

Privacy Policy

Revised: June 26, 2019

Your information privacy is extremely important to us. We have prepared this Privacy Policy to explain how we collect, use, protect, and disclose information and data when you use any of the UrbanSim, Inc. websites, including cloud.urbansim.com, canada.urbansim.com, cloud.penciler.org, penciler.org, docs.penciler.org (each a “**Site**” and together, the “**Sites**”) and any UrbanSim, Inc. mobile application, application programming interfaces, and other services offered by UrbanSim, Inc., including but not limited to, UrbanCanvas and Penciler (“**Services**”). This Privacy Policy also explains your choices for managing your information preferences, including opting out of certain uses of your Personal Information (defined below). This Privacy Policy applies to all users of the Sites and Services. The Sites and Services are provided by UrbanSim, Inc. (“**Company**” “**we**” “**our**” “**us**”).

BY USING THE SITES OR SERVICES, YOU ARE CONSENTING TO THIS PRIVACY POLICY. PLEASE READ IT CAREFULLY.

1. Managing Your Information Preferences

You can review, correct, update, or change your Personal Information or opt out of receiving certain e-mails by changing the relevant settings in your account or by e-mailing us at info@urbansim.com. You are able to opt out of receiving marketing e-mails from us, however, you cannot opt out of receiving all e-mails from us, such as e-mails about the status of your account. If you have questions or concerns regarding this Privacy Policy, please e-mail us at the same address.

2. Information We Collect

Personal Information

We collect information that personally identifies you, such as your name, address, employer, payment information, e-mail, and other personally identifiable information that you choose to provide us with or that you choose to include in your account (“**Personal Information**”). You may be asked to provide us with Personal Information when you register with the Sites or use any of our Services, and at other times. We keep your Personal Information for as long as it is necessary to provide Services to you.¹

Usage Data and Site Activity

We automatically collect information regarding the actions you take on the Sites (“**Usage Data**”). For example, each time you use the Sites we automatically collect the type of Web browser you use, your operating system, your Internet Service Provider, your IP address, the pages you view, and the time and duration of your visits to the Sites. We use this information to help us understand how people use the Sites and Services, and to enhance the services we offer.

Cookies and Anonymous Identifiers

We do not use cookies (a small text file placed on your computer to identify your computer and web browser) or anonymous identifiers (a random string of characters that is used for the same purposes as a cookie). Some of our Service Providers (defined below) may use their own cookies, anonymous identifiers, or other tracking technology in connection with the services they perform on our behalf. Most web browsers are initially set up to accept cookies. You can reset your web browser to refuse all cookies or to indicate when a cookie is being sent, however, certain features of the Sites or Services may not work if you delete or disable cookies.

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3. **How We Use Information and When We May Share and Disclose Information Generally**

We use Personal Information for internal purposes only, such as to provide you with the Sites and Services, including to send you alerts about your account, to improve the Sites and Services, to notify you of new products or services, and to otherwise communicate with you about our Company. We may also use your Personal Information to provide more relevant search results from the search functions of the Sites and the Services. We will not disclose Personal Information to third parties, including for their direct marketing purposes, without your consent, except as explained in this Privacy Policy. We may disclose to third parties, certain Usage Data regarding the Sites and Services. However, in such cases, your Usage Data is aggregated with the Usage Data of others and does not identify you individually.

4. **Personal Information You Make Available to Others**

By using the Sites or the Services you may make certain of your Personal Information available to others. For example, when you post a comment or a photo on the Sites other users may see your name (first name and last name initial), the city you live in and other information that you choose to make available to others.

5. **Service Providers**

From time to time, we may establish a business relationship with other businesses whom we believe trustworthy and who have confirmed that their privacy practices are consistent with ours (“**Service Providers**”). For example, we may contract with Service Providers to provide certain services, such as hosting and maintenance, data storage and management, and marketing and promotions. We only provide our Service Providers with the information necessary for them to perform these services on our behalf. Each Service Provider must agree to use reasonable security procedures and practices, appropriate to the nature of the information involved, in order to protect your Personal Information from unauthorized access, use, or disclosure. Service Providers are prohibited from using Personal Information other than as specified by us.

6. **Advertising and Online Tracking**

We may allow third-party companies to serve ads and collect certain information when you visit the Site and Services. These companies may use this information (e.g. click stream information, web browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Site and other websites in order to provide advertisements about goods and services likely to be of interest to you. These companies typically use a cookie to collect this information. Our systems do not recognize “Do Not Track” signals, but several of our Service Providers who utilize these cookies on our Sites enable you to opt out of targeted advertising practices. To learn more about these advertising practices or to opt out of this type of advertising, you can visit www.networkadvertising.org or www.aboutads.info/choices/. We also provide you with additional tools to opt out of marketing from us. You can learn about this in the “Managing Your Information Preferences” section of this Privacy Policy.

We use Google Analytics on the Site and Services to collect Usage Data, to analyze how users use the Site and Services, and to provide advertisements to you on other websites. For more information about how to opt out of having your information used by Google Analytics, visit <https://tools.google.com/dlpage/gaoptout/>.

7. **Notice to California Residents/Your California Privacy Rights**

To opt out of sharing your Personal Information with third parties for their direct marketing purposes, please email us at info@urbansims.com and clearly state your request, including your name, email address and phone number. Please see Section 1 (Managing Your Information Preferences) above for additional information.

8. Other Transfers

We may share Personal Information and Usage Data with businesses controlling, controlled by, or under common control with our Company. If our Company is merged, acquired, or sold, or in the event of a transfer of some or all of our assets, we may disclose or transfer Personal Information and Usage Data in connection with such transaction. You will have the opportunity to opt out of any such transfer if, in our discretion, it will result in the handling of your Personal Information in a way that differs materially from this Privacy Policy.

9. Compliance with Laws and Law Enforcement

We cooperate with government and law enforcement officials and private parties to enforce and comply with the law. We may disclose Personal Information and any other information about you to government or law enforcement officials or private parties if, in our discretion, we believe it is necessary or appropriate in order to respond to legal requests (including court orders and subpoenas), to protect the safety, property, or rights of our company or of any third party, to prevent or stop any illegal, unethical, or legally actionable activity, or to comply with the law.

10. Be Careful When You Share Information with Others

Please be aware that whenever you share information on any public area of the Sites or Services, that information may be accessed by others. In addition, please remember that when you share information in any other communications with third parties, that information may be passed along or made public by others. This means that anyone with access to such information can potentially use it for any purpose, including sending unsolicited communications.

11. Security

We maintain physical, electronic, and procedural safeguards to protect the confidentiality and security of information transmitted to us. However, no data transmission over the Internet or other network can be guaranteed to be 100% secure. As a result, while we strive to protect information transmitted on or through the Sites or Services, we cannot and do not guarantee the security of any information you transmit on or through the Sites or Services, and you do so at your own risk.

12. Links

Our Sites and Services may contain links to other websites or allow others to send you such links. A link to a third party's website does not mean that we endorse it or that we are affiliated with it. We do not exercise control over third-party websites. You access such third-party websites or content at your own risk. You should always read the privacy policy of a third-party website before providing any information to the website.

13. Children's Privacy

The Sites and Services are intended for users who are 13 years old or older. We do not knowingly collect Personal Information from children under the age of 13. If we become aware that we have inadvertently received Personal Information from a child under the age of 13, we will delete such information from our records. California users under the age of 18 may request the removal of their content or information publicly posted on the Sites or Services by e-mailing us at info@urbansim.com. Please note that most of the user content that appears on our Sites or Services is stored and controlled by third party providers; thus, complete and comprehensive removal of the content may not be possible.

14. Processing in the United States

- a. Please be aware that your Personal Information and communications may be transferred to and maintained on servers or databases located outside your state, province, or country. If you are located outside of the United States, please be advised that we process and store all information in the United States. The laws in the United States may not be as protective of your privacy as those in your location. **Additional Note for EU Users—Your Rights and Choices**

The data controller for the Site and Services is:

UrbanSim Inc.
1666 Shattuck Ave,
Berkeley, CA 94709

Under EU data protection legislation, “Personal Information” includes a broad amount of information, including any information that can be used to identify, directly or indirectly, in particular by reference to an identifier such as an IP address, location data, and an online identifier. Since we may collect some of this type of information when we collect Usage Data, you may have additional protections under EU data protection legislation, if you reside in the EU. Under EU data protection legislation, we are only permitted to use your Personal Information if we have a legal basis for doing so. In addition to your consent, we rely on the following legal bases to use your information:

- Where we need to comply with a legal obligation
- Where the processing is necessary for us to carry out activities for which it is in UrbanSim’s legitimate interests (or those of a third party) to do so and provided that your interests and fundamental rights do not override those interests, including:
 - Processing that is necessary for us to promote our company and measure the reach and effectiveness of our company—this will include sending you marketing information from time to time after you have engaged us to provide services or received services from us either which may be similar and of interest to you or where you have expressly indicated that you would like to receive such information. You have the right to opt out of receiving this information at any time.
 - Processing necessary for us to operate the administrative and technical aspects of our business efficiently and effectively—this will include: processing for website content improvement; and processing for a statistical analysis of users’ behavior.

In more limited circumstances we may also rely on the following legal bases:

- Where we need to protect your interests (or someone else’s interests)
- Where it is needed in the public interest or for official purposes

You have a number of rights under EU data protection legislation in relation to your Personal Information, these include the right to:

- Be informed about how we use your Personal Information
- Obtain access to your Personal Information that we hold
- Request that your Personal Information is corrected if you believe it is incorrect, incomplete or inaccurate
- Request that we erase your Personal Information in the following circumstances:
 - If we are continuing to process Personal Information beyond the period when it is necessary to do so for the purpose for which it was originally collected
 - If we are relying on consent as the legal basis for processing and you withdraw consent
 - If we are relying on legitimate interests as the legal basis for processing and you object to this processing and there is no overriding compelling ground which enables us continue with the processing
 - If we are processing for direct marketing purposes and you object

- If the Personal Information has been processed unlawfully (i.e. in breach of the requirements of the data protection legislation)
 - If it is necessary to delete the Personal Information to comply with a legal obligation
- Ask us to restrict our data processing activities where you consider that:
 - Personal Information is inaccurate
 - our processing of your Personal Information is unlawful
 - where we no longer need the Personal Information but you require us to keep it to enable you to establish, exercise or defend a legal claim
 - where you have raised an objection to our use of your Personal Information
- Request a copy of certain Personal Information that you have provided to us in a commonly used electronic format.
- Object to our processing of your Personal Information where we are relying on legitimate interests or exercise of a public interest task to make the processing lawful. If you raise an objection we will carry out an assessment to determine whether we have an overriding legitimate ground which entitles us to continue to process your Personal Information
- Not be subject to wholly automated decisions which produce legal effects or which could have a similarly significant effect on you.
- Lodge a complaint with your relevant data protection authority.

If you wish to exercise any of your above rights, please reach out to us by emailing us at: info@urbansim.com.

15. **Privacy Policy Changes**

We may change this Privacy Policy from time to time. If we decide to change this Privacy Policy, we will inform you by posting the revised Privacy Policy on the Sites. Those changes will go into effect on the "Revised" date shown in the revised Privacy Policy. By continuing to use the Sites or Services, you are consenting to the revised Privacy Policy.

PLEASE PRINT A COPY OF THIS PRIVACY POLICY FOR YOU RECORDS AND PLEASE CHECK THE SITES FREQUENTLY FOR ANY CHANGES.