

PRIVACY POLICY

(Date of Last Revision: September 1, 2021)

MakeMusic, LLC (“MakeMusic,” “we,” or “us”) is committed to protecting your privacy and utilizing technology that gives you a powerful and safe online experience. This Privacy Policy applies to the **MakeMusic, LLC** operated websites and applications, and governs data collection and usage.

If you have questions or concerns about our privacy policy or practices, please contact us in the first instance at privacy@makemusic.com.

The websites home.smartmusic.com, admin.smartmusic.com, asm.smartmusic.com, search.smartmusic.com, compose.smartmusic.com, srbuilder.smartmusic.com, contentmanager.smartmusic.com, assigner.smartmusic.com, grades.smartmusic.com, analytics.smartmusic.com, class.details.smartmusic.com, billing.smartmusic.com, account.smartmusic.com, quotes.smartmusic.com, and all related mobile applications, (hereinafter “the Site”) is owned and operated by **MakeMusic**. The Site and related application SmartMusic is a web-based music practice application with tools for teachers, students, hobbyists and composers. The Site offers upgraded content and functionality offers, such as digital sheet music, a billing site and a quote site (the “Services”).

Please read carefully through all sections of this Privacy Policy. This Privacy Policy may be changed by us from time to time and the governing version will be posted on the Site. We will notify you if we make material changes to the Privacy Policy or we will provide notice to you of our changes on our website landing page. Please review this Privacy Policy on a regular basis as your use of the Site will be governed by the then-current Privacy Policy.

MakeMusic recognizes the importance of protecting the privacy of our customers and the users of the Site. However, some uses of such information are required for us to conduct legitimate business by providing information of interest to our customers and the users of the Site.

PERSONAL DATA WE COLLECT THAT YOU PROVIDE

We collect the following Personal Data from you, which may depend upon which type of user you are:

Districts, Platform Owners, Platform Administrators, and Teachers:

- First Name
- Last Name
- Email Address
- Username
- Country
- Time zone
- Address
- Phone number
- Fax number
- Instrument(s) played
- District, School or Studio name
- Physical Address
- Billing Address
- Class Name

- IP Address (location within a certain area/city/zip code) We are gathering their country code.

Students/Individual Users:

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

Parents of Student Users:

- First Name
- Last Name
- Email
- Residential or Billing Address
- Phone number

PAYMENT INFORMATION WE COLLECT FROM YOUR USE OF THE SITE

We collect payment information from you when you purchase a SmartMusic subscription at billing.smartmusic.com. We use a third-party vendor, Braintree, to process and store your payment information. Credit card and billing information is not stored in SmartMusic servers. For more information about Braintree's privacy policy, go to <https://www.braintreepayments.com/legal/braintree-privacy-policy>.

INFORMATION WE COLLECT THROUGH YOUR USE OF THE SITE

Analytic/Usage Information

We collect Analytical Information through automated means when you 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; Hardware model, Mobile network information and the date and time the Services were used.

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) ("Usage Information"). This information includes a Personal Identifier (Id number) that is a unique number our Services assigns to your account upon creation and musical recordings, grades, notes, time practiced, voice recordings, records of your purchases and use, anonymized usage on Service features and a log of music content accessed and/or used. The Services may also associate your use with a Platform ID, which is a unique number our Services assigns to a platform (school, district) upon creation.

Third-party information

In some cases, we may receive certain personally identifiable information from you about a third party. For example, as part of our registration process, you may provide the name, email address and personal phone number of a third party. If you submit any personally identifiable information about another individual to us, you are responsible for making sure that you have the authority to do so and to allow us to use their personally identifiable information in accordance with this Privacy Policy.

We may also collect publicly available information about you from third-party sources, such as the postal service for shipping address verification.

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).

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.

Information contained in the correspondence is retrained.

HOW WE USE YOUR PERSONAL DATA

We use the Personal Data we collect to provide the Services to you to improve our services and sites and to protect our legal rights. In addition, we may use the personally identifiable information we collect to:

- Process your account registration
- Contact you regarding any account issue or information related to your use of the Services
- Contact you regarding our services or events that we feel may be of interest to you
- Communicate with you about our Sites or Services or to inform you of any changes to our Sites or Services
- Provide support
- Maintain and improve our Sites and Services
- Defend our legal rights and the rights of others
- Efficiently maintain our business
- Comply with applicable law
- Provide, maintain, and improve our Services
- Develop new products and services
- Offer you custom content and tailor our Services to your preferences.

If you are of an age of legal consent in your country, and you opt into receiving such notices, we may use your email address to send you information about changes or improvements we are making, or other MakeMusic marketing promotions.

We may use Analytical and Usage Information several ways and for several purposes, including (without limitation): (a) 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; (b) to prepare reports and other materials that we may share with others in an anonymous format; (c) 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; and/or (d) for analytics purposes.

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 analyze application, feature and content usage.

HOW WE SHARE YOUR PERSONAL DATA

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.

We may also share the information that we collect about you in the following ways:

With service providers who perform data services on our behalf (e.g., email, hosting, maintenance, backup and analysis). Any such service providers will be under an obligation to us to maintain the confidentiality of your personally identifiable information

- To service providers to prepare, deploy and analyze advertising content and marketing activities
- To the extent that we are required to do so by law
- To establish, exercise or defend our legal rights, including providing information to others for the purposes of fraud prevention
- To any other person or entity as part of any business or asset sale
- To any other person or entity where you consent to the disclosure

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. 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.

MakeMusic 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.

.mmrpwc-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.

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 SmartMusic

Subprocessor name	Subprocessor Activities	Subprocessor Country
Alfred Publishing, LLC	Print publishing services	United States
Asana	Cloud-based project management services	United States
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
ConfigCat	Cloud-based feature-flag services	Hungary
DataDog	Cloud-based monitoring services	United States
Fivetran	Cloud-based data transfer services	United States
Global Grid for Learning	Cloud-based LMS integration 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
Maze	Cloud-based usability testing services	France
Microsoft	Cloud-based documentation software	United States
Netsuite	Cloud-based accounting services	United States
New Relic	Cloud-based monitoring services	United States
Notion	Cloud-based project management services	United States
Peakware	Data analytic processing and pooling	United States

Pendo	Cloud-based analytics and guide services	United States
Redash	Cloud-based data analysis and visualization services	Israel
Redis	Cloud database 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
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

GOOGLE ANALYTICS

We use Google Analytics, a web analytics service provided by Google, Inc. Google Analytics uses Cookies or other tracking technologies to help us analyze how users interact with the Site and Services, compile reports on their activity, and provide other services related to their activity and usage. The technologies used by Google may collect information such as your IP address, time of visit, whether you are a returning visitor, and any referring website. The technologies used by Google Analytics do not gather information that personally identifies you. The information generated by Google Analytics will be transmitted to and stored by Google and will be subject to Google's [privacy policies](#). To learn more about Google's partner services and to learn how to opt-out of tracking of analytics by Google, click [here](#).

DATA RETENTION

Because we cannot 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.

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.

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.

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.

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.

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.

ACCESSIBILITY

We are committed to ensuring this Privacy Policy is accessible to individuals with disabilities. If you wish to access this Privacy Policy in an alternative format, please contact us as described below.

NOTICE TO NEVADA RESIDENTS

Nevada law allows Nevada residents to opt-out of the sale of certain types of personal information. Subject to several exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to a person for the person to license or sell the information to additional persons. We do not currently sell personal information as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt-out of sales and we will record your instructions and incorporate them in the future if our policy changes. Opt-out requests may be sent to privacy@makemusic.com.

NOTICE TO CALIFORNIA RESIDENTS

The California Consumer Privacy Act (CCPA) requires that we provide California residents with a privacy policy that contains a comprehensive description of our online and offline practices regarding the collection, use, disclosure, and sale of personal information and of the rights of California residents regarding their personal information.

The CCPA defines “personal information” to mean information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information does not include information that is publicly available, deidentified or aggregated information. For the purposes of this “**NOTICE TO CALIFORNIA RESIDENTS**” section we will refer to this information as “Personal Information.”

Right to Know About Personal Information Collected, Disclosed, or Sold

Your Right

If you are a California resident, you have the right to request that we disclose what Personal Information we have collected about you in the 12-month period preceding your request. This right includes the right to request any or all of the following:

- (1) Specific pieces of Personal Information that we have collected about you;
- (2) Categories of Personal Information we have collected about you;
- (3) Categories of sources from which the Personal Information was collected;
- (4) Categories of Personal Information that we sold (if applicable) or disclosed for a business purpose about you;
- (5) Categories of third parties to whom the Personal Information was sold (if applicable) or disclosed for a business purpose; and
- (6) The business or commercial purpose for collecting or, if applicable, selling Personal Information.

The CCPA defines “sell” to mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a California resident’s Personal Information to another business or a third party for monetary or other valuable consideration.

How to Submit a Request to Know

You may submit a request to know by calling us toll free (for the U.S.A.): 1-800-843-2066 | International callers: (952) 937-9611 or by sending an email from a designated email address to privacy@makemusic.com.

Our Process for Verifying a Request to Know

If we determine that your request is subject to an exemption, we will notify you of our determination. If we determine that your request is not subject to an exemption, we will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request. Our verification process may differ depending on whether you maintain a password-protected account with us.

If you maintain a password-protected account, we may verify your identity through existing authentication practices available through your account. Prior to disclosing the requested information, we will ask you to re-authenticate yourself with respect to that account.

If you do not maintain a password-protected account, or if you are an account-holder but we suspect fraudulent or malicious activity with your account, we will verify your identity as follows:

Request to Know Categories of Personal Information: We will verify your identity to a “reasonable degree of certainty” by verifying at least two data points that you previously provided to us and which we have determined to be reliable for the purpose of verifying identities.

Request to Know Specific Pieces of Personal Information: We will verify your identity to a “reasonably high degree of certainty” by verifying at least three pieces of Personal Information previously provided to us and which we have determined to be reliable for the purpose of verifying identities. In addition, you will be required to submit a signed declaration under penalty of perjury stating that you are the individual whose Personal Information is being requested.

Collection of Personal Information

We currently collect and, in the 12 months prior to the “last updated” date of this Privacy Policy, have collected the following categories of Personal Information about California residents directly from them and from advertising networks, internet service providers, operating systems and platforms, and social networks:

- Identifiers (name, Internet protocol address, email address, account name)
- Unique personal identifiers (device identifier; cookies, or other similar technology; customer number, unique pseudonym or user alias; or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device)
- Credit and debit card number (only last 4 digits) and billing address
- Education information for students using the Services in conjunction with a school district (courses taken or participated in; grades)
- Internet or other electronic network activity information (information regarding consumer’s interaction with website)

- Commercial information (records of products or services purchased, obtained or considered; other purchasing or consuming histories or tendencies)
- Professional or employment-related information (i.e., company name)
- Inferences drawn from above information to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

In addition to the purposes stated above in the section “**HOW WE USE YOUR PERSONAL DATA**” we currently collect, and have collected, the above categories of Personal Information for the following business purposes:

- Auditing related to a current interaction with the consumer and concurrent transactions, including, but not limited to, auditing compliance with this specification and other standards
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity
- Debugging to identify and repair errors that impair existing intended functionality
- Short-term, transient use, provided that the personal information is not disclosed to another third party and is not used to build a profile about a consumer or otherwise alter an individual consumer's experience outside the current interaction
- Performing services on behalf of the business or service provider, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financial or marketing services, providing analytic services, or providing similar services on behalf of the business or service provider
- Undertaking internal research for technological development and demonstration.
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by the business, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by the business

Disclosure or Sale of Personal Information

We have not sold any Personal Information for the 12 months preceding the Effective Date of this Privacy Policy.

The following is a list of categories of Personal Information that we have disclosed for a business purpose in the 12 months preceding the Effective Date of this Privacy Policy:

- Identifiers (name, Internet protocol address, email address, account name)
- Unique personal identifiers (device identifier; cookies, or other similar technology; customer number, unique pseudonym or user alias; or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device)
- Credit and debit card number (only last 4 digits) and billing address
- Education information for students using the Services in conjunction with a school district (courses taken or participated in; grades)
- Internet or other electronic network activity information (information regarding consumer's interaction with website)
- Commercial information (records of products or services purchased, obtained or considered; other purchasing or consuming histories or tendencies)
- Professional or employment-related information (i.e., company name)

- Inferences drawn from above information to create a profile about a consumer reflecting the consumer’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

We do not sell the Personal Information of minors under 16 years of age without affirmative authorization.

Right to Request Deletion of Personal Information

Your Right

If you are a California resident, you have the right to request that we delete the Personal Information about you that we have collected or maintain. However, a business is not required to comply with a request to delete if it is necessary for the business to maintain the Personal Information in order to, for example, complete a transaction, detect security incidents, comply with a legal obligation, or otherwise use the Personal Information, internally, in a lawful manner that is compatible with the context in which the consumer provided the information.

How to Submit a Request to Delete

You may submit a request to delete by calling us toll free (for the U.S.A.): 1-800-843-2066 | International callers: (952) 937-9611 or by sending an email from a designated email address to privacy@makemusic.com.

If you submit a request to delete online, you will be asked to confirm separately that you want your Personal Information deleted.

Our Process for Verifying a Request

If we determine that your request is subject to an exemption, we will notify you of our determination. If we determine that your request is not subject to an exemption, we will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request. Our verification process may differ depending on whether you maintain a password-protected account with us.

If you maintain a password-protected account, we may verify your identity through existing authentication practices available through your account. Prior to deleting the Personal Information, we will ask you to re-authenticate yourself with respect to that account.

If you do not maintain a password-protected account, or if you are an account holder but we suspect fraudulent or malicious activity with your account, we will verify your identity either to a “reasonable degree of certainty” or a “reasonably high degree of certainty” depending on the sensitivity of the Personal Information and the risk of harm to you by unauthorized deletion.

We will verify your identity to a “reasonable degree of certainty” by verifying at least two data points that you previously provided to us and which we have determined to be reliable for the purpose of verifying identities.

We will verify your identity to a “reasonably high degree of certainty” by verifying at least three pieces of Personal Information previously provided to us and which we have determined to be reliable for the purpose of verifying identities. In addition, you will be required to submit a signed declaration under penalty of perjury stating that you are the individual whose Personal Information is being requested.

If we are unable to verify your identity to the applicable standard, we will treat your request to delete as a request to opt-out of the sale of the personal information that you provided as part of processing the request to delete. See the following section for a description of the right to opt-out of the sale of personal information.

NOTICE OF RIGHT TO OPT-OUT OF SALE OF PERSONAL INFORMATION

Your Right

If you are a California resident, you have the right to direct a business that sells (or may in the future sell) your Personal Information to stop selling your Personal Information and to refrain from doing so in the future.

The CCPA defines “sell” to mean selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally, in writing, or by electronic or other means, a California resident’s Personal Information to another business or a third party for monetary or other valuable consideration.

We do not and will not sell Personal Information as it is defined in the CCPA.

RIGHT TO NON-DISCRIMINATION FOR THE EXERCISE OF A CALIFORNIA RESIDENT’S PRIVACY RIGHTS

We will not discriminate against California residents if they exercise any of the rights provided in the CCPA as described in this section “**Notice to California Residents.**” As such, we will not deny goods or services to that California resident; charge different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties; provide a different level or quality of goods or services to the California resident; or suggest that the California resident will receive a different price or rate for goods or services or a different level or quality of goods or services. However, we are permitted to charge a California resident a different price or rate, or provide a different level or quality of goods or services, if that difference is reasonably related to the value provided to us by the individual’s data.

AUTHORIZED AGENTS

California residents may use an authorized agent to submit a request to know, delete, [or opt-out of sales] on your behalf.

If you use an authorized agent to submit a request to know or request to delete, we may require that (1) the authorized agent provide proof of your written permission and (2) you verify your identity directly with us. These requirements do not apply if you have provided the authorized agent with a power of attorney pursuant to California Probate Code sections 4000 to 4465.

SHINE THE LIGHT LAW

We do not disclose personal information obtained through our Site or Services to third parties for their direct marketing purposes. Accordingly, we have no obligations under California Civil Code § 1798.83.

NOTICE TO RESIDENTS OF EUROPE AND THE UNITED KINGDOM

MakeMusic recognizes the importance of protecting the privacy of our customers and the users of the Site. As such, we will always ensure that we have a lawful basis for processing your Personal Data.

Our Legal Basis for Collecting, Storing and Processing your Personal Data

If you have subscribed to use the Site in order to obtain the Services, we collect, store and process your Personal Data out of a contractual necessity in order to provide you the Services.

In certain cases, we may store and process your Personal Data in order to comply with MakeMusic’s legal obligations for recordkeeping and other compliance with laws or regulatory compliance.

The Personal Data we hold about you may also be processed by us on the basis of our legitimate interests in providing the Services. Based upon the type and amount of data we collect, we have made a determination that our legitimate interest in using such Personal Data is not outweighed by any detriment to you.

Your Legal Rights

Under the GDPR, you have the following rights related to MakeMusic’s use of your Personal Data.

Number	Description of your right
Right 1	A right to access personal data held by us about you, as well as information about how we are using your data.
Right 2	A right to require us to rectify any inaccurate personal data held by us about you.
Right 3	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).
Right 4	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.
Right 5	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 organization, at your request.
Right 6	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).
Right 7	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>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 privacy@make\music.com 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>
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TRANSFER OF YOUR PERSONAL DATA TO THE UNITED STATES

MakeMusic is located in the United States, as such, your Personal Data may be processed by us or our service providers in the United States. In such case, we have endeavored to establish and provide appropriate safeguards for EEA residents, and provide EEA residents the ability to enforce their data subject rights and provide EEA residents effective legal remedies as set forth in GDPR Article 46. Please contact us at privacy@makemusic.com to receive more information on the safeguards we have put in place.

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

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.

POLICIES OF OTHER WEBSITES

The Site may contain links to third-party websites not owned or controlled by **MakeMusic, Inc. MakeMusic, Inc.** and 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.

CONTACT US

If you have any questions or comments about this Privacy Policy or this Site, please contact us by email at 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 www.smartmusic.com
- Email us at support.makemusic.com
- Call us toll free (for the U.S.A.): 1-800-843-2066 | International callers: (952) 937-9611