

# PRIVACY POLICY

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Agility Consulting & Training, LLC is dedicated to safeguarding the personal and private information of our clients, partners and employees.

In association with these practices, Agility Consulting & Training complies with the U.S. – EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. Agility Consulting & Training has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view Agility Consulting & Training's certification, please visit (<http://export.gov/safeharbor/>).

In providing a variety of services under contract to our clients including individual leadership assessment, organizational assessment, training and consultation, Agility Consulting & Training acts as a data processor on behalf of our client (the data controller). In operating as a data processor, Agility Consulting & Training does not own or control personal data, rather such responsibility lies with the data controller. As a data processor, Agility Consulting & Training is required to provide services to our clients in accordance with our contractual arrangement with our client and any requirements, instructions or provisions regarding data handling or privacy within such contracts.

In the circumstances where Agility Consulting & Training acts as a data controller (i.e., personal data collected for Agility Consulting & Training individual leadership assessment or organizational assessment matters or in collection of data from Agility Consulting & Training website visitors), Agility Consulting & Training is subject to and complies with the Safe Harbor Privacy Principles.

This Safe Harbor Policy ("Policy") is to be read subject to the above distinction.

## **Definitions**

The following definitions will apply to the Policy:

"Agent" means any third party that collects or uses personal data under the instructions of, and solely for, Agility Consulting & Training or to which Agility Consulting & Training discloses personal data for use on our behalf.

"Data controller" means the person or body who determines the purposes and means of processing and retains responsibility for the data.

"Data processor" means the person or body which processes personal data on behalf of the data controller.

“Personal data” means information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or email address. Personal data does not include information that is encoded or anonymized, or publicly available information that has not been combined with non-public personal information.

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

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

## **Notice**

When acting as a data processor, Agility Consulting & Training may receive, hold and process personal data from our EU or Switzerland clients. Where such personal data is collected by the data controller, Agility Consulting & Training requires the data controller to comply with the Safe Harbor Privacy Principles and any other laws, regulations or standards applicable to the client.

Where Agility Consulting & Training directly collects personal data from individuals in the EU or Switzerland it is acting in the role of data controller. As data controller, Agility Consulting & Training will inform individuals about the type of personal data collected, the purposes for which it collects and uses the personal data, the types of non-agent third parties to which Agility Consulting & Training may disclose personal data, and the choices and means Agility Consulting & Training offers individuals for limiting the use and disclosure of their personal data.

## **Choice**

Where Agility Consulting & Training acts as data controller, Agility Consulting & Training will offer individuals the opportunity to choose (opt-out) whether their personal data will be disclosed to a third party or used for a purpose incompatible with the purpose for which it was originally collected or subsequently authorized by the individual. Agility Consulting & Training will provide individuals with reasonable mechanisms to exercise their choices.

## **Disclosures and Transfers**

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

- We have the individual’s permission to make the disclosure;
- The disclosure is permitted by law or mandatory professional standards;

- The disclosure is reasonably related to the sale or other disposition of all or part of our business or assets;
- The personal information to be disclosed is publicly available;
- The party to whom the disclosure is made controls, is controlled by, or is under common control with Agility Consulting;
- The disclosure is reasonably necessary for the establishment or maintenance of legal claims; or
- The disclosure is to persons or entities for whom we are providing services, provided the disclosure is consistent with the purpose for which the personal information was obtained.

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

### **Access**

Where Agility Consulting & Training acts as data controller, Agility Consulting & Training will grant individuals reasonable access to the personal data that we hold about them, and Agility Consulting & Training will take reasonable steps to permit individuals to correct, amend, and/or delete personal data that is demonstrated to be inaccurate, except where the rights of persons other than the individual would be violated.

### **Security**

Agility Consulting & Training will take reasonable precautions to protect personal data from loss, misuse and unauthorized access, disclosure, alteration and destruction where any such precautions are within Agility Consulting & Training's control.

### **Data Integrity**

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

We process personal information in ways compatible with the purpose for which the personal information was collected, or as otherwise authorized by the individual. To the extent necessary

for such purposes, we take reasonable steps to make sure that personal information is accurate, complete, current, and otherwise reliable with regard to its intended use.

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

### **Enforcement**

Agility Consulting & Training will conduct audits of our relevant privacy practices to verify adherence to this Policy. Any Agility Consulting & Training employee found to be in violation of this Policy will be subject to disciplinary action as determined by Agility Consulting & Training, up to and including termination of employment.

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

With respect to any dispute relating to this notice that cannot be resolved through our internal processes, we will cooperate with EU Data Protection Authorities and comply with the advice of such authorities. In the event that we or such authorities determine that we did not comply with this notice, we will take appropriate steps to address any adverse effects and to promote future compliance.

### **Amendment**

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

## **Contact**

Questions, comments or complaints regarding this Policy may be directed to:

Privacy Officer  
Agility Consulting & Training, LLC  
3816 Pinetop Road  
Greensboro, N.C. 27410 USA  
e-mail: [nickhorney@agilityconsulting.com](mailto:nickhorney@agilityconsulting.com)

## **Dispute Resolution**

Agility Consulting & Training will refer unresolved privacy complaints under this Policy to an independent dispute resolution mechanism. If you do not receive timely acknowledgement of your complaint, or if your complaint is not satisfactorily addressed by Agility Consulting & Training, please contact Agility Consulting & Training for more information about any complaint that you may have regarding Safe Harbor issues.