

## **AGCODE INC.**

### **PRIVACY POLICY**

**Last Updated: October 3, 2017**

- For the AgCode Privacy Policy applicable to United States customers, click [here](#).
- For the AgCode Privacy Policy applicable to New Zealand customers, click [here](#).
- For the AgCode Privacy Policy applicable to Australia customers, click [here](#).

### **UNITED STATES CUSTOMER PRIVACY POLICY**

#### **INTRODUCTION AND SCOPE**

This Privacy Policy ("Policy") reflects the online privacy practices of AgCode Inc., our affiliates and subsidiaries ("AgCode," "us," "our," and "we"). This Policy generally outlines our principles in collecting, using and safeguarding your information online, as well as the circumstances under which we disclose it.

This Policy applies to information about our individual customers in the United States and applies to all persons who use our Web site, mobile applications, electronic services, platforms, social networking sites, or any of our area-specific Web sites that link to or reference this Policy (collectively, the "Site"), as well as all electronic communications from us.

Please read this Policy carefully and review it from time to time for the latest updates and information about our privacy practices.

The most recent version is posted at: [http://www.agcode.com/AgCode\\_Privacy\\_Policy.pdf](http://www.agcode.com/AgCode_Privacy_Policy.pdf). Each time you use the Site, you accept and agree to the terms of the Policy, including any changes or amendments. If you do not agree with our privacy practices, please do not provide us with your personal information or interact with the Site.

#### **INFORMATION WE COLLECT**

We collect information that is personally identifying and non-identifying data when you interact with us and the Site. We generally collect such information for the following purposes: to service your account, provide goods or services requested by you, understand the use of our Site and make improvements, and to develop and improve products or services utilizing aggregated data from users, including you. We may also use your personal information to keep you informed about our products and services (except if you have told us that you do not want to receive emails from us that promote our products and services).

Personally identifying information is information that specifically identifies you or, when combined with other information we have, can be used to identify you. This includes the following types of information:

Contact Information: your name, address, email address, telephone number, fax number, mobile application user name, social networking user names, and other addresses where you are able to receive communications.

Financial Information: payment information, payment history information, and credit worthiness.

Transaction Information: information you provide when you interact with us and the Site, and information about the products or services we sell or provide to you.

Geographic Information: the geographic location of your mobile device and the boundaries and name of your field.

Other Identifiers: license information, company affiliation, and information that permits physical or online contacting, such as IP address or the unique identifier of your mobile device.

Non-identifying information is information that alone cannot identify you. This includes:

Cookies: information that a web server sends to your browser that stores information about your account, preferences, and use of the Site.

Device Data: information concerning a device that you use to access or interact with the Site, such as browser type, system settings, software platform, and firmware.

## **YOUR INFORMATION MANAGEMENT AND DO NOT TRACK DISCLOSURES**

Our Site does not use Cookies for tracking purposes and does not feature integrated third parties. Consequently, we do not process web browser “do not track” signals. In addition, we will not collect your geo-location information without your express consent. Users of the mobile application will be asked to provide their express consent before installing the mobile application for the first time.

You may manage how your browser and mobile device handle certain Cookies by adjusting the privacy and security settings. You may also manage the sharing of certain Device Data by adjusting the settings on your mobile device.

You may manage the sharing of certain information when you connect with us through social networking platforms or applications. Where these are managed by third parties, please refer to the specific social networking website or application for its privacy policy and instructions on how to adjust permissions and manage interactivity.

You have the option of making changes to your personally identifying information, restricting access to your personally identifying information, or requesting that we delete your account by calling our Privacy Policy Technical Support Line at (877) 250-8435. We may retain and use your personally identifying information as necessary to comply with our legal obligations and maintain a record of your transactions. Aggregated information obtained by AgCode as a result of your use of our AgCode software platform or services may be maintained consistent with the AgCode subscription agreement or order under which you and your organization accesses the software platform or services.

## **HOW AND WHY WE COLLECT INFORMATION**

We may obtain information directly from you, from your transactions with us, and from third parties. We obtain information directly from you when we initially set up an account for you and during the course of servicing your account.

We collect information about your transactions with us and the products or services we sell or provide to you in order to:

- process the transactions and provide you with products and services;
- evaluate your eligibility for certain types of offers, products or services;
- provide information about the services we provide and marketing purposes; and
- improve our business and make changes to our website and the online tools we offer.

We may gather data on how users navigate our Site in order to continuously improve and develop the Site, our software platform and other products and services.

If you opt-in, we collect geo-location information from mobile devices, and other information, in order to enable the inputting of information directly from the field and to facilitate our services, to continuously improve and develop our products and services, and for our own internal analytical purposes.

### **INFORMATION WE DISCLOSE**

Other than as described herein, we only disclose your information as required by law or with your consent.

We may disclose your information as necessary to service your account, provide electronic resources such as the Site, and ensure Site security. Aggregated information may be shared with other users as necessary to provide certain services. We may share your information with service providers as well as persons or organizations that perform business, professional, administrative or legal functions for us.

Our Site may provide some links to third-party websites that are not owned by AgCode. We have no control over the privacy practices of such websites and we assume no responsibility in connection with your use of those websites. We recommend that you check the privacy policy of any website before you provide any personal information.

Our Site utilizes and contains third party information. We have no control over the third-party information and we assume no responsibility in connection with your use of third party information available on our Site.

We may disclose your information as required by law, such as in response to a subpoena, search warrant, or other court order; to comply with inquiries from government agencies or other regulators; or for other legal purposes.

### **SAFEGUARDING YOUR INFORMATION**

We maintain physical, electronic, and procedural safeguards against unauthorized access by third parties. These safeguards include restricting access to your personal information to employees and third parties who need it to service your account, provide products or services to you or as expressly described in this Policy. All such employees and third parties are restricted by a non-disclosure agreement or binding legal obligations from disclosing confidential information acquired as a result of their engagement with us. We train such employees to follow procedures to safeguard customer information and we require such third parties to agree to maintain data security safeguards with respect to your personal information.

We use computer hardware and software tools to protect your information. For our mobile application, we undertake annual data security audits. We back up information on our Site and employ firewalls, user authentication systems, and access control mechanisms.

However, we do not make any warranties in relation to the security of any information you disclose or submit to us and we are not responsible for the theft, destruction, unauthorized access to, or inadvertent disclosure of your personal information where our security measures have been breached.

### **CHILDREN'S PRIVACY**

Our Site is designed and intended for adults. We do not intend that any portion of the Site will be accessed or used by children under the age of 18. Such use is strictly prohibited.

### **CONTACT US**

Please contact us if you have any questions about our privacy practices or this Policy. You can reach us (i) toll-free at (877) 250-8435, (ii) online at [dharste@agcode.com](mailto:dharste@agcode.com), or (iii) via postal mail at the following address: 100 17th Ave NW #1, Glenwood, MN 56334.

### **NEW ZEALAND CUSTOMER PRIVACY POLICY**

#### **INTRODUCTION AND SCOPE**

This Privacy Policy ("Policy") reflects the online privacy practices of AgCode Inc., our affiliates and subsidiaries ("AgCode," "us," "our," and "we"). We will at all times comply with the Privacy Act 1993 when dealing with your personal information. This Policy generally outlines our principles in collecting, using and safeguarding your information online, as well as the circumstances under which we disclose it.

This Policy applies to information about our individual customers in New Zealand and applies to all persons who use our Web site, mobile applications, electronic services, platforms, social networking sites, or any of our area-specific Web sites that link to or reference this Policy (collectively, the "Site"), as well as all electronic communications from us.

Please read this Policy carefully and review it from time to time for the latest updates and information about our privacy practices.

The most recent version is posted at: [http://www.agcode.com/AgCode\\_Privacy\\_Policy.pdf](http://www.agcode.com/AgCode_Privacy_Policy.pdf). Each time you use the Site, you accept and agree to the terms of the Policy, including any recent changes or amendments. If you do not agree with our privacy practices, please do not provide us with your personal information or interact with the Site.

#### **INFORMATION WE COLLECT AND THE PURPOSES OF COLLECTION**

We collect information that is personally identifying and non-identifying data when you interact with us and the Site. We generally collect such information for the following purposes: to service your account, provide goods or services requested by you, understand the use of our Site and make improvements, and to develop and improve products or services utilizing aggregated data from users, including you. We may also use your personal information to keep you informed about our products and services (except if you have told us that you do not want to receive emails from us that promote our products and services).

Personally identifying information is information that specifically identifies you or, when combined with other information we have, can be used to identify you (known as “personal information” for the purposes of the Privacy Act). This includes the following types of information:

Contact Information: your name, address, email address, telephone number, fax number, mobile application user name, social networking user names, and other addresses where you are able to receive communications.

Financial Information: payment information, payment history information, and credit worthiness.

Transaction Information: information you provide when you interact with us and the Site, and information about the products or services we sell or provide to you.

Geographic Information: the geographic location of your mobile device and the boundaries and name of your field.

Other Identifiers: license information, company affiliation, and information that permits physical or online contacting, such as an IP address or the mobile identification number of your mobile device.

Non-identifying information is information that alone cannot identify you. This includes:

Cookies: information that a web server sends to your browser that stores information about your account, preferences, and use of the Site.

Device Data: information concerning a device that you use to access or interact with the Site, such as browser type, system settings, software platform, and firmware.

## **YOUR INFORMATION MANAGEMENT AND DO NOT TRACK DISCLOSURES**

Our Site does not use Cookies for tracking purposes and does not feature integrated third parties. Consequently, we do not process web browser “do not track” signals. In addition, we will not collect your geo-location information without your express consent. Users of the mobile application will be asked to provide their express consent before installing the mobile application for the first time.

You may manage how your browser and mobile device handle certain Cookies by adjusting the privacy and security settings. You may also manage the sharing of certain Device Data by adjusting the settings on your mobile device.

You may manage the sharing of certain information when you connect with us through social networking platforms or applications. Where these are managed by third parties, please refer to the specific social networking website or application for its privacy policy and instructions on how to adjust permissions and manage interactivity.

You are entitled to access the personal information we hold about you and to request us to make changes to your personal information if it is incorrect, by emailing us at [dharste@agcode.com](mailto:dharste@agcode.com). If we decline to make such changes, you are entitled to request that we attach a statement to your personal information detailing the correction that you requested. You are required to inform us if any of your personal information changes to ensure that the details we hold about you are up to date and correct.

We will only retain and use your personal information and records of your transactions for as long as required to achieve the purposes set out in this Policy. Aggregated and anonymous information

obtained by AgCode as a result of your use of our AgCode software platform or services may be retained in accordance with the AgCode subscription agreement or order under which you and your organization accesses the software platform or services.

## **HOW AND WHY WE COLLECT INFORMATION**

We may obtain information directly from you, from your transactions with us, and from third parties (subject to your consent or in accordance with this Policy). We obtain information directly from you when we initially set up an account for you and during the course of servicing your account.

We collect information about your transactions with us and the products or services we sell or provide to you in order to:

- process the transactions and provide you with products and services;
- evaluate your eligibility for certain types of offers, products or services;
- provide information about the services we provide and marketing purposes; and
- improve our business and make changes to our website and the online tools we offer.

We may gather data on how users navigate our Site in order to continuously improve and develop the Site, our software platform and other products and services.

If you opt-in, we collect geo-location information from mobile devices, and other information that you agree to provide, in order to enable the inputting of information directly from the field and to facilitate our services, to continuously improve and develop our products and services, and for our own internal analytical purposes.

## **INFORMATION WE DISCLOSE**

Other than as described herein, we only disclose your information as required by law or with your consent.

We may disclose your information as necessary to service your account, provide electronic resources such as the Site, and ensure Site security. Aggregated and anonymized information may be shared with other users as necessary to provide certain services. We may share your information with service providers as well as persons or organizations that perform business, professional, administrative or legal functions for us.

Our Site may provide some links to third-party websites that are not owned by AgCode. We have no control over the privacy practices of such websites and we assume no responsibility in connection with your use of those websites. We recommend that you check the privacy policy of any website before you provide any personal information.

Our Site utilizes and contains third party information. We have no control over the third-party information and we assume no responsibility in connection with your use of third party information available on our Site.

We may disclose your information as required by law, such as in response to a subpoena, search warrant, or other court order; to comply with inquiries from government agencies or other regulators; or for other legal purposes.

## **SAFEGUARDING YOUR INFORMATION**

By using the Site, you consent to the collection, use and disclosure of your personal information for processing and storage in the United States and other overseas jurisdictions as determined by AgCode from time to time.

We maintain reasonable physical, electronic, and procedural safeguards against unauthorized access by third parties. These safeguards include restricting access to your personal information to employees and third parties who need it to service your account, provide products or services to you or as expressly described in this Policy. All such employees and third parties are restricted by a non-disclosure agreement or binding legal obligations from disclosing confidential information acquired as a result of their engagement with us. We train such employees to follow procedures to safeguard customer information and we require such third parties to agree to maintain reasonable data security safeguards with respect to your personal information.

We use computer hardware and software tools to protect your information. For our mobile application, we undertake annual data security audits. We back up information on our Site and employ firewalls, user authentication systems, and access control mechanisms.

However, we do not make any warranties in relation to the security of any information you disclose or submit to us and we are not responsible for the theft, destruction, unauthorized access to, or inadvertent disclosure of your personal information where our security measures have been breached.

## **CHILDREN'S PRIVACY**

Our Site is designed and intended for adults. We do not intend that any portion of the Site will be accessed or used by children under the age of 18. Such use is strictly prohibited.

## **CONTACT US**

Your personal information is collected and held by AgCode Inc., whose registered office is at 100 17th Ave NW #1, Glenwood, MN 56334. Please contact us if you have any questions or concerns about our privacy practices or this Policy. You can reach us online at [dharste@agcode.com](mailto:dharste@agcode.com), or via postal mail at the following address: 100 17th Ave NW #1, Glenwood, MN 56334.

## **AUSTRALIA CUSTOMER PRIVACY POLICY**

### **1. INTRODUCTION AND SCOPE**

This Privacy Policy ("Policy") reflects the online privacy practices of AgCode Inc., our affiliates and subsidiaries ("AgCode," "us," "our," and "we"). This Policy generally outlines our principles in collecting, using, disclosing and safeguarding your information online and your rights of access to the personal information we hold about you.

This Policy applies to information about our individual customers in Australia and applies to all persons who use our Web site, mobile applications, electronic services, platforms, social networking sites, or any of our area-specific Web sites that link to or reference this Policy (collectively, the "Site"), as well as all electronic communications from us.

In respect to our Australian customers, we note that AgCode is required to comply with the *Privacy Act 1988* (Cth) (**Privacy Act**) including the Australian Privacy Principles (APPs). The term “personal information” shall have the meaning ascribed to such term in the Privacy Act.

Please read this Policy carefully and review it from time to time for the latest updates and information about our privacy practices.

The most recent version is posted at: [http://www.agcode.com/AgCode\\_Privacy\\_Policy.pdf](http://www.agcode.com/AgCode_Privacy_Policy.pdf). Each time you use the Site, you accept and agree to the terms of the Policy, including changes or amendments. If you do not agree with our privacy practices, please do not provide us with your personal information or interact with the Site.

## **2. INFORMATION WE COLLECT**

We collect personal information and non-identifying information when you interact with us and the Site.

We generally collect such information to service your account, provide goods or services requested by you, understand the use of our Site and make improvements, and to develop and improve products or services utilizing aggregated data from users, including you.

Personal information is any information or opinion that specifically identifies you or, when combined with other information we have, can be used to identify you. The types of personal information we may collect from you include:

- **Contact Information:** your name, address, email address, telephone number, fax number, mobile application user name, social networking user names, and other addresses where you are able to receive communications.
- **Financial Information:** payment information, payment history information, and credit worthiness.
- **Transaction Information:** information you provide when you interact with us and the Site, and information about the products or services we sell or provide to you.
- **Geographic Information:** the geographic location of your mobile device and the boundaries and name of your field.
- **Other Identifiers:** license information, company affiliation, and information that permits physical or online contacting, such as IP address or the unique identifier of your mobile device.

If you do not provide all of the personal information we require, we may be unable to provide you with the products or services you are seeking.

Non-identifying information is information that alone cannot identify you. The types of non-identifying information we may collect from you includes:

- **Cookies:** information that a web server sends to your browser that stores information about your account, preferences, and use of the Site.
- **Device Data:** information concerning a device that you use to access or interact with the Site, such as browser type, system settings, software platform, and firmware.
- **Your Information Management and Do Not Track Disclosures.**

Our Site does not use Cookies for tracking purposes and does not feature integrated third parties. Consequently, we do not process web browser “do not track” signals. In addition, we will not collect your geo-location information without your express consent. Users of the mobile application will be asked to provide their express consent before installing the mobile application for the first time.

You may manage how your browser and mobile device handle certain Cookies by adjusting the privacy and security settings. You may also manage the sharing of certain Device Data by adjusting the settings on your mobile device.

You may manage the sharing of certain information when you connect with us through social networking platforms or applications. Where these are managed by third parties, please refer to the specific social networking website or application for its privacy policy and instructions on how to adjust permissions and manage interactivity.

### **3. HOW WE COLLECT INFORMATION**

We may obtain information directly from you, from your transactions with us, and from third parties. Generally, we will obtain information directly from you when we initially set up an account for you and during the course of servicing your account. In limited circumstances, we may collect personal information about you from a third party (e.g. publicly available sources, trade references, etc.).

If you provide us with personal information about a third party, you warrant that that third-party consents to us collecting and using their personal information in accordance with this Policy.

### **4. HOW WE USE PERSONAL INFORMATION**

We will use and disclose your personal information for the purposes for which we collected it, for related purposes that you would reasonably expect, and for other purposes required or authorised by law.

We collect information about your transactions with us and the products or services we sell or provide to you in order to:

- process the transactions and provide you with products and services;
- evaluate your eligibility for certain types of offers, products or services;
- provide information about the services we provide and marketing purposes; and/or
- improve our business and make changes to our website and the online tools we offer.

We may gather data on how users navigate our Site in order to continuously improve and develop the Site, our software platform and other products and services. If you opt-in, we collect geo-location information from mobile devices, and other information, in order to enable the inputting of information directly from the field and to facilitate our services, to continuously improve and develop our products and services, and for our own internal analytical purposes.

### **5. INFORMATION WE DISCLOSE TO THIRD PARTIES**

Other than as described herein, we only disclose your information as required or permitted by law or with your consent.

We may disclose your information as necessary to service your account, provide electronic resources such as the Site, and ensure Site security. Aggregated information may be shared with other users as necessary to provide certain services. We may share your information with service providers as well as persons or organizations that perform business, professional, administrative or legal functions for us.

Our Site may provide some links to third-party websites that are not owned by AgCode. We have no control over the privacy practices of such websites and we assume no responsibility in connection with your use of those websites. We recommend that you check the privacy policy of any website before you provide any personal information.

Our Site utilizes and contains third party information. We have no control over the third-party information and we assume no responsibility in connection with your use of third party information available on our Site.

We may disclose your information as required by law, such as in response to a subpoena, search warrant, or other court order; to comply with inquiries from government agencies or other regulators; or for other legal purposes.

## **6. SAFEGUARDING YOUR INFORMATION**

We maintain reasonable physical, electronic, and procedural safeguards against unauthorized access by third parties. These safeguards include restricting access to your personal information to employees and third parties who need it to service your account, provide products or services to you or as expressly described in this Policy. All such employees and third parties are restricted by a non-disclosure agreement or binding legal obligations from disclosing confidential information acquired as a result of their engagement with us. We train such employees to follow procedures to safeguard customer information and we require such third parties to agree to maintain reasonable data security safeguards with respect to your personal information.

We use computer hardware and software tools to protect your information. For our mobile application, we undertake annual data security audits. We back up information on our Site and employ firewalls, user authentication systems, and access control mechanisms.

However, we do not make any warranties in relation to the security of any information you disclose or submit to us and we are not responsible for the theft, destruction, unauthorized access to, or inadvertent disclosure of your personal information where our security measures have been breached.

We may retain and use your personal information for as long as necessary to fulfil the purposes set out in section 4 of this Policy and comply with our legal obligations, after which time we will destroy or de-identify your personal information. Aggregated information obtained by AgCode as a result of your use of our AgCode software platform or services may be maintained consistent with the AgCode subscription agreement or order under which you and your organization accesses the software platform or services.

## **7. ACCESSING OR CORRECTING YOUR PERSONAL INFORMATION**

You have the option of requesting changes to your personal information, requesting access to your personal information, or requesting that we terminate your account by contacting us via the methods set out in section 10 below.

We may need to verify your identity before we allow you to access your personal information and may refuse your request for access if we are required or authorised by law to do so. We may charge a reasonable fee for assessing your request and providing access. We will advise the amount once we have assessed your request, and we may require payment prior to providing access. Access may be provided by hard copy or by allowing you to view our records.

If you believe information we hold about you is incorrect, please let us know and we will verify and where applicable correct the information. If we refuse your request to modify our records, we will write to you stating clearly why we believe that the personal information we hold should not be amended.

## **8. CROSS-BORDER DISCLOSURES**

We may disclose your personal information to the following overseas recipients:

- entities within the AgCode group that are located overseas, namely in the United States and New Zealand;
- third party service providers who are based overseas, namely in the United States and New Zealand; and/or
- courts, tribunals and regulatory authorities (where we are required by law to do so).

We will take reasonable measures to ensure that disclosure is in compliance with the requirements of the privacy laws in the US, Australia or New Zealand (as applicable).

If you are an Australian customer, by providing us with your personal information you consent to the above disclosures to overseas recipients, and acknowledge that in the event that an overseas recipient breaches the APPs, that entity will not be bound by, and you will not be able seek redress under, the ***Privacy Act***.

## **9. CHANGES TO OUR PRIVACY POLICY**

We may amend, modify or replace this Privacy Policy at any time. We encourage you to periodically review this Privacy Policy to be informed of how AgCode is protecting your personal information.

## **10. CONTACT US**

Please contact us if you have any questions about our privacy practices or this Policy. You can reach us:

- by telephone toll-free at: (877) 250-8435;
- by email at: [dharste@agcode.com](mailto:dharste@agcode.com); or
- by postal mail at the following address: 100 17th Ave NW #1, Glenwood, MN 56334.

We request that any complaint be submitted to us in writing. We will confirm receipt of your complaint and investigate and respond to your complaint within a reasonable time (generally within a period of 14 days).

If you are an Australian customer and you are dissatisfied with the handling of your complaint, you may contact the Office of the Australian Information Commissioner, see:

<http://www.oaic.gov.au/privacy/making-a-privacy-complaint> for further information.

## **11. CHILDREN'S PRIVACY**

Our Site is designed and intended for adults. We do not intend that any portion of the Site will be accessed or used by children under the age of 18. Such use is strictly prohibited.