

Effective: 1/5/2017

# Privacy Policy

## Introduction

SMC National and its subsidiary CallBiotics (collectively, "SMC National") are committed to protecting and respecting your privacy. SMC National has developed this Privacy Policy (the "Policy") to advise you of (i) the information SMC National may collect from you on the SMCNational.com website (the "Site"), via e-mail and via telephone calls and (ii) the ways in which SMC National may collect, use, share and protect that information. Any person (x) accessing, browsing or otherwise using the Site either manually or via an automated device or program or (y) communicating with SMC National agents, employees and/or affiliates by e-mail or by telephone shall be considered a "User."

## User Consent to Policy

By accessing, browsing, or using the Site or by communicating with a SMC National agent, employee and/or affiliate by e-mail or by telephone, you consent to the collection, use, and disclosure of your information, including identifying and non-identifying information and anonymous browsing information (together, "Information") pursuant to the terms of this Policy. If you do not consent to these terms and conditions, please do not access, browse, or use the Site or provide Information to SMC National agents, employees and/or affiliates via the Site, by e-mail or by telephone.

## Information

### Information SMC National May Collect

SMC National may collect different types of Information from Users, including identifying information, non-identifying information, and anonymous browsing information, collectively referred to as "Information" in this Policy.

A. Identifying Information. SMC National may collect identifying information provided by any User, including, but not limited to, a first and last name; a home, business, or other physical address; a telephone number; an email address, as well as any other identifying information that may be submitted via the Site, included in an e-mail or conveyed in a telephone call (collectively, "Identifying Information"). In general, SMC National collects Identifying Information from Site Users in connection with inquiries about SMC National's services and notes the referring URL (e.g., the search engine that directed you to SMC National). If a User sends an email to a SMC National agent, employee and/or affiliate, SMC National may store the Information provided in connection with that e-mail. In addition, SMC National records and monitors User communications with SMC National agents, employees and/or affiliates via e-mail and telephone. By engaging in communications with SMC National agents, employees and/or affiliates via e-mail and/or telephone, you consent to such recording and monitoring.

B. Anonymous Browsing Information and Non-Identifying Information. SMC National may collect general, non-identifying, statistical information about the use of the Site, such as how many visitors visit a specific page on the Site, how long they stay on that page and which hyperlinks, if any, they "click" on. SMC National collects this information through the use of "cookies", and SMC National may aggregate this information. A cookie is a small text file that a website transfers to an individual's computer, mobile device, or tablet for record-keeping purposes. For example, SMC National may use cookies to collect information about Site activity. You may set most browsers to notify you if you receive a cookie, or you may choose to block cookies with your browser. Anonymous browsing and non-identifying information is not used, nor is it intended to be used, by SMC National to identify an individual.

### **How SMC National May Use Information**

SMC National may retain and use Information collected from Users for quality assurance purposes, including: (i) facilitating a User inquiry or request; (ii) ensuring that SMC National agents, employees and/or affiliates have communicated with you in accordance with SMC National's policies; (iii) confirming your understanding of the information communicated to you by SMC National agents, employees and/or affiliates; (iv) confirming the terms of any agreement with its customers; (v) enforcing its agreements with its customers; (vi) training its agents, employees and/or affiliates; (vii) preventing fraud and other prohibited or illegal activities; (viii) for other legally permissible purposes; and (ix) generally to ensure that SMC National complies with applicable laws.

SMC National reserves the right to send you certain communications relating to the Site or the services provided by SMC National, such as service announcements, e-mails related to your account, or similar administrative or transactional messages, without offering you the opportunity to opt-out of receiving them.

### **SMC National Sharing of Your Information**

SMC National will only share Information that it collects or receives regarding its Users with third parties under the following circumstances:

- **Consent:** If SMC National has a User's consent to share any Information, it may do so.
- **Agents:** SMC National may utilize other companies and individuals to perform functions on its behalf such as sending postal and electronic mail to Users, processing payments, and delivering products and services. These third parties have access to Information needed to perform their functions, but may not use it for other purposes.
- **Aggregate Anonymous and Non-Identifying Information:** SMC National may provide the aggregate statistics about our Users' Site activity (i) to describe the use of the Site to existing or potential business partners, investors, or other third

parties, (ii) in response to a government request or (iii) for analytics or similar activities.

- **Protection of SMC National or Others:** SMC National may disclose Information about our Users to others if we have a good faith belief that we are required or permitted to do so by law or legal process, to respond to claims, to protect the rights, property or safety of SMC National or others, or take action regarding illegal activities or suspected fraud.
- **Business Transfers:** In the event of a sale, merger, liquidation, dissolution or sale or transfer of substantially all of the assets of SMC National, any and all Information collected about you from the Site or your communications with SMC National agents, employees and/or affiliates via email or telephone may be sold, assigned or transferred to the party acquiring all or substantially all of the equity and/or assets of SMC National. By using the Site and providing information to SMC National, you consent to the sale and transfer of your information as described herein.

## **Links to Other Sites**

The Site may provide hyperlinks that, when clicked, take you to other websites not controlled by SMC National. These hyperlinked websites may contain privacy provisions that are different from those provided herein. SMC National is not responsible for the collection, use, disclosure or protection of information collected through these websites, and SMC National expressly disclaims any and all liability related to such collection, use, or disclosure.

## **Security**

SMC National takes commercially reasonable security measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of Information. These include internal reviews of SMC National's data collection, storage and processing practices and security measures, as well as physical security measures to guard against unauthorized access to systems where Information is stored. SMC National employees with access to Information are bound by confidentiality obligations and may be subject to discipline, including termination and criminal prosecution, if they fail to meet these obligations.

SMC National wants you to feel confident using the Site and providing Information to us. However, no system can be completely secure. Therefore, although SMC National takes commercially reasonable steps to secure your Information, we do not promise, and you should not expect, that your Information always will remain secure. In the event of a breach of the confidentiality or security of your identifying information, we will notify you if reasonably possible and as reasonably necessary so that you can take appropriate protective steps. We may notify you under such circumstances using the e-mail address(es), if any, we have on record for you. You should also take care with how you

handle and disclose your identifying information. Please refer to the Federal Trade Commission's Web site at <http://www.ftc.gov/bcp/menus/consumer/data.shtm> for information about how to protect yourself against identity theft.

## **Children's Privacy**

This Site is not intended for use by children under 13 years of age. SMC National does not knowingly collect any Information from children under 13 years of age. If you are under 13 years of age, you are not permitted to submit any Information to SMC National.

## **Changes to SMC National's Privacy Policy**

The terms of this Policy may change from time to time. We will notify you of any material changes to this Privacy Policy by posting a notice on the homepage of the Site for a reasonable period of time after such changes are made that this Privacy Policy has been updated and by changing the Effective Date at the top of this Policy. We encourage you to check this page periodically for any changes. Your continued use of the Site or engaging in any communication with SMC National agents, employees, and/or affiliates via e-mail or telephone following the posting of changes to these terms will mean you accept those changes.

## **Governing Law and Venue**

This Policy is governed by the laws of the State of California, excluding its conflict of laws principles. The exclusive venue for any dispute between you and SMC National shall be Sacramento, CA, and you hereby waive any jurisdictional, venue or inconvenient forum objections thereto. YOU EXPRESSLY WAIVE ANY RIGHT TO A JURY TRIAL. Prior to initiating any legal action, you shall give SMC National 60 days' prior written notice of your intent to file an action by e-mail to [info@SMCNational.com](mailto:info@SMCNational.com). During such notice period, you will endeavor to resolve any dispute or claim amicably by mutual discussion.

## **Users from Outside the United States**

The Site is hosted in the United States and is governed by United States law. If you are outside the United States when you visit the Site or engage in communications with a SMC National agent, employee and/or affiliate via e-mail or telephone, please be aware that your information may be transferred to, stored and processed in the United States where our servers are located and our central database is operated. The data protection and other laws of the United States and other countries might not be as comprehensive as those in your country. By using the Site and communicating with a SMC National agent, employee and/or affiliate via email or telephone, you consent to your information

being transferred to our facilities and to the facilities of those third parties with whom we share it as described in this Policy.

## **Contacting Us**

If you have any comments or questions regarding this Policy, please contact SMC National at [info@SMCNational.com](mailto:info@SMCNational.com), or at our contact information below:

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