



## PRIVACY POLICY

### ➤ Privacy at FanMail

FanMail is committed to protecting the privacy of our web site visitors and clients. We uphold the highest industry standards in online privacy and permission marketing. For more information on how FanMail enforces permission email marketing with our clients, please see our Anti-spam policy.

### ➤ Security and Privacy

FanMail's web site uses security measures to protect against the loss, misuse, and alteration of the information under our control. We store the information in a database in a secure environment at our data center

We will never share, sell, or rent individual personal information with anyone without your advance permission or unless ordered by a court of law. Information submitted to us is only available to employees managing this information for purposes of contacting you or sending you e-mails based on your requesting information

### ➤ Choice Opt-in

Our members and their subscribers are given the opportunity to 'opt-in' to having their information used for purposes not directly related to our site at the point where we ask for the information.

Users of our site will always be notified if their information is being collected by any outside parties. We do this to ensure that our users can make an informed choice as to whether or not they should proceed with services that require an outside party.

### ➤ Information Tracked

At times we will use your IP address to help diagnose problems with our server and to administer our web site. We also may track browser types to help us understand our visitors' needs related to our web site design.

There is an optional section of our web site where input forms require your name, company, and e-mail address. This form provides the ability to opt-in to receiving future emails of any sort from FanMail. If you opt-in to receiving email communications from us, then we may send information to you on our products or services.

You may review and change your information with us at any time by clicking on the "modify profile" link or similar found at the bottom of emails sent via our system, or by contacting us at [privacy@fanmailmarketing.com](mailto:privacy@fanmailmarketing.com)

### ➤ Web Beacons

In order to determine a user's ability to receive HTML email in addition to whether or not an email has been opened, FanMail includes a "web beacon" in a majority of the HTML email messages we



send. A web beacon (actually a small .gif image) is activated when an HTML email is opened via a request for the image on our servers.

This capability helps FanMail send email in a format users can read and enables FanMail, and our clients that use the functionality, to track the aggregate number of emails opened. The web beacon does not collect any personally identifiable information. Users that do not want to receive email messages with web beacons can choose to receive their emails in text (non-HTML) format.

We also use, and provide our clients with, the capability to track when a URL has been clicked inside of an email message sent by our system. We use this functionality to track which links were clicked and in what quantity, as well as the aggregate number of links clicked. This click tracking functionality does not collect any personally identifiable information.

#### **➔Cookies**

Client-side cookies are used to verify the login status of customers using products or services linked directly with our website. Usage of a cookie is in no way linked to any personally identifiable information while on our site. If a user rejects the cookie, they may still use our site; however, the user may not be able to access all areas of our site.

#### **➔Links to other Websites**

FanMail is not responsible for the privacy practices or the content of any other web sites to which we link.

#### **➔Notification of Changes**

FanMail will notify its members and users via email if we make any changes to our privacy policy. Any new policy will be posted on our site at least one week prior to its taking effect. If at any point we decide to use personally identifiable information in a manner different from that stated at the time it was collected, we will notify users by way of an email. Users will have a choice as to whether or not we use their information in this different manner.

Privacy Policy Effective Date: June 15, 2006

If you have any questions about this privacy statement or this web site, please contact us at: [privacy@fanmailmarketing.com](mailto:privacy@fanmailmarketing.com).

#### **➔Safe Harbor Data Privacy Notice**

FanMail through ExactTarget Inc. adheres to the Safe Harbor Principles published by the U.S. Department of Commerce (the "Safe Harbor Principles") with respect to personal information (as defined below) it receives from the European Union.

This notice outlines our general policy and practices for implementing the Safe Harbor Principles, including the type of information to which this notice applies, how we use personal information, and the choices individuals have regarding our use of, and their ability to correct, that personal information. If there is any conflict between the policies in this notice and the Safe Harbor



Principles, the Safe Harbor Principles will govern.

This notice applies to all personal information we handle, including on-line (except as noted below), off-line, and manually processed data. For purposes of this notice, "personal information" means data that:

- is transferred from the European Union to the United States;
- is recorded in any form; and
- is about, or pertains to, a specific individual who is identified in, or is identifiable from, the data.

"Sensitive information" is a subcategory of personal information. Sensitive information is defined as personal information specifying medical or health conditions, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, or the sex life of the individual. Sensitive information also includes personal information received from a third party where the third party treats and identifies it as sensitive.

#### **Safe Harbor Principles Regarding Personal Information**

##### **Notice and Choice**

We notify individuals about the personal information we collect from them, how we use it, and how to contact us with privacy concerns. We obtain personal information only as permitted by the Safe Harbor Principles or with the consent of the individual affected. Consent for personal information to be collected, used, and/or disclosed in certain ways may be required in order for an individual to obtain or use our services. To the extent permitted under the Safe Harbor, we reserve the right to process personal information in the course of providing professional services to our clients without the knowledge of individuals involved.

##### **Disclosures and Transfers**

We do not disclose personal information to third parties, except when one or more of the following conditions is true:

We have the individual's permission to make the disclosure;

The disclosure is permitted by law or mandatory professional standards;

The disclosure is reasonably related to the sale or other disposition of all or part of our business or assets;

The personal information to be disclosed is publicly available;

The party to whom the disclosure is made controls, is controlled by, or is under common control with FanMail;

The disclosure is reasonably necessary for the establishment or maintenance of legal claims; or

The disclosure is to persons or entities for whom we are providing services, provided the disclosure



is consistent with the purpose for which the personal information was obtained.

We will comply with the Safe Harbor Principles with respect to disclosures of sensitive information, including, when applicable, obtaining the explicit consent of the individual prior to disclosing sensitive information to a third party or using sensitive information for purposes other than those for which it was originally collected or subsequently authorized by the individual. Transfers of information permitted under this notice, either to third parties or within FanMail, include the transfer of data from one jurisdiction to another, such as transfers to and from the United States of America.

### **Data Security, Integrity, and Access**

We employ physical, electronic, and managerial measures, including education and training of our personnel, designed to provide the personal information in our possession with reasonable protection from accidental loss or destruction, improper use, alteration, or disclosure. Personal information collected or displayed through a Web site is protected in transit by industry standard encryption processes. However, we cannot guarantee the security of personal information accessible on or transmitted via the Internet.

We process personal information in ways compatible with the purpose for which the personal information was collected, or as otherwise authorized by the individual. To the extent necessary for such purposes, we take reasonable steps to make sure that personal information is accurate, complete, current, and otherwise reliable with regard to its intended use.

If an individual becomes aware that personal information we maintain about that individual is inaccurate, or if an individual would like to update or review his or her personal information, the individual may contact us using the contact information below. As a security precaution, we may request that the individual provide identifying information such as name, address, birth date, and/or social security number. In addition, we may limit or deny access to personal information where providing such access would be unreasonably burdensome or expensive in the circumstances, or as otherwise permitted by the Safe Harbor Agreement. In some circumstances, we may charge a reasonable fee, where warranted, for access to personal information.

### **Accountability and Enforcement**

We established a program to monitor our adherence to the Safe Harbor Principles and to address questions and concerns regarding our adherence. This program will include a statement, at least once a year, signed by our authorized representative, verifying our adherence to the Safe Harbor Principles. We encourage interested persons to raise any concerns with us using the contact information below.

With respect to any dispute relating to this notice that cannot be resolved through our internal processes, we will cooperate with competent European Union data protection authorities and comply with the advice of such authorities. In the event that we or such authorities determine that we did



not comply with this notice, we will take appropriate steps to address any adverse effects and to promote future compliance.

#### **Amendment**

We may amend this notice from time to time by posting a revised notice on this Web site, or a similar Web site that replaces this Web site. If we amend the notice, the new notice will apply to personal information previously collected only insofar as the rights of the individual affected are not reduced. So long as we profess to adhere to the Safe Harbor Principles, we will not amend this notice in a manner inconsistent with the Safe Harbor Principles.

#### **Information Subject to Other Policies**

We are committed to following the Safe Harbor Principles for all personal information, as that term is defined herein. Other information we receive may be subject to policies that may differ in some respects from the policies set forth in this notice. Certain of our Web sites have their own privacy policies that apply specifically to those Web sites. Those policies may be accessed through the Web sites in question. Information relating to present or former FanMail personnel is subject to our policies concerning personnel data privacy, which are available to present and former FanMail personnel upon request. Information obtained from or relating to clients or former clients is further subject to the terms of any privacy commitment made to the client, any agreements with the client, and/or any applicable laws and professional standards.