

Effective date: August 19, 2020

## PRIVACY POLICY

### INTRODUCTION

At Figure we are committed to protecting your privacy. This policy outlines our data collection, processing and usage practices. It also describes your ability to manage access and correction of your personal information.

Alef Omega, Inc., d/b/a Figure (“**Figure**”, “**us**”, “**we**”, or “**our**”) operates the websites <https://figuremath.com> and <https://classroom.figuremath.com> (each referred to herein as the “**Site**”) and the related application Figure – Classroom (available both in the Apple App Store and the Google Play Store) (the “**Application**”). This privacy policy covers all data collected by Figure through the Site and the Application, but is primarily intended to clarify how we collect and use information and through the Site and Application.

This Privacy Policy also explains how we process 'personal data' about people in the European Union (“**EU**”), as required under the General Data Protection Regulation (“**GDPR**”). For people in California, we have also prepared a *Supplemental Privacy Statement for California Consumers under CCPA* (“**California Statement**”) in compliance with the California Consumer Privacy Act of 2018 (“**CCPA**”). Please review our California Statement attached below for more information.

We use your data to provide and improve the Site and the Application. By using the Site or the Application, you agree to the collection and use of information in accordance with this policy. We will review this policy regularly, and we may update it from time to time.

#### **1. When You Visit our Site or use our Apps.**

When you visit the Site located at <https://figuremath.com>, you are free to view the Site without providing any Personal information. In order to request a free trial through <https://figuremath.com>, or to create a login to Figure using the Site located at <https://figuremath.com>, you will be required to provide certain Personal information about yourself. Each time you visit the Site at <https://figuremath.com>, and login, we request that you provide Personal information about yourself, and we may collect navigational Information on our Site.

When you visit the Site located at <https://classroom.figuremath.com>, you will be required to create a login to Figure using the Site located at <https://classroom.figuremath.com> and to provide certain Personal information about yourself. Each time you visit the Site at <https://classroom.figuremath.com>, and login, we request that you provide Personal information about yourself, and we may collect navigational Information on our Site.

When you download, install, access or use the Application, you will be required to login using the same or similar Personal information that you provide when creating an account on our Site. The App is not able to be used without an account on the Site.

#### **2. Definitions.**

**2.1 Site** - Site includes the Site operated by Figure that is accessed at <https://figuremath.com> and the Site that is operated by Figure and is accessed at <https://classroom.figuremath.com>.

**2.2 App** – App means the Figure – Classroom application developed and operated by Figure that may be downloaded through the Apple App Store or the Google Play Store.

**2.3 Personal information** - Personal information means data about a Data Subject, as further described in Section 4.1 below.

**2.4 Usage Data** - Usage Data is data collected automatically either generated by the use of the Site or from the Site’s infrastructure itself (for example, the duration of a page visit), or use of the App or from the App’s infrastructure itself (for example, usage information, device information, stored information and files or location information).

**2.5 Cookies** - Cookies are small pieces of data stored on your device (computer or mobile device).

**2.6 Data Controller** - Data Controller means the person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal information are, or are to be, processed.

For the purpose of this Privacy Policy, we are the Data Controller of your Personal information. You can contact us at Figure, 7755 E Quincy Ave, D4-308, Denver, CO 80237, or via email at [privacy@figuremath.com](mailto:privacy@figuremath.com).

**2.7 Data Processors (or Service Providers)** - Data Processor (or Service Provider) means any natural or legal person who processes the data on behalf of the Data Controller. We may use the services of various Service Providers in order to process your data more effectively.

**2.8 Data Subject (or User)** - Data Subject is any identified or identifiable individual who is using our Site or our App and is the subject of Personal information and/or Personally Identifiable Information, as defined in Section 4.1 below.

**3. Information Collection and Use.** We collect several different types of information for various purposes to provide and improve our service to you.

#### **4. Types of Data Collected.**

**4.1 Personal Information.** While using our Site or the App, we may ask you to provide us with certain personally identifiable information that can be used to contact or identify you (“Personal information”). Personally identifiable information may include, but is not limited to:

- Email address
- First name and last name
- Phone number
- Company Name
- Title/Role
- Cookies and Usage Data

We may use your Personal information to contact you with newsletters, marketing or promotional materials and other information that may be of interest to you. You may opt out of receiving any, or all, of these communications from us by following the unsubscribe link or instructions provided in any email we send.

## **4.2 Usage Data**

We may also collect information how the Site or App is accessed and used. This Usage Data may include information such as your computer's Internet Protocol address (e.g. IP address), browser type, browser version, the pages of the Site that you visit, the time and date of your visit, the time spent on those pages, unique device identifiers and other diagnostic data. For the App, such Usage Data may also include Device Information traffic data, location data, logs, and other communication data and the resources that you access or use on or through the App. "Device Information" means a mobile device's unique device identifier, IP address (if applicable), operating system, browser type, mobile network information, the device's telephone number, metadata and other information associated with other files stored on your device. The App does not collect real-time information about the location of your device.

**4.3 Tracking Cookies Data.** We use cookies and similar tracking technologies to track the activity on our Site and hold certain information.

Cookies are files with small amount of data which may include an anonymous unique identifier. Cookies are sent to your browser from a Site or the App and stored on your device. Tracking technologies also used are beacons, tags, and scripts to collect and track information and to improve and analyze the Site and the App.

We may use both session cookies (which expire once you close your web browser) and persistent cookies (which stay on your computer until you delete them). You can set your browser or your device to not accept cookies, but that may prevent us from providing you with the full range of Services we offer. Also, please be aware that if you visit other sites or use other apps you may be required to accept cookies. The use of cookies by third parties is not covered by our Privacy Policy.

**4.4 Web Beacons.** Web beacons are electronic images that may be used on our Site, the App or in our emails. We use web beacons to deliver cookies, count visits, understand usage and campaign effectiveness and to tell if an email has been opened and acted upon.

**4.5 Clear Gifs.** We may also use clear gifs or other data files or identifiers to collect information for statistical purposes and to improve and develop the Services. Clear gifs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are placed on a hard drive, clear gifs are embedded invisibly on web pages.

**4.6 Do Not Track.** We also may use these technologies to collect information about your online activities over time and across third-party sites or other online services (behavioral tracking). We do not respond to browser-based "do not track" signals. Some third-party sites who push content to our Site or the App may keep track of your browsing activities over time and across different sites when they serve you content, which enables them to tailor what they present to you.

**4.7 Third Party Cookies.** We may use third party providers to operate the Site or the App. These include Hubspot, which is our Inbound Marketing Software provider, Google

Analytics and Unity Analytics, Facebook Pixel, Cloudinary, MongoDB, and Firebase, each of which track usage behavior on our Site or the App. In order to understand how Hubspot, Google Analytics, Unity Analytics, Facebook Pixel, Cloudinary, MongoDB, and Firebase use cookies, please refer to their individual cookie policies for more information.

Hubspot Cookie Policy: <https://legal.hubspot.com/cookie-policy>

Google Analytics Cookie Policy: <https://policies.google.com/technologies/cookies>

Unity Analytics Cookie Policy: <https://unity3d.com/legal/privacy-policy>

Facebook Pixel Cookie Policy: <https://www.facebook.com/policies/cookies/>

Cloudinary Cookie Policy: <https://cloudinary.com/privacy>

MongoDB Cookie Policy: <https://www.mongodb.com/legal/privacy-policy>

Firebase Cookie Policy: <https://policies.google.com/privacy>

**5. Use of Data.** Figure uses or may use the collected data for various purposes:

- To send information or content to you which we think may be of interest to you by post, email, or other means and send you marketing communications relating to our business;
- To promote use of our services to you and share promotional and information content with you in accordance with your communication preferences;
- To send information to you regarding changes to our Customer Terms of Service, Privacy Policy (including the Cookie Policy), or other legal agreements.
- To respond to support requests as well as send you information regarding service upgrades, improvements or issues regarding the use of our Site.
- To gather analysis or valuable information so that we can improve our Site.
- To monitor the usage of our Site.
- To inform you of upgrades or changes to the Site.
- To detect, prevent and address technical issues.

**5.1 We Never Sell Personal Information.** We will never sell your Personal information to any third party.

**5.2 Use of Navigational Information.** We may use Navigational Information to operate and improve the Site.

**5.3 Testimonials and Comments.** We may post customer testimonials and comments on our Site, which may contain Personal Information. We will obtain each customer's consent via email prior to posting the customer's name and testimonial.

**5.4. Security of your Personal Information.** The Site is hosted by Heroku and GoDaddy. Please review their respective privacy policies to understand security protocols for each of the hosts – you can access the Heroku privacy policy at <https://www.heroku.com/policy/privacy>, and you can access the GoDaddy privacy policy at <https://www.godaddy.com/agreements/showdoc>. The security of your data is important to us, but remember that no method of transmission over the Internet, or method of

electronic storage is 100% secure. While we strive to use commercially acceptable means to protect your Personal information, we cannot guarantee its absolute security.

**5.5 Third-Party Information Collection – the App.** When you download or use the App, the Apple App Store or the Google Play Store and certain other third parties (such as analytics companies, your mobile device manufacturer, your mobile service provider and others) may use certain information technologies to collect information about you or your device. These third parties may use tracking technologies to collect information about you when you use the App. The information they collect may be associated with your Personal information or they may collect information, including Personal information, about your online activities over time and across different websites, apps, and other online services websites. **We do not control these third parties’ tracking technologies or how they may be used. If you have any questions about an advertisement or other targeted content, you should contact the responsible provider directly.**

**6. To Unsubscribe from Our Communications.** You may unsubscribe from our marketing communications by clicking on the “unsubscribe” link located on the bottom of our e-mails, updating your communication preferences, or by sending us email us at [privacy@figuremath.com](mailto:privacy@figuremath.com) or postal mail to

Figure  
7755 E Quincy Ave, D4-308  
Denver, CO 80237  
Attention: Privacy.

Customers cannot opt out of receiving transactional emails related to their accounts with us.

**7. Social Media Features.** Our Site may include Social Media Features, such as the Facebook Like button and Widgets, such as the Share This button or interactive mini-programs that run on our Site. These features may collect your IP address, which page you are visiting on our Site, and may set a cookie to enable the feature to function properly. Social Media Features and Widgets are either hosted by a third party or hosted directly on our Site. This Privacy Policy does not apply to these features. Your interactions with these features are governed by the privacy policy and other policies of the companies providing them.

**8. Links to Other Site.** Our Site may contain links to other sites that are not operated by us, including links to our Social Media accounts on Facebook, Twitter, Instagram and LinkedIn. If you click on a third-party link, you will be directed to that third party's site. We strongly advise you to review the privacy policy of every site you visit.

We have no control over and assume no responsibility for the content, privacy policies or practices of any third-party site or services.

**9. Legal Basis for Processing Personal Information Under General Data Protection Regulation (GDPR)**

**9.1** If you are from the European Economic Area (“EEA”), Figure’s legal basis for collecting and using the personal information described in this Privacy Policy depends on the Personal information we collect and the specific context in which we collect it.

Figure may process your Personal information because:

- We need to perform a contract with you.
- You have given us permission to do so.
- The processing is in our legitimate interests and it's not overridden by your rights.
- To comply with the law.

Figure will retain your Personal information only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use your Personal information to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.

Figure will also retain Usage Data for internal analysis purposes.

**9.2 Transfer of Data.** Your information, including Personal information, may be transferred to, and maintained on, computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ than those from your jurisdiction.

If you are located outside of the United States and choose to provide information to us, please note that we transfer the data, including Personal information, to the United States and process it there.

Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

Figure will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Policy and no transfer of your Personal information will take place to an organization or a country unless there are adequate controls in place including the security of your data and other personal information.

### **9.3 Disclosure of Data**

#### Legal Requirements

Figure may disclose your Personal information in the good faith belief that such action is necessary to:

- To comply with a legal obligation
- To protect and defend the rights or property of Figure
- To prevent or investigate possible wrongdoing in connection with the Site or the App
- To protect the personal safety of users of the Site or the App or the public
- To protect against legal liability

**9.4 Your Data Protection Rights Under General Data Protection Regulation (GDPR).** If you are a resident of the EEA, you have certain data protection rights. Figure

aims to take reasonable steps to allow you to correct, amend, delete, or limit the use of your Personal information.

If you wish to be informed what Personal information we hold about you and if you want it to be removed from our systems, please contact us at [privacy@figuremath.com](mailto:privacy@figuremath.com).

In certain circumstances, you have the following data protection rights:

- The right to access, update or to delete the information we have on you. If you are unable to perform these actions yourself, please contact us to assist you at [privacy@figuremath.com](mailto:privacy@figuremath.com).
- The right of rectification. You have the right to have your information rectified if that information is inaccurate or incomplete.
- The right to object. You have the right to object to our processing of your Personal information.
- The right of restriction. You have the right to request that we restrict the processing of your Personal information.
- The right to data portability. You have the right to be provided with a copy of the information we have on you in a structured, machine-readable and commonly used format.
- The right to withdraw consent. You also have the right to withdraw your consent at any time where Figure relied on your consent to process your Personal information.

Please note that we may ask you to verify your identity before responding to such requests.

Please note that there are circumstances in which we may not be required to provide you with the information contained in this Privacy Policy, for example if you already have the information.

In addition, where we obtain Personal information about you from a source other than yourself, we are not required to provide you with certain information contained in this Privacy Policy if:

- You already have the information
- Providing you with the information would prove impossible or would involve a disproportionate effort
- We are under an EU or EU member state law obligation to obtain or disclose the information which provides appropriate measures to protect your legitimate interests
- We are obliged to keep the information confidential as a result of an obligation of professional secrecy regulated by EU or EU member state law

You have the right to complain to a Data Protection Authority about our collection and use of your Personal information. For more information, please contact your local data protection authority in the EEA.

**10. Service Providers.** We may employ third party companies and individuals to facilitate our Site (“**Service Providers**”), to manage the Site or the App on our behalf, to

perform Support-related services or to assist us in analyzing how our Site or the App are used.

These third parties have access to your Personal information only to perform these tasks on our behalf and are obligated not to disclose or use it for any other purpose.

## **11. Analytics.**

**11.1** We may use third-party Service Providers to monitor and analyze the use of our Site.

**11.2 Google Analytics.** Google Analytics is a web analytics service offered by Google that tracks and reports Site traffic. Google uses the data collected to track and monitor the use of our Site and our App. This data is shared with other Google services. Google may use the collected data to contextualize and personalize the ads of its own advertising network.

You can opt-out of having made your activity on the Service available to Google Analytics by installing the Google Analytics opt-out browser add-on. The add-on prevents the Google Analytics JavaScript (ga.js, analytics.js, and dc.js) from sharing information with Google Analytics about visits activity.

For more information on the privacy practices of Google, please visit the Google Privacy Terms web page [here](#).

## **12. How We Collect, Use and Protect Children’s Information**

**12.1 Information Collected from Kids, How It’s Used, and How That Is Communicated with Parents.** Some portions of the Site and the App are primarily targeted at children and others are for users of all ages. The Site, the App and certain applications include activities or options that may collect or allow certain information from children to be entered online. Any personal information entered by a child or collected by the Site, the App or any application will be retained only as long as reasonably necessary to complete the activity or to allow the child to participate in the activity, to ensure the security of the users and our Services or as may be legally required. In the event that we discover information from a child has been collected inconsistent with Children’s Online Privacy Protection Act (“**COPPA**”), that information will either be deleted or an email immediately be sent to the parent seeking their consent.

Those potential instances of collecting a child’s information are summarized below along with how and when parental notice will be sent or parental consent requested.

**12.2 Registration.** We ask all users for their birth dates to validate their ages. Children under the age of thirteen have the option to provide limited information to begin the registration process. The parent email address is hashed and the hash is used only for the internal purpose of contacting that parent to let them know that their child has requested to register for the Site and the App and providing the parent with a link to register the child and/or print out a Parental Consent form to email back to us. In order to fully participate and benefit from our Site and App, registration is required. This includes the ability to view content and engage in special features, among other things.

**12.3 About the collection of parent email address.** Consistent with the requirements of COPPA, on any child-targeted site or application, or in any instance where we ask for

age and determine the user is age twelve or under, we will ask for a parent or guardian email address before we collect any personal information from the child. During the registration process, we may ask the child to provide certain information for notification and security purposes, including a parent or guardian's email address, the child's first name and gender, the child's member or account username, and password. We strongly advise children never to provide any personal information in their usernames. Please note that children can choose whether to share their information with us, but certain features cannot function without it. We never require a child to enter more information than is reasonably necessary in order to fully participate in online activity or full use of our applications. If you believe your child is participating in an activity that collects personal information and you or another parent/guardian have NOT received an email providing notice or seeking your consent, please feel free to contact us at [privacy@figuremath.com](mailto:privacy@figuremath.com). We will not use parent emails provided for parental consent purposes to market to the parent, unless the parent has expressly opted into email marketing or has separately participated in an activity that allows for such email contact.

#### **About Verifiable Parental Consent:**

**12.4 Obligation to Collect Consent.** We have entered into contracts with schools and school districts whereby a child's teacher or the school is responsible for obtaining parental consent for such child to use the Site or the App, and confirming the consent to us. We rely on the contractual duties of teachers, schools and school districts to obtain your consent where necessary. **If you have any questions regarding your child's use of the Site, please contact your child's teacher or school to determine what steps they have taken to ensure compliance with this privacy policy and their contractual obligation to obtain your consent.**

**12.5 Email Consent.** In the event the Site or the App seeks to collect personal information from a child, COPPA requires that consent of a parent or guardian be requested by email. As noted above, we rely on the contractual obligations of your child's school or school district to obtain the necessary consent from you via the legal required means and to confirm such consent to us.

**12.6 Verifiable Parental Consent.** No personal information collected from a child will be posted publicly without the receipt of a higher level of consent from the parent. Such "high-level" methods of consent include but are not limited to asking for a credit card or other payment method for verification (with a nominal charge involved), speaking to a trained customer service representative by telephone or video chat, or requiring a signed consent form by mail or email attachment.

**12.7 Geolocation Data.** If the Site or the App collects a child's geolocation information that is specific enough to equate to the collection of a street address, parental consent will be requested via email pursuant to Section 12.4.

**12.8 Persistent Identifiers.** Certain information may automatically be collected, both to make the Site or the App more interesting and useful to children and for various purposes related to our business. Some of the information that may be collected includes the type of computer operating system, the user's IP address (with the last three digits removed) or mobile device identifier, the web browser, the frequency with which the user visits various parts of our Site or the App, and information regarding the online or mobile service

provider.

**12.9. When Information Collected from Children Is Available to Others.** In addition to those rare instances where a child's personal information is posted publicly (after receiving high-level parental consent), we also may share or disclose personal information collected from children in a limited number of instances, including the following:

- We may share information with the registered teacher(s), other academic official(s) or other support staff connected to each child's account on our Site in connection with ongoing academic instructional activities relating to each child. Such information may include the child's first name (and last name as necessary to distinguish among students in the same group), activity on the Site or the App and performance in such activities, including participation points earned in connection with the reward and incentive programs.
- We may share information with our Service Providers if necessary for them to perform a business, professional, or technology support function for us.
- We may disclose personal information if permitted or required by law, for example, in response to a court order or a subpoena. To the extent permitted by applicable law, we also may disclose personal information collected from children (i) in response to a law enforcement or public agency's (including schools or children services) request; (ii) if we believe disclosure may prevent the instigation of a crime, facilitate an investigation related to public safety or protect the safety of a child using our Site, the App or other applications; (iii) to protect the security or integrity of our Site, the App, other applications, and other technology, as well as the technology of our service providers; or (iv) enable us to take precautions against liability.

**12.10 Parental Choices and Controls.** At any time, parents can refuse to permit us to collect further personal information from their children in association with a particular account, and can request that we delete from our records the personal information we have collected in connection with that account. Please keep in mind that a request to delete records may lead to a termination of an account, membership, or other service.

Parents/guardians of children under the age of thirteen can print out and mail or scan and email us a signed form that allows them to review any personally identifiable information collected with their permission, about their child, have this information deleted, and/or request that there be no further collection or use of their child's personally identifiable information. You can download the form <https://figuremath.com/privacy/piaif>. We will take steps to verify the identity of anyone requesting personally identifiable information about a child and to ensure that the person is in fact the child's parent or legal guardian. In any correspondence such as e-mail or mail, please include the child's username and the parent's email address and telephone number. To protect children's privacy and security, we will take reasonable steps to help verify a parent's identity before granting access to any personal information.

## **13. Supplemental Privacy Statement for California Consumers under CCPA**

### **Introduction**

Our business proudly serves or will serve certain natural persons residing in the State of California (each, a “consumer”). This California Statement explains rights that California consumers may have under the CCPA.

When we use the term “personal information” in this supplemental California Statement, we are using that term as CCPA defines it, which CCPA generally 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. However, personal information does not include publicly available, deidentified, or aggregate consumer information (which are all defined in CCPA). Notably, the definition of “personal information” also does not apply to the collection of personal information from job applicants, employees – whether you are our employee or any employee of the entity arranging access to our Services for you, business owners, directors, officers, medical staff, or contractors.

**13.1 Categories of personal information we collect, the sources of that information, purposes for why we collect it, who we share it with, and whether we sell that personal information.** Where we act as a “business” under CCPA (meaning we determine the manner and reasons for why we process your personal information), we may be required to disclose additional information regarding the categories of personal information we collect, the sources where we obtain that information, the purposes for why we collect that information, who we share that information with, as well as whether we sell that personal information – all of which depends on the specific Service.

### **13.2. Your privacy rights**

If you are a resident of California and are not a job applicant, employee/contractor, or employee/contractor of another company interacting with us in your job role, you have the right to request what information we collect, use, and disclose. You also have the right to request that we delete your information.

To make a request, you can contact us at [privacy@figuremath.com](mailto:privacy@figuremath.com) or at 1-512-417-5579. Provide us enough information to verify your identity. We will use information you provide to us to verify your request. If we cannot initially verify your identity, we may request additional information to complete the verification process, such as, for example, a copy of your driver’s license and/or a recent utility or credit card bill. You can designate an agent to make a request on your behalf by either: (1) having your agent send us a letter, signed by you, certifying that the agent is acting on your behalf and showing proof that they are registered with the California Secretary of State; or (2) by you and the agent executing and sending us a notarized power of attorney stating that the agent is authorized to act on your behalf. Please note that we may still require you to verify your identity before we process a request submitted by your agent.

California residents also have certain rights regarding the sale of personal information. California residents have the right to opt out of the sale of their personal information by contacting us at [privacy@figuremath.com](mailto:privacy@figuremath.com).

We will not discriminate against you because you have exercised any of your privacy rights under the CCPA.

**14. Changes to This Privacy Policy.** We may update our Privacy Policy from time to time. We will notify you of any changes by posting the new Privacy Policy on this page.

We will let you know via email and/or a prominent notice on our Site or the App, prior to the change becoming effective and update the “effective date” at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

If you have any questions, comments or concerns about our Privacy Policy, please contact us at [privacy@figuremath.com](mailto:privacy@figuremath.com).