

# Privacy Policy

Last updated: January 27, 2020

This Privacy Policy is designed to answer your questions about the information Drake Software ("Drake", "we", "us" or "our") collects on its websites and mobile applications. It applies to drakesoftware.com, securefilepro.com, and other related websites and mobile applications where this policy appears in the footer of the page (collectively referred to as the "Sites") as well as to the products and services offered by Drake.

## Children's Privacy

Our Sites are not targeted at children of any age, and we do not collect information from children under age 16. If we learn we have collected or received Personal Information from a child under 16 without verification of parental consent, we will delete that information.

## Information We Collect and How We Collect It

The information we collect about you falls into the following two categories:

**Technical Information**—information about your visit that is not linked to your identity, such as the website you visited before our Site, the pages you visit on our Sites, the website you visit next, the browser you use, and any search terms entered on our Sites. We use cookies (see *Use of Cookies*) and other technology to collect this data. In general, we do not connect Technical Information with the Personal Information we collect from you.

**Personal Information**—information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device, such as your name, mailing address, phone number, or email address. In particular, Drake may collect the following categories of Personal Information from you:

Category	Examples	How We Collect
Identifiers.	A real name, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	We collect this information from users who set up an account and who provide this information through use of our Sites, products and services.
Personal Information categories listed in the California Customer	A name, signature, Social Security number, address, telephone number, passport number, driver's license or state identification card number, bank account number, credit card number, debit card number, or any other financial information.	We collect this information from users who set up an account and who provide this

Records statute (Cal. Civ. Code § 1798.80(e)).	Some Personal Information included in this category may overlap with other categories.	information through use of our Sites, products and services.
Protected classification characteristics under California or federal law.	Age (40 years or older)	We collect this information from users who set up an account and who provide this information through use of our Sites, products and services.
Commercial information.	Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	We collect this information from users who set up an account and use our Sites, products and services.
Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	We collect this information from visitors to our Sites, users who set up an account and who provide this information through use of our Sites, products and services.
Geolocation data.	Physical location or movements.	We collect this information from visitors to our Sites, users who set up an account and who provide this information through use of our Sites, products and services.

Personal Information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from applicable state privacy laws, such as information regulated under federal laws, including:

- Personal Information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA) and the Gramm-Leach-Bliley Act (GLBA).

Drake collects Personal Information and/or Technical Information:

- Directly from you. For example, from forms you complete or products and services you purchase, when you set up an account for our services, or when you contact us directly.
- Indirectly from you. For example, Drake uses cookies (see *Use of Cookies*) and other technology to collect data automatically.

### **How We Use Your Information**

We may use or disclose information we collect about you, including any Personal Information listed in the categories above, for one or more of the following purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns.
- To provide, support, personalize, and develop our Sites, products, and services.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and to prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our Sites, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our Sites, products and services, databases and other technology assets, and business.
- For research, analysis, and product development, including to develop and improve our Sites, products, and services.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal Information.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Drake's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by Drake about users of our Sites and products and services is among the assets transferred.

Drake will not collect additional information or use the information we collect from you for materially different, unrelated, or incompatible purposes without providing you notice.

### **Sharing Information**

Drake may disclose your Personal Information and/or Technical Information to a third party:

- For a business purpose (see *Disclosure of Personal Information for a Business Purpose*). When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.
- to assist a government investigation, verification or similar purposes, if required by law, subpoena or court order, or as otherwise necessary for fraud prevention and/or to maintain the security and integrity of the Sites and our business;
- as needed to enforce our Terms of Use; or
- if a company purchases our business or assets.

#### ***Disclosures of Personal Information for a Business Purpose***

In the preceding twelve (12) months, Drake has disclosed the following categories of Personal Information of certain users of our Sites for a business purpose to our affiliates and third party service providers:

- Identifiers.
- California Customer Records Personal Information categories.
- Protected classification characteristics under California or federal law.
- Commercial information.
- Internet or other similar network activity.
- Geolocation data.

#### ***Other Sharing of Personal Information***

In the preceding twelve (12) months, Drake has shared the following categories of Personal Information of certain users of our Sites to our affiliates, third party service providers, and data aggregators for marketing and advertising purposes:

- Identifiers.
- Commercial Information.
- Internet or other similar network activity.
- Geolocation data.

#### **Your Choices**

##### ***Access to Specific Information and Data Portability Rights***

In accordance with applicable state laws, you may have rights as a consumer to request certain information about our collection and use of your Personal Information over the past 12 months. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights*), we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting or sharing that Personal Information.

- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- If we sold or disclosed your Personal Information for a business purpose, two lists disclosing:
  - sales, identifying the Personal Information categories that each category of recipient purchased; and
  - disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

### ***Deletion Request Rights***

You may request that Drake delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights*), we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.

We may deny your deletion request if you interact with our Sites as a business and not as a consumer and/or if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
- Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.
- Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

### ***Exercising Access, Data Portability, and Deletion Rights***

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Signing in to your account and going to My Account > Consumer Request.

- Emailing [consumer-rights-request@drakesoftware.com](mailto:consumer-rights-request@drakesoftware.com).

Only you, or someone authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

As a part of this process, government identification may be required. As noted above, you may designate an authorized agent to make a request on your behalf. In order to designate an authorized agent, you must provide a valid power of attorney, your valid government issued identification, and the authorized agent's valid government issued identification.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you.

Making a verifiable consumer request does not require you to create an account with us. However, we do consider requests made through your password protected account sufficiently verified when the request relates to Personal Information associated with that specific account. If you do not have an account with us, you will need to email us at [consumer-rights-request@drakesoftware.com](mailto:consumer-rights-request@drakesoftware.com) so that we may verify your identity.

We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

For instructions on exercising opt-out rights, see *Opt-Out and Opt-In Rights*.

### ***Response Timing and Format***

We endeavor to respond to a verifiable consumer request as soon as possible in accordance with applicable law.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response using the contact information you have provided electronically.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

### ***Opt-Out and Opt-In Rights***

Drake's sites, products and services are intended solely for businesses and not individuals. Drake

does not target individuals with its professional products and services.

We provide you, as a visitor on our Sites, the ability to manage your internet cookie settings. You may access the Cookie Preferences Center through the “Cookie Settings” link in the footer of our website or by emailing [consumer-rights-request@drakesoftware.com](mailto:consumer-rights-request@drakesoftware.com). You can opt-out or opt-in to certain categories of cookies, such as those that are used by Drake and its partners for advertising purposes.

You do not need to create an account with us to manage your cookie settings. For more information about how we use cookies on our Sites, refer to the *Use of Cookies* section in this Privacy Policy.

### ***Marketing Emails Opt-Out***

We may email you from time to time about Drake products and services or related products and services offered by our affiliates and partners. You may choose to stop receiving our marketing emails by following the unsubscribe instructions included in these emails or by changing your account settings. If you choose to stop receiving our marketing emails, we will continue to send you transactional and relationship email communications as a Drake customer.

### **Security**

We take the protection of your data seriously. Drake maintains reasonable and appropriate administrative, technical, and physical safeguards that are designed to protect your Personal Information from loss, misuse, unauthorized access, disclosure, alteration or destruction. All data collected through our Sites is protected by a secure server. In addition, we use Secure Sockets Layer (SSL) encryption to secure the transmission of data, including credit card information, from the internet to our systems. SSL encryption is working when you see either the symbol of an unbroken key or closed lock (depending on your browser) on the bottom of your browser window.

Drake also takes the following security measures:

- All data is maintained and backed-up on a regular schedule to provide adequate redundancy and ensure that the integrity of information is never jeopardized.
- All of our employees are subject to strict guidelines regarding confidentiality. We require all of our employees to sign a non-disclosure agreement regarding the protection of customer data. Additionally, we limit internal access to your data to those employees with a business reason for using such data.
- We make every commercially reasonable effort to be fully compliant with the rules under sections 6713 and 7216 of the Internal Revenue Code.

The safety and security of your information also depends on you. Where you have chosen a username and password to access your account and certain parts of the Sites, you are responsible for keeping this password confidential. In the event that you believe your password has been compromised, please contact us at [support@drakesoftware.com](mailto:support@drakesoftware.com).

No method of transmission over the Internet, or method of electronic storage, is 100% secure. Although we do our best to protect your Personal Information, we cannot guarantee the security of information transmitted to our Sites.

## **Affiliates and Third-Party Providers**

We partner with third-party companies that provide related products and services such as tax refund settlement products, audit protection and workflow automation tools. When you enroll for these services or products of a third party with which we conduct business, and with your specific consent, we will share your Personal Information to the extent necessary for the third party to provide such products or services. These parties are not granted permission to use personally identifiable information for any purpose other than providing these services or as specifically disclosed to you when you sign up for such third-party services.

## **Use of Cookies**

A "cookie" is a small text file transferred by a website or mobile applications to your computer's hard drive. We send cookies when you browse our Sites, make purchases, respond to online surveys or polls, or request information. Accepting the cookies used on our Sites does not give us access to your Personal Information, but we can use the cookies to identify your computer. The aggregate information collected permits us to analyze traffic patterns on our Sites. This can enable us over time to provide you with a better experience on our Sites by improving the content and making them easier to use. For example, cookies can keep track of what you have selected to purchase as you continue to shop and allow you to enter your password only once on pages where a login is required.

Most browsers automatically accept cookies, but you can usually refuse cookies or selectively accept certain cookies by adjusting the preferences in your browser. If you turn off cookies, there may be some features of our Sites that will not be available to you and some web pages may not display properly. Refer to the *Opt-Out and Opt-In Rights* section in this Privacy Policy for more information on how to manage cookie settings on our Sites.

## **Advertising**

We may partner with a third party to either display advertising on our Sites or to manage our advertising on other websites. The third-party providers that we have agreements with may use technologies such as cookies to gather information about your activities on our Sites and on other sites in order to provide you advertising based upon your browsing activities and interests. If you wish to not have this information used for the purpose of serving you interest-based ads, you may opt-out by either updating your preferences in our Cookie Preferences Center which can be accessed by clicking the "Cookie Settings" link in the footer of our website or by emailing [consumer-rights-request@drakesoftware.com](mailto:consumer-rights-request@drakesoftware.com). Please note this does not opt you out of being served ads. You will continue to receive generic ads.

## **Links to other Websites**

Our Sites may contain links to third-party websites. Please be aware that Drake is not responsible for the privacy practices of such other websites. We encourage our users to be aware when they leave our Sites and to read the privacy policies of each and every website that collects personally identifiable information. This Privacy Policy applies solely to the information collected by the Sites of Drake and no other sites.

## **Social Media Features**

Our Sites include social media features, such as the Facebook "Like" button. These features may collect your IP address, which page you are visiting on our Sites, and they may set a cookie to enable the

feature to function properly. Social media features and widgets are either hosted by a third party or hosted directly on our Sites. Your interactions with these features are governed by the privacy policy of the company providing them.

### **Do Not Track Signals**

There is no uniform or consistent standard or definition for responding to, processing, or communicating Do Not Track signals. Our Sites attempt to identify Do Not Track signals and treat them as a valid opt-out request for certain cookies that are not strictly necessary or related to Site performance and function. For more information on Do Not Track signals, see All About Do Not Track (<https://allaboutdnt.com/>).

### **Correcting and Updating Your Personal Information**

To review, update or amend your Personal Information, visit your account page and follow the appropriate links to change your information, or contact us at [support@drakesoftware.com](mailto:support@drakesoftware.com). We will respond to your request in accordance with applicable law.

### **Your Privacy Rights**

Drake complies with applicable state privacy laws with respect to your Personal Information. Our privacy practices comply with the California Consumer Privacy Act of 2018 ("CCPA") and other applicable state privacy laws.

### **Non-Discrimination**

We will not discriminate against you for exercising any of your CCPA rights or rights granted to you under other applicable law. Unless permitted by applicable law, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

### **General Data Protection Regulation**

The General Data Protection Regulation ("GDPR"), a regulation in European Union ("EU") law, is a new set of rules that changes the way personal data of individuals inside the European Economic Area ("EEA") can be collected and processed. Among other things, the law can apply to non-EU companies who are offering goods or services to persons inside the EEA. Drake takes the privacy and security of its customers, and of any person whose data Drake handles, very seriously. Drake follows stringent data privacy and cyber security protocols to protect the personal data it handles. However, the GDPR is a unique set of regulations particular to EU law, and does not mesh well with the current framework in the United States.

Drake is headquartered in Franklin, North Carolina in the United States. Our Sites and services are hosted and administrated in the United States or hosted with cloud service providers who are headquartered in the United States. Drake's target users are in the United States. Drake does not currently intend to offer

goods or services to individuals in the European Union. If you are located in the European Union, or anywhere outside of the United States, be aware that information you provide to us or that we obtain as a result of your use of our Sites and services may be processed in, transferred to, and stored in the United States and will be subject to United States law. The privacy and data protection laws of the United States may be different from the laws of your country of residence. With the implementation of GDPR, we are taking further steps to ensure that any potential customers understand that Drake does not intend to sell its goods or services to persons inside the EEA. These include limiting access to certain web-based services when attempting to access from within EU borders.

### **Changes to this Privacy Notice**

If there are changes to the terms of this Privacy Policy, we will post those changes here. Please be sure to check this page from time to time. If we make material changes to this Privacy Policy, such as changes in the way we use or disclose Personal Information, we will provide you with notice of the change through your account or the contact information you provided to us. **Your continued use of the Sites following the posting of changes constitutes your acceptance of this Privacy Policy and any such changes.**

### **Accessibility**

Drake is committed to making our Privacy Policy accessible to individuals with disabilities. If you use assistive technology (such as a Braille reader, a screen reader, text-enlargement programs, etc.) and the format of the Privacy Policy interferes with your ability to access any information in the Privacy Policy, please contact us at [privacy@drakesoftware.com](mailto:privacy@drakesoftware.com). Please indicate the nature of your accessibility problem, the preferred format you would like to receive the Privacy Policy, and your contact information so that we may respond in a manner that is helpful for you.

### **Contact Information**

If you have any questions or concerns about Drake's use of your information or about this Privacy Policy, please contact us:

**Address:** Drake Software 235 East Palmer St  
Franklin, NC (USA) 28734, Attn: Legal  
**Email:** [privacy@drakesoftware.com](mailto:privacy@drakesoftware.com)