

# New SmartMusic Data Privacy Policy

LAST UPDATED ON OCTOBER 29th, 2019.

## 1. Information You Give Us

- a. **Contact Information:** You give us your Contact Information when you request information, register with or subscribe to the Site. "Contact Information" includes your name, email, company, address and/or telephone number.

### **We may use your contact information and other Personal Data to:**

1. Provide you the Services on the Site;
2. Fulfill your requests for information; and
3. Contact you about MakeMusic, Inc. products or services based on the preferences you have indicated. Personal information we collect is used to provide, maintain, and improve our Services.
4. We use information about how you use our website to offer you custom content, such as music searches targeted to your selected instrument or how many times you open a piece of content, so we can tailor our Services to your preferences. We also use your data to maintain our applications, so they continue to serve the needs of the customers.
5. We may use your email address to send you information about changes or improvements we are making. Users meeting the age to legally consent to sharing their personal information online per their country/territory law may opt into MakeMusic marketing promotions.
6. We may store personal information such as name, address, school or district name, purchase order numbers, or credit card information for Schools or individuals over the age of 13 (United States and Canada) or 16 (European Union) that purchase a SmartMusic subscription. Credit card information is encrypted and transferred using secure Hypertext Transfer Protocol (HTTPS).

We may use personal information to contact an individual regarding an account issue via telephone, fax, email, or written correspondence.

1. When you visit our Help Center, we may collect your name or email address(es) and associate them with a case number so that we can respond to inquiries and requests.

### **We may use Non-Personally Identifiable User Information several ways and for several purposes, including (without limitation):**

1. To calculate necessary royalty payments to third party content providers, which are often

based on the number of times a work is opened or accessed by our users.

2. To prepare reports and other materials that we may share with others in an anonymous format.
3. For analytics purposes.
4. In some instances, we use third-party vendors to collect, monitor and/or maintain Non-PII. For example: In our web applications we utilize Rollbar and Google and Google Analytics. Rollbar is utilized for error monitoring. Information logged includes common request data. Google Analytics is utilized to analyse application, feature and content usage.

**A detailed list of information you may give us:**

**Districts, Platform Owners, Platform Administrators, and Teachers:**

- First Name
- Last Name
- Email Address
- Username
- Country
- Timezone
- Marketing preferences
- Address
- Phone number
- Fax number
- Instrument played
- District, School or Studio name
- Physical Address
- Billing Address
- State
- Phone number
- Class Name
- Sales Order information
- Password

**Students:**

- First Name
- Last Name
- Email address
- Username
- Country
- Timezone
- Instrument(s) played
- Password
- Date of Birth

**Parents:**

- First Name
- Last Name
- Email
- Address
- Phone number

- Payment information

(Encrypted Credit Card)

## 2. Information We Collect from You

**We collect Analytical Information through automated means when use and navigate the Sites.** “Analytical Information” includes pages and products viewed, emails from us that you opened, browser type, operating system, IP address and device information, your mobile operating system (OS), a mobile device identifier embedded by us, or other commonly used mobile device identifier if you access the Sites on a mobile device.

### **We use Analytical Information to:**

1. Retain and evaluate information from your visits to the website and how you move around for analytics purposes to improve our website to make it more user friendly or improve the speed of the page loading or the website in general.
2. Review user preferences when navigating the site and to develop new services that may be able to better appeal to our customers based upon what information our customers view or how they navigate the website;

### **Specific information collected:**

We collect information about how and when you use SmartMusic (i.e. when you submit an assignment, what kind of music you search for, or when you create a class). This information includes:

1. Personal Identifier (Id number). This is a unique number our Services assigns to your account upon creation.
2. Log data. When you use SmartMusic, we automatically record and store particular information in our server log files. This data may include:
  - Device Information
  - IP Address
  - Browser
  - OS
  - Hardware model

- Mobile network information
- The date and time the Services were used

### 3. Communications

We log communications history in order to resolve any issues or respond to requests.

We may use your email address to inform you of any changes or improvements

MakeMusic will be making.

We *do not* send promotions to users under the age of 13 (United States and Canada) or 16 (European Union).

#### 4. Additional information collected:

1. Platform ID - a unique number our Services assigns to a platform (school, district) upon creation.
  2. Musical recordings
  3. Grades
  4. Notes
  5. Time practiced
  6. Anonymized usage on features and music opened
5. Information we obtain from others. We may also collect publicly available information about you from third-party sources, such as the postal service for shipping address verification.
6. Information We Share. Your information will be visible to owners, administrators, and if applicable, your teacher(s) within your Platform. Users are invited to the Platform and managed by Platform owners and administrators.

### 3. Cookies

You may be aware that there is a technology called “cookies”. For the purposes of this Privacy and Cookies Statement, cookies include similar technologies, for example clear gifs, internet tag technologies, web beacons, and embedded scripts. These are small text files that are transferred from the website to the hard drive of your computer. We use cookies to enable the website to work more efficiently and to provide us with information about your activities on the website.

Our cookies will not allow us to obtain information of a personal nature that will identify you to us, such as your name and address. We will only be aware of such information if you provide the information to us, or you have set the preferences in your browser to provide this information automatically.

Details of the cookies we use are as follows:

1. **Strictly Necessary Cookies:** These cookies are essential in order to enable you to move around the website and use its features. Without these cookies the services you have asked for, such as tutorials, cannot be provided.
2. **Performance Cookies:** These cookies collect information about how visitors use a website, for instance which pages visitors go to most often. These cookies do not collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how the website works. By using our website, you agree that we can place these types of cookies on your device.
3. **Functionality Cookies:** These cookies allow the website to remember choices you make and provide enhanced, more personal features. For instance, these cookies can be used to remember the volume level you prefer to use when watching videos on our website. The information these cookies collect may be anonymized and they cannot track your browsing activity on other websites.
4. **Targeting cookies:** We do not use targeting cookies within the SmartMusic web application.

**By using our website or otherwise clicking on the “Accept” button of our cookies notice, you agree that we can place these types of cookies on your device.**

Your web browser may allow some control of most cookies through your browser settings. To find out more about cookies, including how to see what cookies have been set on your computer and how to manage and delete them, visit [www.allaboutcookies.org](http://www.allaboutcookies.org). Please note that you may delete and block all cookies used by this website, but if you do so parts of the website may not work.

### New SmartMusic cookie names and details

Cookie name	Cookie Category	Purpose
.mmaorg-production	Strictly necessary cookies	A MakeMusic cookie which stores information about a user's connected platform(s). Expires after 365 days.

.mmaaccount-production	Functionality cookies	A MakeMusic cookie which stores a user's account information (i.e., name, instruments played). Expires after 30 days.
.mmauth-production	Strictly necessary cookies	A MakeMusic cookie which stores information about a user's role (i.e., what pages an administrator may access versus a student and what teacher a student is connected to). Expires after 30 days.
.mmcoppa-production	Strictly necessary cookies	A MakeMusic cookie that maintain information about a student's birthday (if under the age of 13 in the United States and Canada) in order to comply with COPPA regulations.
.mmrpsc-production	Functionality cookies	A MakeMusic cookie for a temporary password reset request. Expires after 15 minutes.
.mmGdpr	Functionality cookies	A MakeMusic cookie which stores information about a user's acceptance of our cookie policy. Expires after 365 days.
_cfduid	Functionality cookies	A CloudFare cookie which identifies trusted web traffic. Expires after 5 years
_zlcmid	Functionality cookies	A Zendesk Chat cookie that stores user identity across visits and the user's preference to disable our Live Chat feature. Expires at the end of the session.
_ga	Analytics cookies	An anonymous Google Analytics cookie used to distinguish users. Expires after 2 years.
_gid	Analytics cookies	An anonymous Google Analytics cookie used to distinguish users. Expires after 24 hours.
_gat	Analytics cookies	An anonymous Google Analytics cookies used to throttle the request rate. Expires after 1 minute.
ajs_anonymous_id	Analytics cookies	A Segment cookie that counts which counts the number of site visitors. Expires after 1 year.
ajs_group_id	Analytics cookies	A Segment cookie that gathers user activity information. Expires after 1 year.

.mmunverifiedauth	Strictly necessary cookies	A MakeMusic cookie which stores information about an unverified account so the account may be authenticated by a teacher upon class enrollment.
sj_pa	Functionality cookies	A Skilljar cookie which stores information about an account in order to show appropriate tutorial materials.
sj_ubid	Functionality cookies	A Skilljar cookie which stores information about an account in order to show appropriate tutorial materials.

#### 4. External processing:

In order to provide our users with the best experience possible, we use subprocessor tools in order to analyze and improve our products, resolve errors or issues, or manage billing and accounting information.

##### **Third Parties used by new SmartMusic**

<b>Subprocessor name</b>	<b>Subprocessor Activities</b>	<b>Subprocessor Country</b>
Atlassian	Cloud-based defect-tracking services	Australia
Avalara	Cloud-based tax compliance services	United States
Amazon Web Services, Inc.	Cloud Service Provider	United States
Braintree	Cloud-based payment system services	United States
Google, Inc.	Cloud Service Provider	United States
Iterable	Cloud-based messaging and analytics services	United States
Kibana/Elasticsearch	Cloud-based analytic and defect tracking	United States
Mode Analytics	Cloud-based data analytics	United States
Netsuite	Cloud-based accounting services	United States
RabbitMQ	Cloud-based messaging services	United States
Redis	Cloud database services	United States

Responsys	Cloud-based messaging services	United States
Rollbar	Cloud-based error monitoring services	United States
SatisMeter	Cloud-based analytics	Czech Republic
Segment	Cloud-based user analytics services	United States
Sigma	Cloud-based business analytics services	United States
Skilljar	Cloud-based customer training platform	United States
Slack	Cloud-based messaging services	United States
Snowflake	Cloud-based data warehouse	United States
Survey Monkey	Cloud-based data analytics via surveys	United States
Zendesk	Cloud-based Customer Support services	United States

## 5. Data retention

Because we can not predict the exact date or time a customer chooses to stop using our services or products, MakeMusic retains data only as long as necessary as determined by their customers. Data will be deleted upon request.

1. Age Limitations. We care about protecting the online privacy of children. We may collect certain information about children ONLY for the purpose of providing our educational Services as described in the sections above regarding enrollment information.
  - a. Verifiable Consent. MakeMusic does not knowingly collect any information from children under the age of 13 (United States and Canada) or 16 (European Union) unless the school or teacher has obtained appropriate, verifiable consent directly from the parent or legal guardian for the student to use the Services. It is the responsibility of the school or teacher to obtain and verify consent from a parent or legal guardian in order for any child under 13 years of age (United States and Canada) or 16 (European Union) to use the Services.

- b. Notification. The school remains responsible for obtaining verifiable consent for its students under the age of 13 (United States and Canada) or 16 (European Union). The new web-based SmartMusic service will only allow students under the age of 13 (United States and Canada) or 16 (European Union) to access the SmartMusic service via a class code provided by their teacher who has obtained parental consent on behalf of the student to use the SmartMusic service or by consent of a parent via a credit card purchase.
  - c. Providing or Withdrawing Consent. If, as a parent or legal guardian, you have not received information from your school, please contact the teacher or school directly. If you have received notice from the school and have not given your consent, or if you believe we have inadvertently collected personal information of a child under 13 (United States and Canada) or 16 (European Union) without proper parental consent, please contact us directly so that we may delete such data as soon as possible; contact information can be found at the bottom of this document. You should, at a minimum, clearly state: (i) the name of the child, along with their username; (ii) age and birth date of the child; (iii) your relationship to the child (e.g., parent, guardian, teacher); (iv) as much detail as possible regarding the information you believe was provided improperly by the child. After confirming your identity, we will provide you with an opportunity to review, and if you wish, delete such information.
2. Review Rights. If you are a parent/guardian and wish to review information submitted by your child, you may contact us (contact information is set forth below) and, after confirming your identity, we will provide you with an opportunity to review, and if you wish to delete such information.

## 6. Your Ability to Modify Our Use of Your Personal Data

You have the following rights related to MakeMusic's use of your Personal Data:

Number	Description of your right
<b>Right 1</b>	A right to access personal data held by us about you, as well as information about how we are using your data.

<b>Right 2</b>	A right to require us to rectify any inaccurate personal data held by us about you.
<b>Right 3</b>	A right to require us to erase personal data held by us about you, and where the personal data has been made public, for other controllers processing the personal data to also erase links to, or copy or replication of such personal data. This right will only apply where (for example): we no longer need to use the personal data to achieve the purpose we collected it for; or where you withdraw your consent if we are using your personal data based on your consent; or where you object to the way we process your data (in line with Right 6 below).
<b>Right 4</b>	A right to restrict our processing of personal data held by us about you. This right will only apply where (for example): you dispute the accuracy of the personal data held by us; or where you would have the right to require us to erase the personal data but would prefer that our processing is restricted instead; or where we no longer need to use the personal data to achieve the purpose we collected it for, but you require the data for the purposes of dealing with legal claims.
<b>Right 5</b>	A right to receive personal data, which you have provided to us, in a structured, commonly used and machine-readable format. You also have the right to require us to transfer this personal data to another organisation, at your request.
<b>Right 6</b>	A right to object to our processing of personal data held by us about you (including for the purposes of sending marketing materials to you).
<b>Right 7</b>	<p>A right to withdraw your consent, where we are relying on it to use your personal data (for example, to provide you with marketing information about our services or products).</p> <p>If you have consented to receive communications from us, you can contact us at any time to have your details removed from lists used by us or to update your marketing preferences. Please email <a href="mailto:team@makemusic.com">team@makemusic.com</a> and quote your email/telephone number/account number in the body of the email, telling us what you would like us to do.</p> <p>You can also: click "unsubscribe" on any of our emails, and we will ensure we don't send you any communications of this nature in the future.</p>

To exercise any of your rights above, please contact MakeMusic at:

[privacy@makemusic.com](mailto:privacy@makemusic.com)

and/or

MakeMusic, Inc.  
7007 Winchester Circle, Suite 140  
Boulder, CO 80301, United States.

If you choose to exercise any of your rights listed above, it may affect your ability to use the Site, as the operation and functionalities provided on the Site may require the use of your Personal Data.

## 7. Security

We will take reasonable and appropriate measures to protect it from loss, misuse and unauthorized access, disclosure, alteration and destruction of your Personal Data, taking into due account the risks involved in the processing and the nature of the personal data. However, no electronic storage method or data transmission over the Internet can be guaranteed to be 100% secure.

## 8. Policies of Other Websites

The Site may contain links to third-party websites not owned or controlled by **MakeMusic, Inc.** **MakeMusic, Inc.** is not responsible for the privacy policies of any third-party websites which a user may access through a third-party link. Further, these third-party websites may have privacy policies that differ from this Privacy Policy. **MakeMusic, Inc.** disclaims all responsibility for the privacy practices of such other third-party websites. You should read the privacy policies of each third-party website you visit to determine what information each third-party website may be collecting about you and how they intend to use such information.

## 9. Contact us

If you have any questions or comments about these Terms of Use or this Site, please contact us by email at [privacy@makemusic.com](mailto:privacy@makemusic.com). You may send us a letter addressed by First Class Postage Prepaid U.S. Mail or overnight courier to the following address:

**MakeMusic, Inc.**

Attn: Customer Success MakeMusic, Inc.  
7007 Winchester Circle, Suite 140 Boulder, CO 80301  
United States of America

- Visit us at [support.makemusic.com](http://support.makemusic.com)
- Call us toll free (for the U.S.A.): 1-800-843-2066 | International callers: (952) 937-9611

If you have any concerns regarding our processing of your personal information or are not satisfied with our handling of any request by you in relation to your rights, please get in touch

with our Customer Success team at the contact details set out below in the first instance. You always have the right to make a complaint to the Information Commissioner's Office ("**ICO**"). The ICO is the UK's independent body set up to uphold information rights. You can find out more about the ICO on its website (<https://ico.org.uk/>). Their address is:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF