

Positive Development Privacy Policy

Effective as of 03/01/2021

This “**Privacy Policy**” describes the privacy practices of Positive Development, Inc. and our subsidiaries and affiliates (collectively, “**Positive Development**”, “we”, “us”, or “our”) in connection with the Positive Development App www.positivedevelopment.app (the “**App**”), www.positivedevelopment.com website (“**Website**”), and Positive Development Clinicians Portal (“**Portal**”), and the services made available through the App and Portal (collectively, the “**Service**”), and the rights and choices available to individuals with respect to their information.

This Privacy Policy also applies to any clinician’s office, business, organization, or practice that has subscribed to our Portal pursuant to a separate terms of use and, as applicable, has entered into a separate Business Associate Agreement (“**BAA**”) with us (“**Subscribers**”). In addition to the uses described in this Privacy Policy, we will use and process Personal Data collected from Subscribers in accordance with any additional rights and obligations set forth in that separate terms of use agreement and/or BAA entered into between the Subscriber and Positive Development. In the event of a conflict between the terms of use agreement, the BAA, and this Privacy Policy, with respect to Subscribers only, the conflict will be resolved in the following order of precedence: (1) the BAA; (2) terms of use agreement; then (3) Privacy Policy. As used herein, the term “you” refers to the individual end user of the App or the Subscriber who has signed a BAA or other separate terms of use agreement.

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Personal Information We Collect

Information you provide to us. Personal information you provide to us through the Service or otherwise includes:

- **Personal contact information**, such as your first and last name, email and mailing addresses.
- **Profile information**, such as your username and password that you may set to establish an online account with us.
- **Registration information**, such as information that may be related to a service or an account.
- **Feedback or correspondence**, such as information you provide when you contact us with questions, feedback, or otherwise correspond with us online.

- **Usage information**, such as information about how you use the Service or view content, as well as other products and services of Positive Development (including any Positive Development devices), how you interact with us, and information you provide when you use any interactive features of the Service.
- **Other information** that we may collect which is not specifically listed here, but which we will use in accordance with this Privacy Policy or as otherwise disclosed at the time of collection.

Information we obtain from other third parties. We may receive personal information about you from third-party sources. For example, we may collect information from your developmental client coaches, speech therapists, occupational therapists, physical therapists, therapists and related therapy providers (collectively, “**Clinicians**”) who are Subscribers. Such information may include your diagnosis and onset data. We only use this data to allow your Clinicians to provide its services to you through the Services. Personal Information may include Protected Health Information (“**PHI**”), which we may collect, process, and store, on behalf of our Subscribers.

Clinicians may record therapy sessions with you (or your child) using means outside of our Services, and in such event Clinicians, rather than Positive Development, are responsible for securing any necessary consents from you and storing such recordings. Positive Development will maintain such recorded sessions that our uploaded by Clinicians through the Services only for as long as the Clinician and patient maintain a relationship; provided, however, you may opt-in to additional sharing as described below in “Your Choices”.

Cookies and Other Information Collected by Automated Means

We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and activity occurring on or through the Service. The information that may be collected automatically includes your computer or mobile device operating system type and version number, manufacturer and model, device identifier (such as the Google Advertising ID or Apple ID for Advertising), browser type, screen resolution, IP address, general location information such as city, state or geographic area; and information about your use of and actions on the Service, such as pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and length of access. Our service providers and business partners may collect this type of information over time and across third-party websites and mobile applications.

In our mobile application, we may collect this information directly or through our use of third-party software development kits (“**SDKs**”). SDKs may enable third parties to collect information directly from our App.

See our [Cookie Policy](#) for more information.

Referrals

Users of the Service may have the opportunity to refer contacts to us. If you are an existing user, you may only submit a referral if you have permission to provide the referral’s contact information to us so that we may contact them.

How We Use Your Personal Information

We use your personal information for the following purposes and as otherwise described in this Privacy Policy or at the time of collection:

To operate the Service. We use your personal information to:

- provide, operate and improve the Service
- provide information about our products and services
- establish and maintain your user profile on the Service
- enable security features of the Service, such as by sending you security codes via email or SMS, and remembering devices from which you have previously logged in

- communicate with you about the Service, including by sending you announcements, updates, security alerts, and support and administrative messages
- understand your needs and interests, and personalize your experience with the Service and our communications
- provide support and maintenance for the Service
- respond to your requests, questions and feedback

For research and development. We analyze use of the Service to analyze and improve the Service and to develop new products and services, including by studying user demographics and use of the Service.

To send you marketing and promotional communications. We may send you Positive Development related marketing communications as permitted by law. You will have the ability to opt-out of our marketing and promotional communications as described in the [Opt out of marketing](#) section below.

To comply with law. We use your personal information as we believe necessary or appropriate to comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

For compliance, fraud prevention, and safety. We may use your personal information and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims); (b) enforce the terms and conditions that govern the Service; and (c) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

With your consent. In some cases, we may specifically ask for your consent to collect, use or share your personal information, such as when required by law.

To create anonymous, aggregated or de-identified data. We may create anonymous, aggregated or de-identified data from your personal information and other individuals whose personal information we collect. We make personal information into anonymous, aggregated or de-identified data by removing information that makes the data personally identifiable to you. We may use this anonymous, aggregated or de-identified data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

How We Share your Personal Information

We do not share your personal information with third parties without your consent, except in the following circumstances or as described in this Privacy Policy:

Clinicians. We may share your personal information with Clinicians who are Subscribers and who have invited to you to join the Services.

Affiliates. We may share your personal information with our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.

Service providers. We may share your personal information with third party companies and individuals that provide services on our behalf or help us operate the Service (such as customer support, coaches, hosting, analytics, email delivery, marketing, and database management services). These third parties may use your personal information only as directed or authorized by us and in a manner consistent with this Privacy Policy and are prohibited from using or disclosing your information for any other purpose.

Professional advisors. We may disclose your personal information to professional advisors, such as lawyers, bankers, auditors and insurers, where necessary in the course of the professional services that they render to us.

For compliance, fraud prevention and safety. We may share your personal information for the compliance, fraud prevention and safety purposes [described above](#).

Business transfers. We may sell, transfer or otherwise share some or all of our business or assets, including your personal information, in connection with a business transaction (or potential business transaction) such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.

Your Choices

Access or Update Your Information. If you have registered for an account with us, you may review and update certain personal information in your account profile by logging into the account.

Revocation/opt out of marketing communications. You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email, or by contacting us at privacy@positivedevelopment.com. You may continue to receive service-related and other non-marketing emails. If you receive marketing text messages from us, you may opt out of receiving further marketing text messages from us by replying STOP to our marketing message.

Opt-In to Continued Use of Videotaped Sessions: By default, Positive Development will only use the recorded therapy sessions between patients and Clinicians that are uploaded by Clinicians to the App or Website solely to provide the Services to the applicable patient and Clinician during the period that the Clinician and patient maintain a relationship. However, as a patient, you have the opportunity to opt-in to allow us to continue to use the videotaped session beyond the termination of any such relationship between the patient and Clinician to provide and improve our Services. Once you have opted into additional sharing, you may revoke such opt-in consent at any time by contacting us at privacy@positivedevelopment.com.

Cookies & Browser Web Storage. We may allow service providers and other third parties to use cookies and similar technologies to track your browsing activity over time and across the Service and third-party websites. For more details, see our [Cookie Policy](#).

Choosing not to share your personal information. Where we are required by law to collect your personal information, or where we need your personal information in order to provide the Service to you, if you do not provide this information when requested (or you later ask to delete it), we may not be able to provide you with our services. We will tell you what information you must provide to receive the Service by designating it as required at the time of collection or through other appropriate means.

Other sites, mobile applications and services

The Service may contain links to other websites, mobile applications, and other online services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our content may be included on web pages or in mobile applications or online services that are not associated with us. We do not control third party websites, mobile applications or online services, and we are not responsible for their actions. Other websites and services follow different rules regarding the collection, use and sharing of your personal information. We encourage you to read the privacy policies of the other websites and mobile applications and online services you use.

Security practices

The security of your personal information is important to us. We employ a number of organizational, technical and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.

Children

As a general rule, children are not allowed to use the Service, and we do not collect personal information from them. We define "children" as anyone under the age of 13. If we learn that we have collected personal information of a child without the consent of the child's parent or guardian, we will delete it. We encourage parents with concerns to [contact us](#).

Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service. We may, and if required by law will, also provide notification of changes in another way that we believe is reasonably likely to reach you, such as via e-mail (if you have an account where we have your contact information) or another manner through the Service.

Any modifications to this Privacy Policy will be effective upon our posting the new terms and/or upon implementation of the new changes on the Service (or as otherwise indicated at the time of posting). In all cases, your continued use of the Service after the posting of any modified Privacy Policy indicates your acceptance of the terms of the modified Privacy Policy.

How to Contact Us

Please direct any questions or comments about this Policy or privacy practices to privacy@positivedevelopment.com. You may also write to us via postal mail at:

Positive Development, Inc.
Attn: Legal – Privacy
222 East Huntington Drive, Suite 211
Monrovia, CA 91016

Cookie Policy

This Cookie Policy explains how Positive Development, Inc. (“**Positive Development**”, “**we**”, “**us**” or “**our**”) uses cookies and similar technologies in connection with the Positive Development App mobile application (the “**App**”) and Clinicians Portal (the “**Portal**”).

What are cookies?

Cookies are small data files that are placed on your computer or mobile device when you visit a website. Cookies serve different purposes, like helping us understand how a site is being used, letting you navigate between pages efficiently, remembering your preferences and generally improving your browsing experience.

Our App, Website, and Portal may use both session cookies (which expire once you close your web browser) and persistent cookies (which stay on your computer or mobile device until you delete them).

We use two broad categories of cookies: (1) first party cookies, served directly by us to your computer or mobile device, which we use to recognize your computer or mobile device when it revisits our App or Portal; and (2) third party cookies, which are served by service providers or business partners on our App and Portal, and can be used by these parties to recognize your computer or mobile device when it visits other websites. Third party cookies can be used for a variety of purposes, including usage analytics, advertising and social media features.

What types of cookies and similar tracking technologies does Positive Development use on the App and Portal?

On the App, we use cookies and other tracking technologies in the following categories described in the table below.

Type	Description	Who serves the cookies?	How to control them
Analytics	These cookies help us understand how our Service is performing and being used. These cookies may work with	Google Analytics	See ‘your choices’ below. Google Analytics uses its own cookies. You can find out more information about Google Analytics cookies here and about how Google

	web beacons included in emails we send to track which emails are opened and which links are clicked by recipients.		protects your data here . You can prevent the use of Google Analytics relating to your use of our App by downloading and installing a browser plugin available here .
Functional	These cookies help functioning of the Website and turning them off could result in a sub optimal experience.	Square Space	See 'your choices' below. Square Space uses cookies to help run the Website effectively and provide the best experience for visitors. To find out more about the information collected, click here .
<i>Essential</i>	These cookies are necessary to allow the technical operation of our Service (e.g., they enable you to move around on a website and to use its features).	Microsoft Azure Active Directory B2C	See 'your choices' below. These cookies are used to assist in securely signing into the App. More information about the information collected could be found here .

Your choices

For more information about cookies, including how to see what cookies have been set on your computer or mobile device and how to manage and delete them, visit www.allaboutcookies.org. If you do not accept our cookies, you may experience some inconvenience in your use of our App. For example, we may not be able to recognize your computer or mobile device and you may need to log in every time you visit our App.

Users may opt out of receiving targeted advertising on websites through members of the Network Advertising Initiative by clicking [here](#) or the Digital Advertising Alliance by clicking [here](#). European users may opt out of receiving targeted advertising on websites through members of the European Interactive Digital Advertising Alliance by clicking [here](#), selecting the user's country, and then clicking "Choices" (or similarly-titled link). Users of our App may opt out of receiving targeted advertising in mobile apps through participating members of the Digital Advertising Alliance by installing the AppChoices mobile app, available [here](#), and selecting the user's choices. Please note that we also may work with companies that offer their own opt-out mechanisms and may not participate in the opt-out mechanisms that we linked above.

If you choose to opt-out of targeted advertisements, you will still see advertisements online but they may not be relevant to you. Even if you do choose to opt out, not all companies that serve online behavioral advertising are included in this list, and so you may still receive some cookies and tailored advertisements from companies that are not listed.

For more information about how we collect, use and share your information, see our Privacy Policy.

Changes

Information about the cookies we use may be updated from time to time, so please check back on a regular basis for any changes.

Questions

If you have any questions about this Cookie Policy, please contact us by email at privacy@positivedevelopment.com.

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