or pixel tags), relating to our Site to track your activities, help us manage content, and compile statistics about usage of our Site. We or our service providers may also use clear GIFs in HTML emails to our users, to help us track email response rates, identify when our emails are viewed, and track whether our emails are forwarded.

Third-Party Analytics. We use third-party service providers to evaluate the use of our Site and our Services. We or our service providers use automated devices and applications to evaluate the use of our Site and Services. We or our service providers use these tools to help us improve our Site, Services, performance, and user experiences. These entities may use cookies and other tracking technologies, such as web beacons or Flash cookies, to perform their services.

THIRD-PARTY LINKS

Our Site and Services may contain links to third-party websites. Any access to and use of such linked websites is not governed by this Privacy Policy but instead is governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites.

SECURITY

We have taken steps to help protect the information we collect from loss, misuse, unauthorized access, disclosure, alteration, and destruction. However, no data security measures can guarantee 100% security.

Users should take steps to protect against unauthorized access to their accounts by, among other things, choosing a robust password that nobody else knows or can easily guess and keeping their log-in and password private.

We are not responsible for any lost, stolen, or compromised passwords or for any activity on an account because of unauthorized password activity.

In compliance with applicable law, we will notify governmental authorities of any data security breach within 72 hours of our becoming aware of the breach and, if it involves a high risk to your personal information, we will notify you as well.

CALIFORNIA RESIDENTS DO NOT TRACK

We do not track our customers over time and across third party websites to provide targeted advertising and therefore do not respond to Do Not Track (DNT) signals. However, some third-party Sites do keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you and may provide for you to initiate a DNT signal.

Third parties that may place content embedded on Vyond websites such as a social or community feature may set cookies on a user's browser and/or obtain information about the fact that a web browser visited a specific Vyond website from a certain IP address.

Third parties cannot collect any other personally identifiable information from Vyond websites unless you provide it to them directly.

CHILDREN AND MINORS

Our Site and our Service are not directed to children under 18. We do not knowingly collect personally identifiable information from anyone under 18 years of age.

If we become aware that we have unknowingly registered and collected personal information from a child under the age of 18, we will make reasonable efforts to delete such information from our records and that registration will be subject to immediate termination for violation of our Terms of Service.

USERS OUTSIDE OF THE UNITED STATES (EXCEPT FOR EU)

Our computer systems are currently based in the United States, so your personal data will be processed by our service providers or us in the United States where data protection and privacy regulations may not offer the same level of protection as in other parts of the world. If you create a user account with the Site as a visitor from outside the United States, by using the Site you agree to this Privacy Policy and consent to the processing of your personal data on servers outside your home country.

We will take commercially reasonable measures to ensure that any such transfers of your personal data comply with applicable data protection laws and that your personal data remains protected to the standards described in this privacy policy. In certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access your personal data.

USERS AND RESIDENTS IN THE EUROPEAN UNION

Location of Systems:

Our computer systems are currently based in the United States, so your personal data entered at our Site or related to your use of our services (i) will not be processed in the European Economic Area (EEA) and (ii) will be processed by our service providers or us in the United States and other non-EEA countries (see 'Privacy Shield' section below).

Controller and Processor:

GoAnimate is the Controller of data that you provide in order for us to create an account and provision the service for your use. You are the Controller of any data that is entered during and as part of your use of the service and we are the Processor of that data on your behalf.

We will process the data according to your instructions, which you give us in the process of signing up for the services, specifically to facilitate your use of the services.

Basis of Processing:

If you reside in the European Union and we do not seek your explicit consent to process your personal data, we are relying on the legitimate commercial interest of our company in providing the services to you and other customers and the need to process your personal data as previously described in order to accomplish that legitimate interest.

Where Data Processing is occurring based on the basis of your consent, you also have the right to withdraw consent and request that we halt processing at any time. This withdrawal of consent does not invalidate the consent-based processing that occurred prior to withdrawal.

Data Subject Rights:

As an EU or Swiss resident, you have the following rights under the General Data Protection Regulation:

- Right of access to personal data
- Right to rectification of personal data held where it is incorrect or incomplete
- Right of erasure of personal data (“right to be forgotten”) if certain grounds are met
- Right to restrict/suspend processing of personal data
- Right to complain to a supervisory authority
- Right to object to processing (if processing is based on legitimate interests)
- Right to object to the processing of personal data for direct marketing purposes
- Right to receive your personal data in a standard electronic format (data portability)

Where we are the Controller of the data, you may withdraw this consent or exercise any of the foregoing rights applicable to you by contacting our privacy officers at the address below or notifying us at privacy-support@vyond.com.

Where we are the Processor of the data, you must contract the appropriate data Controller to exercise these rights.

Right to Review, Delete, and Control Our Use of Your Information:

You have the right to request access to your personal information and may have additional rights depending on the personal data protection laws applicable to your jurisdiction.

You can review most of the personal information we collect about you by logging into your account and reviewing your account information and updating the personal information we maintain about you.

You may also contact our privacy officers at the address below, or email us at privacy-support@vyond.com to request access to (i) review your personal information and (ii) exercise any of your rights with respect to your personal information, including erasure or deletion, and/or (iii) request cancellation of your account.

Where we are the Controller of the data, we will respond to your request within one (1) month. Where we are the Processor of the data, you must contact the appropriate data Controller to exercise these rights.

Right to Take Your Information With You:

You have the right to obtain a copy of your personal information and take it with you. The copy will be in a structured, commonly used and machine-readable format.

If requested by you and when technically feasible, we will send that information via electronic means to a third-party designated by you, where we are the Controller of the information.

Where we are the Processor of the data, you must contact the appropriate data Controller to exercise these rights.

Right to Remove Your Information:

We may store videos you have created on Vyond or external assets you have imported into your asset library on Vyond. You can delete such videos or assets at any time by logging into your account and using the deletion tools provided within Vyond.

Please note that such tools will only apply to the copies hosted on Vyond and will not apply to videos previously downloaded or exported. Please also note that it may take up to one (1) month for such deletions to become permanent and irreversible.

We will retain personal information we process on behalf of the data Controller for as long as needed to provide services to the data Controller. We will retain this personal information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

If you have any questions about how to remove videos or assets on Vyond, please contact our support team at support@vyond.com.

PRIVACY SHIELD

GoAnimate, Inc. participates in and has certified its compliance with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework. We are committed to subjecting all personal data received from European Union (EU) member countries, the United Kingdom and Switzerland, respectively, in reliance on each Privacy Shield Framework, to the Framework's applicable Principles.

To learn more about the Privacy Shield Frameworks, and to view our certification, visit the U.S. Department of Commerce's Privacy Shield List at <https://www.privacyshield.gov>.

GoAnimate, Inc. is responsible for the processing of personal data it receives, under each Privacy Shield Framework, and subsequently transfers to a third party acting as an agent on its behalf. GoAnimate, Inc. complies with the Privacy Shield Principles for all onward transfers of personal data from the EU and Switzerland, including the onward transfer liability provisions.

With respect to personal data received or transferred pursuant to the Privacy Shield Frameworks, GoAnimate, Inc. is subject to the regulatory enforcement powers of the U.S. Federal Trade Commission. In certain situations, we may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, contact our U.S.-based third-party dispute resolution provider (free of charge) at <https://feedback-form.truste.com/watchdog/request>

Under certain conditions, more fully described on the Privacy Shield website at <https://www.privacyshield.gov/article?id=How-to-Submit-a-Complaint>, you may be entitled to invoke binding arbitration when other dispute resolution procedures have been exhausted.

GoAnimate, Inc. respects your control over your information and, upon request, we will confirm whether we hold or are processing information that we have collected from you. You also have the right to amend or update inaccurate or incomplete personal information, request deletion of your personal information, or request that we no longer use it.

Under certain circumstances we will not be able to fulfill your request, such as if it interferes with our regulatory obligations, affects legal matters, we cannot verify your identity, or it involves disproportionate cost or effort, but in any event we will respond to your request within a reasonable timeframe and provide you an explanation. In order to make such a request of us, please email us at privacy-support@vyond.com.

Please note that for personal information about you that we have obtained or received for processing on behalf of a separate, unaffiliated entity – which determined the means and purposes of processing, all such requests should be made to that entity directly. We will honor and support any instructions they provide us with respect to your personal information.

In the event that our Privacy Shield certification should cease for any reason, we will apply alternative measures to support the lawful transfer of your information from the EEA and shall update this Privacy Policy accordingly.

COMPLIANCE

In compliance with applicable United States federal and state laws, our privacy, and security program has been built to protect your personal information, including training and awareness, monitoring and verification, and response and enforcement.

We also keep records of how we process your personal information and conduct regular analyses of our privacy and security practices.

CHANGES TO THIS PRIVACY POLICY

This Privacy Policy is current as of the Effective Date set forth above. We may change this Privacy Policy from time to time, so please be sure to check back periodically.

We will post any changes to this Privacy Policy on our Site. If we make any changes to this Privacy Policy that materially affect our practices with regard to your personal information, we will provide you with email or written notice in advance of such change by highlighting the change on our Site or on our Service.

If you do not accept such change, we may restrict or terminate your use of our Site or Service.

We will also keep prior versions of this Privacy Policy in an archive for your review here:

[May 16, 2019 Privacy Policy](#)

[January 25, 2019 Privacy Policy](#)

[May 6, 2018 Privacy Policy](#)

[August 1, 2017 Privacy Policy](#)

[June 8, 2017 Privacy Policy](#)

[April 1, 2008 Privacy Policy](#)

CONTACT

If you have any questions, complaints, or comments about this Privacy Policy, or seek to exercise your rights under applicable personal data protection law, please contact us.

We will use reasonable efforts to respond to you as soon as possible.

Send mail to:

GoAnimate, Inc.

Attn: Privacy Officer

204 East Second Avenue, Suite 638

San Mateo, CA 94401

Email:

privacy-support@vyond.com

If we fail to respond to your complaint within a reasonable period of receiving it in writing, or if you are dissatisfied with the response that you receive from us, you may, subject to the laws applicable to you, lodge a complaint with the data protection authorities in your home jurisdiction.

VYOND