

## PHOENIX DAS PRIVACY NOTICE

*Last updated and effective November 15, 2015*

Welcome to [www.phoenixdas.com](http://www.phoenixdas.com) (the “**Phoenix DAS Website**”) and/or the **Phoenix DAS Mobile Application** (the “**Mobile Application**,” and collectively, the “**Phoenix Service**”). The Phoenix Service is owned and operated by P360 Management Solutions, LLC, or one or more of its direct or indirect affiliates (collectively, the “**Company**,” “**we**,” or “**us**”).

We respect your privacy and are committed to protecting it through our compliance with this privacy notice (the “**Privacy Notice**”) for the Phoenix Service. This Privacy Notice describes the types of information we may collect from you or that you may provide when you download, install, use, register for, or purchase services, programs or products from, the Phoenix Service, and our practices for collecting, using, maintaining, protecting, and disclosing such information. We have created this Privacy Notice in order to inform you of our firm commitment to safeguarding the privacy and security of information you provide.

Please read this Privacy Notice carefully before using the Phoenix Service. We will treat any information we collect from you through any part of the Phoenix Service in accordance with this Privacy Notice. By accessing or using any part of the Phoenix Service, you consent to all actions we may take with respect to your information in compliance with this Privacy Notice. If you are unwilling to accept the terms and conditions of this Privacy Notice, please do not use any part of the Phoenix Service.

This Privacy Notice may change from time to time. Your continued use of any part of the Phoenix Service after we make changes is deemed to be acceptance of those changes, so please check this Privacy Notice periodically for updates at [www.phoenixdas.com/privacy](http://www.phoenixdas.com/privacy).

### 1. APPLICATION OF THIS NOTICE

This Privacy Notice applies to information collected through the Phoenix Service, including the services provided via internet browser at [www.p360app.com](http://www.p360app.com) and [www.phoenixdas.com](http://www.phoenixdas.com), and information exchanged by e-mail, text message, and other electronic messages between you and any part of the Phoenix Service. This Privacy Notice also applies to any new internet properties we may acquire from time to time. This Privacy Notice will be updated accordingly. You may also check this Privacy Notice periodically for updates at [www.phoenixdas.com/privacy](http://www.phoenixdas.com/privacy).

**This Privacy Notice does not apply to information collected offline or through any other means, including any other website operated by any third party.**

***NOTE TO USERS FROM SWITZERLAND AND THE EUROPEAN UNION:*** This Privacy Notice and the Terms of Use (available at [www.phoenixdas.com/privacy](http://www.phoenixdas.com/privacy)) are governed by United States law, and we make no representation that any part of the Phoenix Service is appropriate or available for use in locations outside of the United States. Translations of the Phoenix Service into languages other than English are for your convenience only. In the event you visit the Phoenix Service from outside the United States, please know that your information may be transferred to, stored, and processed in the United States, where our servers are located and our central database is operated. The laws of the United States and other countries might not be as comprehensive as those in your country, but please be assured that we take steps to ensure that your privacy is protected. By using the Phoenix Service, you understand that your information may be transferred to our facilities and to those third parties with whom we may share it as described in this Privacy Notice.

### 2. CHILDREN UNDER THE AGE OF 13

No part of the Phoenix Service is intended or designed to attract children under the age of 13. We do not collect personally identifiable information from any person we actually know is a child under the age of 13. If you are under the age of 13, do not use or provide any information on the Phoenix Service or on or through any of its features, register on either the Mobile Application or the Phoenix DAS Website, use any of the interactive or public comment features of any part of the Phoenix Service or provide any information about yourself to us, including your name, address, telephone number, e-mail address or any screen name or user name you may use.

If we learn we have collected or received personal information from a child under the age of 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under the age of 13, please contact us by sending us an e-mail stating your request to [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) or contacting us in writing at the address provided below.

By using any part of the Phoenix Service, you represent and warrant that you meet all of the foregoing eligibility requirements. If you do not meet all of these requirements, you must not access or use any part of the Phoenix Service.

### 3. INFORMATION WE COLLECT

We collect several different types of information from and about users of the Phoenix Service, including:

- information that is about you but does not identify you individually (“**Anonymous Information**”); and
- information by which you may be personally identified and is provided by you to us in certain areas of the Phoenix Service (“**Personally Identifiable Information**”).

We collect this information in several ways:

- directly from you when you provide it to us;
- automatically as you navigate through the Phoenix Service (e.g., information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, or other tracking technologies); and
- from third parties such as, for example, our business partners, service contractors and affiliates.

### 4. ANONYMOUS INFORMATION

As you navigate through and interact with the Phoenix Service, we automatically collect certain Anonymous Information about your equipment, browsing actions, and patterns, including details of your visits to the Phoenix Service, including traffic data, location data, and the resources that you access and use on the Phoenix Service, as well as information about your computer and internet connection, including your IP address (a unique string of numbers that is automatically assigned to your computer by your Internet Service Provider), operating system, and browser type.

The Anonymous Information we collect automatically is statistical data that does not identify any individual (however, in some cases, an IP address could implicate the identity of an individual) . It helps us to administer and improve the Phoenix Service and to deliver a better and more personalized service by enabling us to estimate our audience size and usage patterns, store information about your preferences, allowing us to customize the Phoenix Service according to your individual interests, speed up your searches and recognize you when you return to the Phoenix Service. We do not automatically collect Personally Identifiable Information (except in those situations where an IP address might implicate the identity of an individual, or in the case of the Mobile Application, where a device’s unique identifier might implicate the identity of an individual), but we may link anonymous information to Personally Identifiable Information from time to time in the ordinary course of providing the Phoenix Service to you.

The technologies we use for the automatic collection of Anonymous Information may include:

- Tracking browsing clicks from your IP Address while visiting the Phoenix Service in order to better understand your needs and interests so that we may serve you better. If you fill out a form or have an account on this site, your information may be stored in our CRM system, and we may link your past browsing information to your account. If you do not wish for us to have your personal information, please do not fill out any of the forms on this site. You may set your browser to decline cookies, by using private browsing settings. Although in most cases you may refuse cookies and still fully navigate our website, access or use of certain parts of the website may not be possible without the use of cookies.
- Identifying the site you first visit when you navigate away from any part of the Phoenix Service.

### 5. PERSONALLY IDENTIFIABLE INFORMATION

We collect Personally Identifiable Information directly from you when you provide it to us and from third parties, for example, our business partners and affiliates. The Personally Identifiable Information we collect on or through the Phoenix Service may include:

- **E-Mail Correspondence and Form Information.** Scattered throughout the Phoenix Service are links or forms that can be used to contact us so you can comment, make a complaint, make suggestions and ask questions, register to use the Phoenix Service, request further services or order products. We may also ask you for information when you report a problem with the Phoenix Service. Your e-mail address is required on these forms so we can answer your questions. We may put information from e-mail on file, but do not currently share, sell, license or transmit this information with third parties without express authorization from you. By providing your e-mail address, you are requesting that we communicate with you in that manner. To withdraw your request, or to unsubscribe, please contact us by sending us

an e-mail stating your request to [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) or by contacting us in writing at the address provided below.

- **Newsletters and Other Communications.** We offer visitors to the Phoenix Service the opportunity to sign up to receive newsletters or other e-mail communications from the Phoenix Service, at your own request. In order to sign up for these communications, we ask for contact information, such as name and e-mail address. We also may offer the opportunity for you to receive mailings from our business partners or affiliates that we think may be of interest to you. We do not currently share, sell, license or transmit this information to unaffiliated third parties unless permitted by law or with express authorization from you. You can unsubscribe from these communications at any time through the unsubscribe link in each communication, contacting us via e-mail at [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) or contacting us in writing at the address provided below. For more information about your opt out options, see “Advertisements and Opting Out” found in Section 7 of this Privacy Notice below.

## 6. HOW WE USE INFORMATION YOU PROVIDE

The information you share with us may be used in a few ways:

- **Anonymous Information:** Anonymous Information is used internally for Site administration and optimization of the Phoenix Service, troubleshooting, and to help improve the quality of the Phoenix Service and its design. We may share such aggregated, non-personally identifiable information, such as demographics, without restriction, including with existing and prospective third party business partners, researchers and advertisers.
- **Personally Identifiable Information:** We may disclose Personally Identifiable Information that we collect or you provide as described in this Privacy Notice. In all cases, however, we will only use or disclose your Personally Identifiable Information as permitted by law and our agreements with you. Personally Identifiable Information collected by us or provided to us through the Phoenix Service may be disclosed and used by us and our subsidiaries and affiliates as follows:
  - to our subsidiaries and affiliates;
  - for purposes including administration of the Phoenix Service;
  - to notify you about changes to the Phoenix Service or any products or services we offer or provide though it;
  - to allow you to participate in communications with us;
  - to contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep Personally Identifiable Information confidential and to use it only for the purposes for which we disclose it to them;
  - to a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of assets of ours or of our subsidiaries or affiliates, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding in which Personally Identifiable Information about users of the Phoenix Service is among the assets transferred;
  - to fulfill the purpose for which you provide it;
  - for any other purpose we may disclose when you provide the information; or
  - otherwise with your consent.

We may also disclose Personally Identifiable Information if we are required to do so by law or if we in good faith believe that such action is necessary to (a) comply with any court order, law or legal process, including to respond to any government or regulatory request; (b) protect and defend our rights and property; (c) protect against misuse or unauthorized use of the Phoenix Service; or (d) protect the personal safety or property of our users or the public. Please note that we might not provide you with notice prior to disclosure in such cases.

We may also disclose your Personally Identifiable Information to enforce or apply our Terms of Use ([www.phoenixdas.com/terms](http://www.phoenixdas.com/terms)) and other agreements, including for billing and collection purposes.

## 7. TRACKING TECHNOLOGIES AND OPTING OUT

We support the right of our visitors to choose. We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies.** Users can opt out of cookies at any time. You can also set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. The Network Advertising Initiative provides instructions and information on how to opt out of communications: <http://www.networkadvertising.org/choices/>. Users can use their browser settings to decide whether to turn on and off cookies on the Phoenix Service. If you disable or refuse cookies, please note that some parts of the Phoenix Service may then be inaccessible or not function properly.
- **Research and Analytics.** We use Google Analytics to better understand how visitors interact with the Phoenix Service. This service provides Anonymous Information including but not limited to data on where visitors came from, what actions they took on the Phoenix Service, and where visitors went when they left the Phoenix Service. We use this information to improve your experience when visiting the Phoenix Service. Please click <http://www.google.com/analytics/learn/privacy.html> to learn more about this service and how to opt out of data collection by Google Analytics. We may also work with other business partners to conduct research surveys in order to improve the user experience on the Phoenix Service. We encourage you read the privacy statements of these business partners to learn about their data practices.

We may use Anonymous Information we have collected from you to enable us to analyze usage and optimization statistics, and in some cases provide such aggregated data to third parties.

## 8. ACCESS AND CORRECTION

You have a right to know about the Personally Identifiable Information that we hold about you and gathered through the Phoenix Service, including the right to correct, amend, or delete the information that we have on file if it is incorrect. If you wish to exercise these rights, please contact us by sending us an e-mail stating your request to [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) or by contacting us in writing at the address provided below.

## 9. SECURITY

The Phoenix Service incorporates safeguards designed to protect the security, integrity, and privacy of the Personally Identifiable Information we have collected. We have put in place reasonable precautions to protect information from loss, misuse, and alteration, including Secure Socket Layer (SSL) technology on [www.phoenixdas.com](http://www.phoenixdas.com). When we collect sensitive financial information (such as, for example, credit card data on [www.phoenixdas.com](http://www.phoenixdas.com)), such information is encrypted and transmitted in a secure way. You can verify this by looking for a closed lock icon at the bottom of your web browser, or looking for “https” at the beginning of the address of the web page. While on a secure page, the lock icon on the bottom of web browsers such as Microsoft Internet Explorer and Mozilla Firefox becomes locked, as opposed to unlocked, or open when you are merely “surfing.”

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to any parts of the Phoenix Service, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Phoenix Service. The information you share in public areas may be viewed by any user of the Phoenix Service.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we strive to protect your personal information, we cannot guarantee the security of your personal information transmitted to the Phoenix Service. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Phoenix Service.

While we strive to protect your personal information, we cannot ensure or warrant the absolute security of any Personally Identifiable Information you transmit to us or through the Phoenix Service. Once we receive your transmission, we will use reasonable efforts to ensure its security on our internal systems. Depending on the nature of the inquiry, your communication may be discarded or archived. Please note that your e-mail, like most, if not all, non-encrypted Internet communications, may be accessed and viewed by other Internet users without your knowledge and permission, while in transit to us. For that reason, to protect your privacy, please do not use e-mail to communicate information to us that you consider sensitive or confidential. If you wish, you may contact us instead via telephone at the numbers provided throughout the Phoenix Service or at the address below.

## 10. EXTERNAL LINKS

The Phoenix Service may provide links to various websites that we do not control. When you click on one of these links, you will be transferred out of the Phoenix Service and connected to the website of the organization that you selected.

We are not responsible for the nature, quality, or accuracy of the content or opinions expressed on such websites, and such websites are not investigated, monitored, or checked for quality, accuracy, or completeness by us.

Inclusion of any linked website on the Phoenix Service does not imply or express our approval or endorsement of the linked website or any of the content, opinions, products, or services provided through the Phoenix Service. We exercise no control over linked sites even if an affiliation exists between the Phoenix Service and a third-party website.

Each of these linked sites maintains its own independent privacy and data collection policies and procedures. While we expect our business partners and affiliates to respect the privacy of our users, we cannot be responsible for the actions of third parties. If you visit a website that is linked to or from the Phoenix Service, we encourage you to consult that website's privacy policy before providing any personal information and whenever interacting with any website.

#### 11. CONSENT TO PRIVACY NOTICE; BINDING AGREEMENT

All parts of the Phoenix Service are controlled, operated, and administered entirely within the United States. By using any part of the Phoenix Service, you signify your agreement to the terms of this Privacy Notice. If you do not agree with any provision of this Privacy Notice, please do not disclose any personal information through the Phoenix Service.

This Privacy Notice is part of our Terms of Use ([www.phoenixdas.com/terms](http://www.phoenixdas.com/terms)). The use of the Phoenix Service is governed by our Terms of Use ([www.phoenixdas.com/terms](http://www.phoenixdas.com/terms)) and the laws of the State of Texas.

This Privacy Notice and the notices outlined herein are not intended to and do not create any contractual or other legal rights in or on behalf of any third party.

#### 12. SPECIAL NOTICE TO CALIFORNIA RESIDENTS

Under California Civil Code § 1798.83, residents of the State of California that have provided any Personally Identifiable Information to us have the right to request a list of all third parties to which we have disclosed Personally Identifiable Information during the preceding year for direct marketing purposes.

Alternatively, the law provides that if we have a privacy policy that gives either an opt out or opt-in choice for use of Personally Identifiable Information by third parties (such as advertisers or affiliated companies) for marketing purposes, we may instead provide you with information on how to exercise your disclosure choice options.

If you are a resident of the State of California and request information about how to exercise your third party disclosure choices, please send a request to [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) with a preference on how our response to your request should be sent.

Additionally, CalOPPA requires us to disclose how we respond to "do-not-track" requests from our customer-users. At this time, we do not currently respond to "do-not-track" requests from our customers.

#### 13. MODIFICATIONS TO THIS PRIVACY NOTICE

We may modify this Privacy Notice at any time, at our discretion, and modifications are effective upon being posted on any part of the Phoenix Service.

It is our policy to post any changes we make to our privacy policies on this page. The date on which this Privacy Notice was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you, and for periodically visiting the Phoenix Service and this Privacy Notice to check for any changes.

If we make material changes to how we treat our users' Personally Identifiable Information, we will notify you through a notice on the Phoenix Service's home page or by other reasonable means.

#### 14. ACCOUNT REVISIONS, REVOKING AND DELETING PERSONAL INFORMATION

We welcome your questions, comments and all feedback pertaining to your privacy or any other issue with regard to the Phoenix Service.

At any time, you may ask us to cease any further use of your e-mail address and direct us to delete any Personally Identifiable Information you have supplied. Although it is not always possible to remove or modify such information, we will make reasonable efforts to do so. We cannot delete your Personally Identifiable Information except by also deleting your user account. We may not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect. If you have given us information for one of those third parties we mentioned above and we have already passed it on, we may not be able to delete or change the information.

In the event that you have given us Personally Identifiable Information in the past and then have second thoughts or want to update it, or if you have any other questions regarding this Privacy Notice or any part of the Phoenix Service, you may contact us by sending us an e-mail stating your request to [helpdesk@phoenixdas.com](mailto:helpdesk@phoenixdas.com) or by contacting us in writing at the address provided below:

Address:

P360 Management Solutions, LLC  
Attn: Webmaster  
530 One Stop Drive  
Savannah, TN 38372

Copyright © 2015 P360 Management Solutions, LLC. All rights reserved.

Phoenix DAS, P360 Management Solutions, LLC and the Phoenix word mark are trademarks of P360 Management Solutions, LLC or its affiliated companies. All other trademarks are the property of their respective owners.