

# PRIVACY SHIELD POLICY

Effective Date: 04/03/2019

Applied Psychological Techniques, Inc., dba *APTMetrics* (the “Company”), is a leading human resource consultancy providing world-class, assessment-centered talent management solutions and is nationally recognized for employment litigation support services to Fortune® 100 companies and other organizations around the world. *APTMetrics* delivers unparalleled service in the areas of: leadership assessment and development; hiring and promotion; litigation support and risk reduction; and talent management. These services ensure that our clients’ talent management programs are inclusive, fair, valid and legally defensible. Protecting the privacy of our clients, and the data entrusted to us, is of the utmost importance to *APTMetrics*.

Applied Psychological Techniques, Inc. complies with the European Union (EU)-United States (U.S.) and Swiss-U.S. Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use and retention of Personal Information transferred from the European Union and the United Kingdom and/or Switzerland to the United States in reliance on Privacy Shield. *APTMetrics* has certified to the Department of Commerce that it adheres to the Privacy Shield Principles with respect to such information. 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, please visit <https://www.privacyshield.gov/>.

*APTMetrics* is subject to the investigatory and enforcement authority of the United States Federal Trade Commission (USFTC).

*APTMetrics’* Privacy Shield Policy outlines our policy and practices for implementing the Privacy Shield Principles, including the types of information *APTMetrics* may gather, how *APTMetrics* uses it, and the notice and choice affected individuals have regarding our use of and their ability to correct that information. This privacy policy applies to all Personal Information received by the Company whether in electronic, paper or verbal form. *APTMetrics’* Privacy Policy can be viewed online at <http://aptmetrics.com/privacy-shield-policy/>.

## Definitions

“Personal Information” or “Information” means information that (1) is transferred from the EU to the U.S.; (2) is recorded in any form; (3) is about, or pertains to a specific individual; and (4) can be linked to that individual, e.g. name, e-mail address, and employer

“Sensitive Personal Information” means Personal Information that reveals additional non-public personal details, for example, demographic information which may include, but is not limited to, race, sex, and age or employment details which may include, but is not limited to, job title(s), work history, and compensation history.

“Client” or “Client Organization” refers to those companies that have contracted with *APTMetrics* to perform consulting services on their behalf or have contracted for the use of any of the *APTMetrics* software as a service (SaaS) products.

### **The Types Information We Collect**

The services provided by *APTMetrics* include Talent Management assessment centers, HR Consulting and litigation support services. The services are tailored to the individual client requirements and, as such, the Personal Information or Sensitive Personal Information collected varies. Many client engagements require only name and e-mail address while more complex assignments require the collection of demographic information and/or employment history details, e.g. compensation, job titles, promotions, etc. *APTMetrics* is committed to collecting the minimum amount of personal information required to provide the services for which *APTMetrics* is contractually obligated to supply.

### **Privacy Shield Principles**

#### **Notice**

*APTMetrics* can obtain Personal Information and/or Sensitive Personal Information in many ways. It:

- May be supplied to the Company by the Client organization to facilitate the provision of contracted services between the Company and the Client organization.

- May be voluntarily supplied by individuals in face-to-face meetings, virtual meetings, or telephone interview sessions which may take place in the provision of contracted services by *APTMetrics* to the Client organization.
- May be voluntarily disclosed by individuals via data entered into the Company's Web-based tools used to facilitate data collection in the provision of the Company's contracted services to the Client organization.
- May be voluntarily supplied to the Company through information entered on the Contact Us page(s) on the Company's Website, [APTMetrics.com](https://www.aptmetrics.com).
- The Company may collect certain personal information as part of the support process. These interactions involve voluntary disclosure to the Company via telephone or e-mail interactions. While the type of personal information may vary by support scenario, it is typically limited to name and contact information, either e-mail or telephone number.
- The Company does utilize Website tracking software to automatically capture and store technical information related to individual sessions for the *APTMetrics* Web-based tools. Data is used to improve the content and format of the Company's tools and products and to provide metrics on the user experience. This information may include, but is not limited to, user domain, the type of internet browser being used, Web pages visited, and time spent on the Company's sites. The *APTMetrics* Web-server log file and activity tracking do not contain any personally identifiable information.
- *APTMetrics* Web-based tools may contain "cookies." A cookie is a small amount of data that the Company's Website stores on your computer, and which the *APTMetrics* Web-based tool may later retrieve. The cookies cannot be read by any site other than ours. *APTMetrics* uses the cookies for administrative purposes. No cookie will contain information that will allow someone to contact you via e-mail, telephone, or any other means. You can monitor or disable the use of cookies through the configuration settings on your Web browser. Please understand that if you disable cookies, it could adversely impact the performance of the *APTMetrics* Web-based tools.

## Choice

## Use of Your Personal Information

APTMetrics will use the personal information or sensitive personal information solely to provide the services for which APTMetrics is contractually obligated to supply, to assist individuals in the use of APTMetrics products and services, or to respond to inquiries and provide related information of interest to visitors to [www.APTMetrics.com](http://www.APTMetrics.com) that have initiated contact. We do not sell or rent your personal information to third parties.

If, in any event, APTMetrics intends to use your information for any other purpose than those stated above, you will be notified and offered the opportunity to opt out of such use.

APTMetrics may disclose personal information if required to do so by law or if we in good faith believe that such action is necessary to: (1) comply with the law or legal process; (2) protect or defend APTMetrics rights and property; (3) protect against misuse or unauthorized use of the APTMetrics Website or Web properties; or (4) protect the personal safety or property of our individual users, Clients, or the public. Note that we may be required to release personal data of EU and/or Swiss individuals in response to lawful requests by public authorities including to meet national security and law enforcement requirements.

## **Accountability for Onward Transfers**

### Sharing Personal Information

APTMetrics may contract with third-party providers to perform certain functions offered as part of the Company's products and services, e.g. data center colocation services, a SaaS survey solution, and SaaS IT service management software. These providers all certify compliance with the Privacy Shield Frameworks and are restricted from direct access to your information but, if necessary, may be granted access to your Personal Information only to the extent necessary to permit them to perform their contracted services, are bound by confidentiality agreements and are restricted from using the information for other purposes. APTMetrics may be liable for the appropriate onward transfer of personal data to third parties.

### Links to Non-APTMetrics Websites and Third Parties

APT*Metrics* Websites may contain links or integration with third party sites for your convenience and/or as required to perform contracted services for its Clients. APT*Metrics* does not control those sites or the privacy practices of those third party sites, which may differ from the APT*Metrics* privacy practices detailed in this document. APT*Metrics* does not make any representation regarding the security or privacy of the third-party Websites and the Personal Information that you may choose to provide to any non-APT*Metrics* site is not covered by this policy.

## **Security**

APT*Metrics* shall take commercially reasonable steps to protect the Information from loss, misuse and unauthorized access, disclosure, alteration and destruction. Company has put in place appropriate physical, technical, procedural, and managerial controls to safeguard and secure personal information from loss, misuse, unauthorized access or disclosure, alteration or destruction. APT*Metrics* employs a wide range of security measures including physical and logical access controls, firewalls, intrusion detection/prevention systems, security monitoring tools, endpoint protection tools, and data archival and replication strategies.

Access to personal information is restricted to those APT*Metrics* employees with a defined business need to know or process the information.

While APT*Metrics* takes commercially reasonable actions to safeguard your information, the Company cannot guarantee the security of Information on or transmitted via the Internet.

## **Data Integrity and Purpose Limitation**

Company shall only process personal information in a way that is compatible with and relevant for the purpose for which it was collected or authorized by the individual. To the extent necessary for those purposes, Company shall take reasonable steps to ensure that personal information is accurate, complete, current and reliable for its intended use.

## **Access**

AptMetrics acknowledges the right of EU and Swiss individuals to access their personal data and upon request, APTMetrics will grant individuals reasonable access to their Personal Information and allow the individual to correct, amend or erase information that is demonstrated to be inaccurate or incomplete, except where the burden or expense of providing access would be disproportionate to the risks to the privacy of the individual in the case in question or where the rights of persons other than the individual would be violated. Requests for access to Personal Information and/or to correct, amend, or erase Personal Information can be made by contacting APTMetrics via e-mail at [PrivacyShield@APTMetrics.com](mailto:PrivacyShield@APTMetrics.com) or via [certified mail to](#)

R. Martin Kelly  
Chief Compliance Officer  
APTMetrics  
One Thorndal Circle  
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### **Recourse, Enforcement and Liability**

Company uses a self-assessment approach to assure compliance with this privacy policy and periodically verifies that the policy is accurate, comprehensive for the information intended to be covered, prominently displayed, completely implemented and accessible and in conformity with the Principles.

In compliance with the EU-U.S. and Swiss-U.S. Privacy Shield Principles, APTMetrics commits to resolve complaints about your privacy and our collection or use of your Personal Information. EU or Swiss individuals with inquiries or complaints regarding this privacy policy should first contact APTMetrics at:

R. Martin Kelly  
Chief Compliance Officer  
APTMetrics  
One Thorndal Circle  
Darien, CT 06820

Or at: [PrivacyShield@APTMetrics.com](mailto:PrivacyShield@APTMetrics.com)

APTMetrics has further committed to refer unresolved privacy complaints under the EU-U.S. and Swiss-U.S. 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-privacysshield/for-eu-consumers> to file a complaint or obtain more information. The services of the BBB EU Privacy Shield will be provided at no expense to you.

Finally, as a last resort and under limited circumstances, EU and Swiss individuals with residual complaints may invoke a binding arbitration option before the Privacy Shield Panel.

#### **Amendments**

This privacy policy may be amended from time to time consistent with the requirements of the EU-U.S. Privacy Shield Framework or Swiss-U.S. Privacy Shield Framework. Any policy revisions will be promptly posted at <http://aptmetrics.com/privacy-shield-policy/>.