

## OPINIONHQ

### PRIVACY NOTICE

Last modified: 6/19/2023

#### WELCOME

Welcome to OpinionHQ, a service that allows you to participate in surveys to provide feedback about shopping and dining experiences, habits and opinions, and earn access to drawings to win prizes (the "**OpinionHQ Service**").

#### WHAT THIS PRIVACY NOTICE COVERS

This privacy notice sets out how we collect, store, transfer, share and use information that identifies, relates to, describes, is associated with, or could reasonably be linked to you (your "**personal information**") when you sign up to, access and use the OpinionHQ Service.

It does not cover our use of information that is not "personal information", "personal data" or similar terms under applicable law. This means that it does not cover our use of aggregated or anonymized information.

Where applicable law permits, it also does not cover deidentified information, meaning information that is maintained in a form that is not reasonably capable of being associated with or linked to an individual (please note that this would not apply to personal information collected from you if you are in the UK, EEA or Switzerland).

Please read this privacy notice carefully before accessing or using the OpinionHQ Service. If you have any questions about this privacy notice or how we use your personal information, please contact us using the contact details set out below.

**Part 1** of this privacy notice sets out:

1. the personal information we collect about you;
2. how we use your personal information;
3. how we share your personal information;
4. how long we keep your personal information;
5. where and how we store your personal information;
6. information about your rights;
7. children's privacy;
8. links to third party services; and
9. changes to this privacy notice.

**Part 2** of this privacy notice sets out additional information for users in the United States of America, and **Part 3** of this privacy notice sets out additional information for users in the European Economic Area and the United Kingdom.

## **WHO WE ARE AND HOW TO CONTACT US**

The OpinionHQ Service is operated by Service Management Group, Inc. ("**SMG**", "**we**", "**us**" or "**our**"). If you would like to contact us, you can email us at [privacyofficer@smg.com](mailto:privacyofficer@smg.com).

### **Part 1**

## **THE PERSONAL INFORMATION WE COLLECT ABOUT YOU**

When you sign up to, access and use the OpinionHQ Service, we will collect the following information directly from you:

- **Contact data**, such as your first name and e-mail address;
- **Demographic data**, such as gender, year of birth and zip or postal code;
- **Your responses on surveys** that you complete on the OpinionHQ Service; and
- **Information about how you interact with the OpinionHQ Service**, such as the surveys you start and complete.

We will also generate or collect from your device the following information relating to your use of the OpinionHQ Service:

- **Your eligibility to participate in prize draws** that you earn by responding to surveys through the OpinionHQ Service; and
- **Information about your device**, such as IP address, type of device used to access the OpinionHQ Service, device model, carrier / network.

## **HOW WE USE YOUR PERSONAL INFORMATION**

We use the information you provide to us or that we collect to:

- Give you access to the OpinionHQ Service;
- Identify and provide you with surveys that are relevant to you and relate to stores, locations and experiences in your area;
- Communicate with you about the OpinionHQ Service, including notifying you when a new survey is available and sending you links to access surveys;
- Allow you to enter into prize draws by completing surveys through the OpinionHQ Service;

- Assess how you use the OpinionHQ Service to identify ways in which we can improve the OpinionHQ Service or develop new features of the OpinionHQ Service;
- Train and test our artificial intelligence models to identify sentiment, such as whether the responses you give are positive, negative or neutral; and
- Identify and prevent fraudulent use of the OpinionHQ Service.

We also use the personal information we collect about you through the OpinionHQ Service to conduct market research on behalf of, and derive consumer insights for our clients. To do this, we may combine personal information that you provide with information from other users of the OpinionHQ Service and information obtained from other sources, such as responses to other surveys we run for our brand partners or information that they provide to us about how they interact with customers.

## HOW WE SHARE YOUR PERSONAL INFORMATION

We may share the personal information we collect as follows:

- **With other SMG companies.** We may share personal information with other companies owned or controlled by SMG, and other companies owned by or under common ownership as SMG (i.e., our affiliates and subsidiaries).
- **Service providers.** We will share your personal information with:
  - (i) companies that we work with to provide the OpinionHQ Service, such as survey hosting and distribution platform providers, and operators of prize draws that you become eligible to enter through completing surveys on the OpinionHQ Service; and
  - (ii) companies that otherwise provide services to us, such as data hosting, email and messaging service providers.
- **With our brand partners.** We normally share survey responses with our brand partners in the form of aggregated and anonymized market insights. We may, however, share any specific feedback and comments you provide through the OpinionHQ Service about your experience of our brand partner's products and services with the relevant brand partner.
- **Buyers of our business.** We may share personal information with other parties in connection with a transaction or potential transaction where we merge with another organization, file for bankruptcy, or sell some or all of our assets or stock. For instance, if we sell the OpinionHQ Service to a third party, we will share the personal information we have collected through the OpinionHQ Service with that buyer.

- **Law enforcement, regulators and other parties for legal reasons.** We may share personal information with third parties as required by law or if we reasonably believe that such action is necessary to (i) comply with the law and the reasonable requests of law enforcement; (ii) detect and investigate illegal activities and breaches of agreements; and/or (iii) exercise or protect the rights, property, or personal safety of SMG, its users or others.

## HOW LONG WE KEEP YOUR PERSONAL INFORMATION

We take the following into account to determine how long we retain your personal information:

- **The purpose for which it was collected:** We will retain your personal information in our records for no longer than is necessary for the purposes for which it was originally collected.
- **If you have not used the OpinionHQ Service in a long time:** We may purge inactive users (i.e. those users that do not respond to surveys for a period of time) from our contact list, meaning that those users will no longer be invited to participate in surveys through the OpinionHQ Service.
- **Our legal obligations:** if we are required to retain personal information under applicable law or to comply with a court order, we may retain that personal information for longer than we would under our standard procedures.

## WHERE AND HOW WE STORE YOUR PERSONAL INFORMATION

Your personal information will primarily be processed by us and our service providers in the United States of America. It may also be accessed by our affiliates in the United Kingdom and Japan. We will take appropriate steps to ensure that your personal information is treated securely and in accordance with applicable law and this privacy notice regardless of where it is processed.

We have an information security program that implements technical, physical, and organizational measures designed to assist in maintaining the security and confidentiality of personal information; safeguarding against anticipated threats to the confidentiality, integrity and availability of personal information; and protecting your personal information against loss, misuse, unauthorized alteration or destruction, and unauthorized access or disclosure. However, no system or online transmission of data is completely secure.

You should also use appropriate security measures to protect your personal information, such as keeping the passwords you use to access your device and the email account you use to sign up to and access the OpinionHQ Service secure. If you believe that your account or any information you provided to us is no longer secure, please notify our Data Protection Officer immediately by email at [privacyofficer@smg.com](mailto:privacyofficer@smg.com) or by calling 1-800-764-0439 and asking to speak with SMG's Data Protection Officer.

## CONTROL OVER YOUR INFORMATION

You may control your information in the following ways:

- **Email Communications Preferences.** If you receive promotional email communications from us, you can stop receiving these by clicking on the “unsubscribe” link provided in such communications. You may not opt-out of service-related communications (e.g., account verification, transactional communications, survey invitations, changes/updates to features of the OpinionHQ Service, technical and security notices).
- **Modifying or Deleting Your Information.** If you have any questions about reviewing, modifying, or deleting your information, you can contact us directly at [privacyofficer@smg.com](mailto:privacyofficer@smg.com). We may not be able to modify or delete your information in all circumstances.

## INFORMATION ABOUT YOUR RIGHTS

Depending on where you access the OpinionHQ Service from, you may have some or all of the following rights in respect of your personal information that we hold:

- **Right of access.** You have the right to obtain confirmation of whether, and where, we are processing your personal information, information about the purposes for which we process your personal information, information about how we determine applicable retention periods, and to obtain a copy of that personal information;
- **Right of portability.** You have the right, in certain circumstances, to receive a copy of the personal information you have provided to us in a structured, commonly used, machine-readable format that supports re-use, or to request the transfer of your personal data to another person;
- **Right to rectification or correction.** You have the right to obtain rectification of any inaccurate or incomplete personal information we hold about you without undue delay;
- **Right to deletion or erasure.** You have the right, in some circumstances, to require us to erase your personal information without undue delay if the continued processing of that personal information is not justified; and
- **Right to restriction.** You have the right, in some circumstances, to require us to limit the purposes for which we process your personal information if the continued processing of the personal information in this way is not justified, such as where the accuracy of the personal information is contested by you.

You may also have the right to object (opt out) to our processing of your personal information where:

- we sell your personal information for monetary or other valuable consideration or use your personal information for targeted advertising; and
- we process your personal information based on our legitimate interests. If we receive an objection from you, there may be compelling reasons for continuing to

process your personal information in this way, and we will assess and inform you if that is the case.

If you wish to exercise one of these rights, please contact us by:

- email at [privacyofficer@smg.com](mailto:privacyofficer@smg.com); or
- writing to Data Protection Officer, Service Management Group, LLC, 4049 Pennsylvania Avenue, Suite 203/PMB 1063, Kansas City, MO 64111.

We will notify you if we are unable to action your request because your exercise of the above rights is restricted in any way under applicable law.

## **CHILDREN'S PRIVACY**

Our Service is not directed at persons under 18 and we do not knowingly collect personal information from or about children. If you become aware that we have collected information about your child without your consent, then please contact us using the contact details in the "Who we are and how to contact us" section above so that we can take steps to remove such information.

## **LINKS TO THIRD PARTY SERVICES**

The OpinionHQ Service may contain links to third-party websites and services ("**Third Party Services**") with which we have no affiliation. A link to any Third Party Service does not mean that we endorse it or the quality or accuracy of information presented on it. If you decide to visit a Third Party Service, you are subject to its privacy practices and not this privacy notice.

## **CHANGES TO THIS PRIVACY NOTICE**

We may update this privacy notice from time to time and so you should review this page periodically. When we change this privacy notice, we will update the "last modified" date at the top of this privacy notice. If we make material changes to this Privacy notice, we will notify individuals by email to their registered email address, by prominent posting on our Services, or through other appropriate communication channels. Changes to this privacy notice are effective when they are posted on this page.

## **Part 2**

### **Additional information for users in the United States of America**

#### **1. YOUR PRIVACY CHOICES**

Depending on your state of residency, in addition to the rights set out in the "Information about your rights" section above you may have the following rights in relation to the personal information that we hold about you (subject to certain limitations at law):

- **The Right to Know.** The right to confirm whether we are processing personal information about you and to obtain certain personalized details about the personal information we have collected about you in the last 12 months, including:

- the categories of personal information collected;
  - the categories of sources of the personal information;
  - the purposes for which the personal information was collected;
  - the categories of personal information disclosed to third parties (if any), and the categories of recipients to whom the personal data were disclosed;
  - the categories of personal information shared for cross-context behavioral advertising purposes (if any), and the categories of recipients to whom the personal information were disclosed for those purposes; and
  - the categories of personal information sold (if any), and the categories of third parties to whom the personal information was sold.
- **Non-Discrimination.** The right to not receive retaliatory or discriminatory treatment in connection with a request to exercise the above rights. Note, however, the exercise of the rights described above may result in a different price, rate or quality level of product or service where that difference is reasonably related to the impact the right has on our relationship or is otherwise permitted by law.

If you are a resident of the State of Nevada in the United States, Chapter 603A of the Nevada Revised Statutes permits a Nevada resident to opt out of future sales of certain covered information that a website operator has collected or will collect about the resident. To submit such a request, please contact us at [privacyofficer@smg.com](mailto:privacyofficer@smg.com).

## HOW TO EXERCISE YOUR PRIVACY RIGHTS

To submit a request to exercise one of the privacy rights identified above, please submit a request by:

- Emailing [privacyofficer@smg.com](mailto:privacyofficer@smg.com) with the subject line "Data Subject Rights Request"; or
- Filling out our [Individual Rights Request Form](#)

All requests to exercise your rights will need to be verified by us. This process may require us to request additional personal information from you, including, but not limited to, your email address. In certain circumstances, we may decline a request to exercise a privacy right, particularly where we are unable to verify your identity. If we cannot verify your identity based on the information provided, a request for a copy of your data will be treated as a request for information and if we cannot verify your identity, a request to delete personal information may be treated as a request to opt-out of the sale of personal information.

If you wish to appeal a decision regarding your rights, please contact us at [privacyofficer@smg.com](mailto:privacyofficer@smg.com).

## AUTHORIZED AGENTS

You may designate an authorized agent to make a request on your behalf. An authorized agent must have written documentation of their authority to act on your behalf, such as receiving:

- a power of attorney; or
- receiving sufficient evidence to show that you have: (i) provided the authorized agent signed permission to act on your behalf, (ii) verified your own identity directly with us pursuant to the procedures above; and (iii) directly confirmed with us that you have provided the authorized agent permission to submit the request on your behalf.

For requests to opt-out of personal information "sales" or sharing for targeted advertising, the authorized agent must provide a signed permission demonstrating authorization to act on your behalf.

## NO SALES OR TARGETED ADVERTISING

We do not sell personal data, and we do not process or otherwise share personal data for the purpose of displaying advertisements that are selected based on personal data obtained or inferred over time from an individual's activities across businesses or non-affiliated websites, applications, or other services (otherwise known as "targeted advertising" or "cross-context behavioral advertising").

## CALIFORNIA RESIDENTS

If you are a resident of the State of California, these additional disclosures apply to you.

**Collection of personal information.** In the last 12 months, we may have collected the following categories of personal information: identifiers, commercial information, internet/network information, and inferences generated from your use of the OpinionHQ Services. For more information about our collection of personal information, the sources of personal information, and how we use this information, please see the Personal information We Collect About You and the How We Use Your Personal Information sections of the Privacy notice.

**Disclosure of Personal Information.** We may share and disclose personal information with third parties as described in the How We Share Your Personal Information section of our Privacy notice. In the previous 12 months, we may have disclosed all of the categories of personal information we process to third parties for a business purpose. The categories of third parties to whom we may disclose your personal information for a business purpose include: (i) SMG affiliates entities and subsidiaries; (ii) business partners; (iii) analytics providers; and (iv) our service providers, contractors and advisors.

**Privacy Rights of Minors.** We do not sell the personal information and do not have actual knowledge that we sell the personal information of minors under 18 years of age. If we wish to do so in the future, we will first seek affirmative authorization from the minor who is between 13 and 18 years of age.



If you are under the age of 18 and you want to remove your name or comments from our website or publicly displayed content, please contact us directly at [privacyofficer@smg.com](mailto:privacyofficer@smg.com). We may not be able to modify or delete your information in all circumstances.

**Notice of Financial Incentives.** A core part of our business involves collecting and retaining personal information when completing a survey on the OpinionHQ Service, which may qualify as financial incentives.

Specifically, we may offer you the opportunity to participate in surveys in exchange for being entered into a sweepstakes and win a prize (which may be considered a financial incentive). The personal information collected as part of these surveys may include your name, email address and the content of any feedback you provide (i.e., preferences, experiences, opinions, beliefs).

Each financial incentive related to the collection and use of personal information is based upon our reasonable, good-faith determination of the estimated value of such information to our business, taking into consideration the value of the prize itself and our use of the personal information to generate and provide market insights to our customers.

Participation in surveys is governed by the terms applicable to each survey and will be provided at the time you are offered an opportunity to participate. You can opt-in to these financial incentives by following the instructions provided at the time the survey is presented or by submitting your personal information as part of the survey. The provision of personal information to us through the OpinionHQ Service is entirely optional, and you can always stop using the OpinionHQ Service to complete surveys at any time. You may withdraw from our programs and other offerings at any time by following the instructions provided in connection with each offering or contacting us at [privacyofficer@smg.com](mailto:privacyofficer@smg.com). Participating individuals may also opt out of receiving marketing communications by following the instructions set forth in the Control Over Your Information section of this Privacy Notice.

### **Part 3**

#### **Additional information for users in the European Economic Area and the United Kingdom**

#### **WHO IS THE CONTROLLER OF YOUR PERSONAL INFORMATION**

Service Management Group, Inc. will be the controller of the personal information that we collect about you. This means that we determine and are responsible for how that personal information is used.

If you would like to contact us or our UK affiliate, you can email us at [privacyofficer@smg.com](mailto:privacyofficer@smg.com).

If you are in the EEA, you can also contact us through our EU data protection representative by:

- sending an email to [datarequest@datarep.com](mailto:datarequest@datarep.com) quoting <Service Management Group, LLC> in the subject line; or
- contacting the representative through their online webform at [www.datarep.com/data-request](http://www.datarep.com/data-request).

## 1. USES OF YOUR PERSONAL INFORMATION AND LAWFUL BASES

We use the personal information we collect from you when you access and use the OpinionHQ Service as follows:

**Contact data**, such as your first name and e-mail address:

| How we use this personal information   | Legal basis we rely on   |
|--|--|
| We use this information to create an account for you and allow you to access the OpinionHQ Service   | The processing is necessary for the performance of a contract, namely our terms of service.                            |
| We use this information to contact you about the OpinionHQ Service, such as information about changes to the OpinionHQ Service, our terms of service or this privacy notice. | The processing is necessary for our legitimate interests, namely communicating with users about the OpinionHQ Service. |
| We use this information to send you invitations to participate in surveys.   | The processing is necessary for the performance of a contract, namely our terms of service.                            |

**Demographic data**, such as gender, year of birth and zip or postal code:

| How we use this personal information  | Legal basis we rely on  |
|---|---|
| We use this information to create or enrich aggregated and anonymised market insights and provide these to our clients. | The processing is necessary for our legitimate interests, namely providing our market insight service to our clients. |
| We use this information to identify surveys relevant to you and the area you are in.                                    | The processing is necessary for our legitimate interests, namely tailoring the surveys we provide to respondents.     |

**Your responses on surveys** that you are invited to complete through the OpinionHQ Service:

| How we use this personal information  | Legal basis we rely on  |
|---|---|
| We use this information to create or enrich aggregated and anonymised market insights and provide these to our clients.   | The processing is necessary for our legitimate interests, namely providing our market insight service to our clients. |
| We use the free text feedback you provide when you complete surveys on the OpinionHQ Service to provide specific feedback to clients on their customers' experiences. | The processing is necessary for our legitimate interests, namely providing our market insight service to our clients. |
| We use this information to train our artificial intelligence models to identify sentiment, such as whether the  | The processing is necessary for our legitimate interests, namely improving our products and services and              |

|   |   |
|---|---|
| responses you give are positive, negative or neutral. | developing new features and functionalities of our products and services. |
|---|---|

**Your eligibility to participate in prize draws** that you earn by responding to surveys through the OpinionHQ Service.

| How we use this personal information   | Legal basis we rely on  |
|--|---|
| We use this information to allow you to access prize draws run by organisations that we work with. | The processing is necessary for the performance of a contract, namely our terms of service. |

**Information about your device**, such as IP address, type of device used to access the OpinionHQ Service, device model, carrier / network:

| How we use this personal information   | Legal basis we rely on   |
|--|--|
| We use this information to identify multiple attempts to complete surveys from the same device in order to detect and prevent fraudulent use of the OpinionHQ Service. | The processing is necessary for our legitimate interests, namely identifying and preventing fraud. |

**Information about how you interact with the OpinionHQ Service**, such as the surveys you start and complete:

| How we use this personal information  | Legal basis we rely on   |
|---|--|
| We use this personal information to provide the OpinionHQ Service to you, including determining your eligibility to participate in prize draws that you earn by completing surveys through the OpinionHQ Service. | The processing is necessary for the performance of a contract, namely our terms of service.        |
| We use this personal information to optimise the OpinionHQ Service for you, such as ensuring that you do not receive too many surveys, or that you do not receive the same survey more than once.                 | The processing is necessary for our legitimate interests, namely maintaining data integrity.       |
| We use this information to identify multiple attempts to complete surveys from the same device in order to detect and prevent fraudulent use of the OpinionHQ Service.  | The processing is necessary for our legitimate interests, namely identifying and preventing fraud. |

## HOW WE SHARE YOUR PERSONAL INFORMATION

We may share the personal information we collect as follows:

| Recipients                      | Why we share your personal information with these recipients   | How these recipients will use your personal information  |
|---------------------------------|--|--|
| <b>Other SMG companies</b>      | To provide and receive intragroup services and coordinate our operations across the SMG group.   | <p>These recipients will use your personal information as set out in this privacy notice.</p> <p>The lawful basis we rely on for sharing your personal information in this way is that it is necessary for our legitimate interests, namely facilitating the management of our group operations and facilitating the provision of intragroup services.</p> |
| <b>Operators of prize draws</b> | If you enter a prize draw for which you become eligible by completing surveys through the OpinionHQ Service, we will share information about your eligibility to enter that prize draw with the prize draw provider. | <p>These recipients will use your personal information as set out in their privacy policies.</p> <p>The lawful basis we rely on for sharing your personal information in this way is that it is necessary for the performance of a contract between you and us, namely our terms of service.</p>   |
| <b>Service providers</b>        | We will share your personal information with companies that provide services to us, such as data hosting, email and messaging service providers.   | These recipients will use your personal information as processors on our instructions.   |
| <b>Our brand partners</b>       | <p>We normally share survey responses with our brand partners in the form of aggregated and anonymized market insights.</p> <p>We may, however, share any specific feedback and</p>                                  | <p>These recipients will use your personal information as set out in their privacy policies.</p> <p>The lawful basis we rely on for sharing your personal information with these partners is that it is</p>  |

|  |   |  |
|--|---|--|
|  | comments you provide through the OpinionHQ Service about your experience of our brand partner's products and services with the relevant brand partner.  | necessary for our and our brand partners' legitimate interests, namely the performance of our customer experience and market insights service for the brand partner.   |
| <b>Buyers of our business</b>  | We may share personal information with other parties in connection with a transaction or potential transaction where we merge with another organization, file for bankruptcy, or sell some or all of our assets or stock. For instance, if we sell the OpinionHQ Service to a third party, we will share the personal information we have collected through the OpinionHQ Service with that buyer.  | <p>These recipients will use your personal information to complete a transaction to buy all or the part of our business that includes the OpinionHQ Service.</p> <p>The lawful basis rely on for sharing personal information with these recipients is that it is necessary for our and the recipient's legitimate interests, namely completing a transaction to buy all or part of our business.</p>  |
| <b>Law enforcement, regulators and other parties for legal reasons</b> | We may share your personal information with third parties as required by law or if we reasonably believe that such action is necessary to (i) comply with the law and the reasonable requests of law enforcement; (ii) detect and investigate illegal activities and breaches of agreements; and/or (iii) exercise or protect the rights, property, or personal safety of SMG, its users or others. | <p>These recipients will use your personal information in the performance of their regulatory or law enforcement role.</p> <p>The lawful basis we rely on for sharing personal information with these recipients is that the processing is either necessary to comply with a legal obligation to which we are subject, or is necessary for our legitimate interests, namely enforcing our rights or complying with requests from regulatory authorities.</p> |

## INTERNATIONAL TRANSFERS OF YOUR PERSONAL INFORMATION

Your personal information will primarily be processed by us and our service providers in the United States of America. It may also be accessed by our affiliates in the United Kingdom and Japan.

If you are in the United Kingdom or the European Economic Area, these international transfers of your personal information will be made pursuant to appropriate safeguards in accordance with applicable law:

| Where we may transfer your personal information | Safeguards that apply to that transfer  |
|---|---|
| United States                                   | The transfer is subject to standard contractual clauses approved by the European Commission or the UK Information Commissioner for the transfer of personal information.  |
| Japan   | If you are in the EEA, the country is deemed to provide adequate protection for personal information by the European Commission. If you are in the UK, the country is deemed to provide adequate protection for personal information under the UK Data Protection Act 2018. |
| United Kingdom                                  | The country is deemed by the European Commission to provide adequate protection for personal information.   |

If you wish to enquire further about the safeguards we use, please contact us using the details set out at the top of this privacy notice.

## **YOUR RIGHTS**

If you are located in France, in addition to the rights set out in the "Information about your rights" section of this privacy notice, you have the right to provide instructions regarding the retention, deletion and disclosure of your personal information after your death. In the absence of instructions from you, your successors may request the disclosure or deletion of your personal information by contacting us using the contact details at the top of this privacy notice.

## **YOUR RIGHT TO COMPLAIN**

If you reside in the UK, you have the right to make a complaint at any time to the Information Commissioner's Office ("ICO"), the UK regulator for data protection issues. You can make a complaint via the ICO's website (<https://ico.org.uk/make-a-complaint/>). This website also provides additional contact details for the ICO.

If you are resident in the EEA, you have the right to make a complaint at any time to the regulator in your jurisdiction. To find out how to contact your local regulator, please visit [https://edpb.europa.eu/about-edpb/about-edpb/members\\_en](https://edpb.europa.eu/about-edpb/about-edpb/members_en).