

## PATHWAY FORENSICS PRIVACY SHIELD POLICY (updated 2-15-18)

Pathway Forensics respects individual privacy and values the confidence of its clients, business partners and others who may use our services. Not only do we strive to collect, use and disclose personal information in a manner consistent with the laws of the countries in which we do business, but we also aim to uphold the highest ethical standards in our business practices. This Privacy Policy sets forth the privacy principles that Pathway Forensics follows with respect to the protection and transfers of personal information, whether it is in electronic, paper or verbal format, between the member states of the European Union, Iceland, Liechtenstein and Norway (the European Economic Area) or where applicable Switzerland and the United States. This statement applies to all personal information we handle (except as noted below), including on-line, off-line, and manually processed data.

Pathway Forensics complies with the EU-US Privacy Shield Framework and the Swiss-US Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States, respectively, Pathway Forensics has certified to the Department of Commerce that it adheres to each of the seven Privacy Shield Principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity, and Purpose Limitation, Access, and Recourse, and Enforcement and Liability.

If there is any conflict between the policies in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>

### SCOPE

This Policy applies to the processing of Customer Personal Data that Pathway Forensics receives in the United States concerning customers who reside in the European Union and Switzerland. Pathway Forensics provides computer forensics, electronic discovery services, and consulting to law firms, business organizations, and individuals who are parties to various types of legal and commercial proceedings.

This Policy does not cover data from which individual persons cannot be identified or situations in which pseudonyms are used. (The use of pseudonyms involves the replacement of names or other identifiers with substitutes so that identification of individual persons is not possible.)

### MANAGEMENT

Pathway Forensics has designated the Legal Department to manage compliance with the EU Privacy Shield program and the Swiss-US Privacy Shield program. Any inquiries or complaints regarding this Policy may be directed to Pathway Forensics at:

[info@pathwayforensics.com](mailto:info@pathwayforensics.com), 25700 I-45 North, Suite 175, The Woodlands, TX, 77386 USA

## IN-HOUSE VERIFICATION

Pathway Forensics will annually renew its certifications for EU Privacy Shield and Swiss Privacy Shield. An in-house verification will be conducted to substantiate the attestations and assertions in place are consistently complied with in regard to treatment of Personal Data. The verification will ensure that the privacy policy and the publicly posted website private policy conforms to the Privacy Shield Principles and continues to comply with the Privacy Shield principles; informs Customers of Pathway's participation in the Privacy Shield program and where to obtain a copy of this Policy; inform individuals of in-house mechanisms for handling complaints, and review processes for training employees about Pathway Forensics' participation in the Privacy Shield program and proper handling of Personal Data.

## COLLECTION OF PERSONAL DATA

Under most circumstances, Pathway Forensics does not collect personal data for processing directly from the party in possession but receives the data for processing from counsel under an agreement to hold such data under strict rules of confidentiality and privacy. Therefore, when Pathway Forensics receives personal data from the EU or Switzerland for processing purposes and does not control the collection of the personal data, Pathway Forensics does not, typically, provide notification to the individuals to which such personal data relates (but, again, is mandated by the client to hold the data in the strictest confidence). In such event, Pathway Forensics reserves the right to process personal data in the course of providing services to its clients without the knowledge of the individuals involved.

## USE OF PERSONAL DATA

Pathway Forensics never uses data for a purpose other than the purpose for which it was provided to Pathway Forensics. Neither does Pathway Forensics share information with third parties other than when lawfully directed by the client law firm or originating organization (that is, the owner of the data.) When specifically authorized by counsel or client to do so, Pathway Forensics will inform effected individuals about the purposes for which it collects and uses personal information about them, how to contact the organization with any inquires or complaints, the types of third parties to which it may disclose the information and any choices and means that Pathway Forensics may offer individuals for limiting the data's use and disclosure.

Much of the data processed and hosted by Pathway Forensics does not constitute "personal data". However, personal data will, on occasion, enter into the possession of Pathway Forensics. All Pathway Forensics employees who handle Personal Data from Europe or Switzerland are required to comply with the Principles stated in this Policy.

Personal data that we collect may vary according to the engagement with our Clients. Pathway

collects the following types of Personal Data from its' Clients: contact information, including name, address, and email address, telephone number, title, and company name, as well as payment information (which might include credit card/and or back account information).

The information that is collected from our clients is used in the capacity of providing services, managing the Client's account (invoicing, reporting) and related activities for business purposes (complying with its contractual obligations, operations in providing services, storing and processing data).

## CHOICE

Since Pathway Forensics does not share personal information with third parties, unless required by law or lawfully directed by the client to do so, nor does it ever use the data for a purpose incompatible with the purpose for which it was originally collected, there is no need to offer individuals the opportunity to opt out from having data disclosed. However, should the need ever arise, Pathway Forensics will provide individuals with reasonable notice and mechanisms to exercise their choice to opt-out from having personal data so disclose. Individuals may contact Pathway Forensics at [info@pathwayforensics.com](mailto:info@pathwayforensics.com), 25700 I-45 North, Suite 175, The Woodlands, TX, 77386.

## ACCOUNTABILITY OF ONWARD TRANSFERS

Pathway Forensics will not disclose an individual's 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 required by law or professional standards;
- The disclosure is reasonably related to the sale or disposition of all or part of our business;
- The information in question is publicly available;
- The disclosure is reasonably necessary for the establishment or defense of legal claims;
- or
- The disclosure is to another Pathway Forensics entity or to persons or entities providing services on our or the individual's behalf (each a "transferee"), consistent with the purpose for which the information was obtained, if the transferee, with respect to the information in question;
- Agree to provide an adequate level of privacy protections for the Personal Data that are no less protective than those set out in this Policy.

Pathway Forensics may provide Personal Data to Third Parties that act as agents, consultants, and contractors, pursuant to a contract, to perform tasks on behalf of and under our instructions. Third Parties must agree to use such Personal Data only for the purposes for which they have been engaged by Pathway Forensics.

All data collected in the course of Pathway Forensics activities are kept under strict privacy and confidentiality protocols since much of this information may constitute evidence in litigation and other sensitive proceedings. Indeed, it is the practice of Pathway Forensics (and the customary business practice in the industry in which Pathway Forensics conducts business) to enter into, with each client, a comprehensive confidentiality agreement that meets or exceeds Privacy Shield standards as to data received in every engagement undertaken.

We may be required to disclose an individual's personal information in response to a lawful request by public authorities, including to meet national security or law enforcement requirements.

In cases of onward transfer to third parties of data of EU or Swiss individuals received pursuant to the EU-US or Swiss-US Privacy Shield, Pathway Forensics is potentially liable.

## SENSITIVE DATA

Pathway Forensics does not collect Sensitive Data from its Individual Clients.

## SECURITY

To prevent unauthorized access or disclosure, maintain data accuracy, and ensure the appropriate use and confidentiality of information, either for its own purposes or on behalf of our clients, Pathway Forensics has put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we possess. However, we cannot guarantee the security of information on or transmitted via the Internet or on-line Review tool.

## DATA INTEGRITY AND PURPOSE LIMITATION

Pathway Forensics processes personal information only in ways compatible with the purpose for which it was collected or subsequently 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.

## NOTIFICATION

Pathway Forensics notifies individual Customers about its adherence to the EU-US Privacy Shield and Swiss-US Privacy Shield principles through its publicly posted website privacy policy at <http://www.pathwayforensics.com/disclaimer-notice> .

## ACCESS

EU and Swiss Customers have the right to access their Personal Data that we hold about them and to ensure that the Personal Data is accurate and relevant for the purpose for which

collected. Upon reasonable request and as required by the Privacy Shield principles, Pathway Forensics will take reasonable steps to permit individuals to correct, erase, or block data that is demonstrated to be inaccurate, as permitted by applicable law. Individual Customers may edit their Personal Data by phone or by using the contact information below. Pathway Forensics will endeavor to respond in a timely manner to all reasonable written requests to view, modify or inactivate Personal Data. The individual will need to provide sufficient identifying information, such as name, address, and birth date. We may request additional identifying information as a security precaution. 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 Privacy Shield Agreement. A discounted rate will apply to grant access to personal information.

## RECOURSE, ENFORCEMENT AND LIABILITY

In compliance with the EU-US and Swiss-US Privacy Shield Principles, Pathway Forensics commits to resolve complaints about your privacy and our collection or use of your personal information. Pathway Forensics has designated the Legal Department to oversee compliance with the EU-US and Swiss-US Privacy Shield program. European Union or Swiss individuals with inquiries or complaints regarding this privacy policy should first contact Pathway Forensics at: [info@pathwayforensics.com](mailto:info@pathwayforensics.com), 25700 I-45 North, Suite 175, The Woodlands, TX, 77386.

Pathway Forensics has further committed to refer unresolved privacy complaints under the Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU PRIVACY SHIELD, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit <http://www.bbb.org/EU-privacy-shield/for-eu-consumers> for more information and to file a complaint.

Pathway Forensics is subject to the investigatory and enforcement powers of the Federal Trade Commission (the "FTC") that will effectively ensure compliance with the Privacy Shield Principles. Under certain limited conditions, individuals may invoke "last resort" binding arbitration before the Privacy Shield Panel.