



## Privacy Policy

Last Updated August 2023

Welcome to Formstack.com (the “Website”), operated by Formstack, LLC. This Privacy Policy explains the privacy practices for Formstack, LLC, and its affiliates (collectively, “Formstack,” “we”, “us”, or “our”).

### Scope

Unless specified otherwise, this Privacy Policy applies to your personal information (described below) processed by Formstack as a data controller, on or via the Website.

This Privacy Policy does not apply to the extent we process personal information in the role of a processor or service provider on behalf of our customers, including where we offer Formstack’s online workplace productivity tools, platform and services (the “Services”) to our customers, and various other products and services through which our customers (or their service providers and affiliates) send electronic communications, or otherwise collect, use, share or process personal information via our products and services.

When applications, platforms, extensions or other solutions that are provided by us and link to this Privacy Policy, this Privacy Policy applies. When these offerings are provided by third parties, the privacy policy of the third party applies and this Privacy Policy does not.

### Integration and Links to Other Websites

The Website may contain links and provide integrations to other sites and products of other organizations. We offer these links and integrations as a convenience to you; we do not operate, control, or endorse these websites or products. It is your choice whether to utilize these links and integrations or not. These external websites and products are subject to their own privacy policies.

What kind of personal information does Formstack process?

“personal information” means information about you such as your name, email, or other identifiers that are related to you or can be related to you.

Formstack processes personal information in three ways: Direct Collection, Third-Party Collection, and Passive Collection.

## Direct Collection and Use

We collect your personal information directly from you when you register to use Formstack's products and services, when you sign up for a free trial of our products and services, when you contact us via our website contact form, when you submit an online support ticket, when you sent us email or mail, when you sign-up online for our newsletter, or when you apply for a job.

We may collect the following personal information from you:

- Contact data, such as name, email, phone number
- Business data, such as company name, business type, department, title, business email, business phone number, products that you use
- Payment data, such as invoice information or credit card payment information

The personal information that we collect from you is used to:

- Provide you with Services, and obtain payment
- Log you into your account
- Respond to your requests and questions
- Communicate upcoming Formstack events of interest, including co-branded events, or updates to our products and services
- Improve our products and services, and innovate new products and services
- Detect, prevent, and resolve security and technical issues
- Fulfill the obligations outlined in the Services Agreement.
- Provide Formstack with marketing analytics and insights
- Contact you regarding a job application

## Third-Party Collection and Use

We also collect information about you from other sources including third parties and from publicly available information. We may combine this information with personal information provided by you. This helps us update, expand, and analyze our records, identify new customers, and create more tailored advertising to provide services that may be of interest to you. The personal information we collect from other sources includes:

This information may include:

- Contact data, such as name, email, phone number
- Demographic data, such as age, gender, interests

- Business data, such as company name, business type, department, title, business email, business phone number, products that you use

This information is used to:

- Identify new customers
- Provide Formstack with marketing analytics and insights
- Improve our products and services, and innovate new products and services
- Provide you information on our products and services that may be of interest to you
- Provide us information on the usability of our website
- Combine supplemental data with information we already have about you.

#### Passive Collection and Use

Like most companies, we collect limited personal information from visitors to our Website and users of our products and services. This information may include:

- IP Address
- Browser Type
- Internet Service Provider Address
- Referring pages
- HTML pages, graphics, or other files viewed on our site
- Operating systems
- Date/time stamp
- Clickstream data

The technologies we use for this data collection may include:

Cookies (or browser cookies). A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.

How does Formstack use and share my Personal information?

We use information that we collect about you or that you provide us, including any personal information:

To present our Website and its contents to you.

To provide you with information, products, or services that you request from us.

To improve our services.

To fulfill any other purpose for which you provide it.

To carry out our obligations and enforce our rights arising from any contract entered into between you and us, including for billing and collection.

To notify you about changes to our Website or any products or services we offer or provide through it.

In any other way we may describe when you provide the information.

For any other purpose with your consent.

To verify that information and to collect payments to the extent that doing so is necessary to complete a transaction and perform our contract with you.

To analyze trends and to track your usage of and interactions with our Websites and services.

Except as set forth below, we will not sell, rent, or share your Personal information with third parties outside of our company without your consent. We will also not share your information with third parties for a purpose that is materially different from original purposes without your consent.

Formstack may, however, share or disclose Personal information under certain circumstances:

We will share information with third parties who perform services on our behalf. For example, we share information with vendors who help us provide you with the Formstack products and services that you request.

We will share information with entities affiliated by Formstack.

We may share information if we are required by law or if we think we have to in order to protect ourselves. For example, we will share information to respond to a court order or subpoena, to meet national security requirements, or if we are investigating potential fraud.

We may share information with any successor to all or part of our business. This may occur in the acquisition, in whole or in part, of Formstack, or in a sale of some or all of Formstack's assets, a merger, a bankruptcy, or other transition of the business.

We will share information if you ask that we share your Personal information with a third party.

How secure is my Personal information?

Formstack takes reasonable precautions to protect personal information in its possession from

loss, misuse, unauthorized access, disclosure, alteration, or destruction.

Will Formstack use my personal information to communicate with me?

Formstack may send you information, such as announcements about new products and service, promotional materials, survey inquiries, newsletters, and other marketing materials. As a user of our products and services, Formstack may also send you information about your account or our services, such as an email when you register for a trial account or new account, an email to confirm account changes, updates on our website, and our products and services. We consider these communications to be part of your Formstack account.

You may discontinue receiving this marketing information by using the "Unsubscribe" link found in the email communication, or by contacting us. Please note that your choice to unsubscribe to account or service information may affect our ability to provide you with our products or services.

Does Formstack collect personal information from children?

Our websites and mobile applications are not created for children. We do not knowingly collect Personal information from children under the age of 16. Formstack does not target our website, our products or services towards children under the age of 16. If you are a parent or legal guardian and think your child under 13 has given us information, you can email us at [Privacy@Formstack.com](mailto:Privacy@Formstack.com). You can also write us to the address listed below.

Notice to California Residents

This section supplements the information contained in this Policy and applies solely to all visitors, users, and others who reside in the State of California ("consumers" or "you"). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (CCPA) and any terms defined in the CCPA have the same meaning when used in this Policy.

#### *Information We Collect*

Our Website collects personal information as disclosed above, and has done so in the last twelve (12) months.

#### *Use of Personal information*

We use information that we collect about you or that you provide to us, including any personal information as set forth above in this Policy.

#### *Your Rights and Choices*

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

## Right to Know and Data Portability

You have the right to request that we disclose certain information to you about our collection and use of your personal information over the past 12 months (the “right to know”). Once we receive your request and confirm your identity, we will disclose to you:

The categories of personal information we collected about you.

The categories of sources for the personal information we collected about you.

Our business or commercial purpose for collecting or selling that personal information.

The categories of third parties with whom we share that personal information.

If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:

sales, identifying the personal information categories that each category of recipient purchased; and

disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

The specific pieces of personal information we collected about you (also called a data portability request).

## Right to Delete

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions (the “right to delete”). Once we receive your request and confirm your identity, we will review your request in accordance with the CCPA, and delete or deidentify your personal information, and direct our service providers to take similar action, in accordance with the requirements of the CCPA. We may also deny your deletion request under certain circumstances, but will provide you with feedback when we deny such requests.

## Exercising Your Rights to Know or Delete

To exercise your rights to know or delete described above, please submit a Data Subject Request Form found in the [Trust Center](#).

Only you, or someone legally authorized to act on your behalf, may make a request to know or delete related to your personal information.

You may only submit a request to know twice within a 12-month period. Your request to know or delete must:

Provide sufficient information that allows us to reasonably verify you are the person about

whom we collected personal information.

Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

You do not need to create an account with us to submit a request to know or delete.

We will only use personal information provided in the request to verify the requestor's identity or authority to make it.

### Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

Any disclosures we provide will only cover the 12-month period preceding our receipt of your request. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance, such as by the email address that you provided.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

### *Non-Discrimination*

We will not discriminate against you for exercising any of your CCPA rights.

We currently do not provide any financial incentives.

### *Shine the Light*

If you are a California resident, the Shine the Light law permits California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please contact us at the information below.

Additional Considerations For Individuals In The European Economic Area ("EEA")

### *Data Transfers to Other Countries/Territories*

For Data Subjects EEA, we may transfer your personal information outside the EEA for processing pursuant to the purposes outlined above. When you provide us personal information, you understand and agree that it may be transferred across national boundaries and processed outside the EEA, including by trusted third parties. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Policy. If we do this, we have procedures in place to ensure our personal information receives the same protection as if it were being processed inside the EEA.

### *Additional Privacy Rights for EEA Individuals*

There are certain laws which provide individuals with additional privacy rights. Under the European Union's General Data Protection Regulation ("GDPR"), individuals in the EEA have additional privacy rights:

**Right to be Informed.** Individuals have the right to transparency regarding our collection of personal information.

**Right of Access.** Individuals have the right to know exactly what information is held about them and how it is processed.

**Right of Rectification.** Individuals will be entitled to have personal information rectified if it is inaccurate or incomplete.

**Right to Erasure.** Also known as 'the right to be forgotten', this refers to an individual's right to having their personal information deleted or removed without the need for a specific reason as to why they wish to discontinue.

**Right to Restrict Processing.** An individual's right to block or suppress processing of their personal information.

**Right to Data Portability.** This allows individuals to retain and reuse their personal information for their own purpose.

**Right to Object.** In certain circumstances, individuals are entitled to object to their personal information being used.

**Rights of Automated Decision Making and Profiling.** The GDPR has put in place safeguards to protect individuals against the risk that a potentially damaging decision is made without human intervention.

If you wish to exercise your rights under the GDPR, please complete the Data Subject Request Form found in the [Trust Center](#). We will consider and process your request within a reasonable period of time. Please be aware that under certain circumstances, the GDPR may limit your exercise of these rights.

You may file a complaint with EU data protection authorities ("DPAs"). A list of DPAs from the



European Commission may be found here:

[http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc\\_id=50061](http://ec.europa.eu/newsroom/article29/document.cfm?action=display&doc_id=50061).

Formstack has appointed DataRep as our EU representative as required by Article 27 of the GDPR. For any GDPR Article 27 inquiries ONLY, please contact DataRep at:

DataRep, The Cube  
Monahan Road, Cork, T12 H1XY  
Republic of Ireland

**ENSURE ALL ARTICLE 27 INQUIRIES ARE ADDRESSED TO DATAREP FOR CORRECT PROCESSING**

All other inquiries about this Privacy Policy should be directed to Formstack at the information below.

#### International Transfer

Your personal information may be collected, transferred to and stored by us in the United States and by our affiliates and third-parties disclosed below, that are based in other countries.

Therefore, your personal information may be processed outside your jurisdiction, including in countries and jurisdictions that are not subject to an adequacy decision by the European Commission or your local legislature or regulator, and that may not provide for the same level of data protection as your jurisdiction.

We ensure that the recipient of your personal information offers an adequate level of protection and security, for instance by entering into the appropriate back-to-back agreements and, if required, standard contractual clauses or an alternative mechanism for the transfer of data as approved by the European Commission (Art. 46 GDPR) or other applicable regulators or legislators. Where required by applicable law, we will only share, transfer or store your personal information outside of your jurisdiction with your prior consent.

#### Formstack's Customers' Processing of your Personal Information

As described above, we may also process personal information submitted by or for a customer to our Services. Unless otherwise stated in this Privacy Policy, we process such personal information as a processor on behalf of our customer (and their affiliates) who is the controller of the personal information. We are not responsible for and have no control over the personal information practices and processing activities of our customers, which may differ from those explained in this Privacy Policy. If your personal information has been submitted to us by or on behalf of a Formstack customer and you wish to exercise any rights you may have under applicable data protection laws, you will have to direct your inquiries to such customers.

Formstack only processes our customers information (which may include your personal information), at the direction of our customers, and solely upon their instructions to us. If you submit your request to us, , please provide us the name of the Formstack customer who submitted your data to us. We will refer your request to that customer, and will support them as needed in responding to your request within a reasonable timeframe.

### Changes to the Privacy Policy

To the extent allowed by applicable law, Formstack reserves the right to change this Privacy Policy at any time without prior notice. Formstack will notify you of material changes by posting the changed or modified Privacy Policy on our Websites. You are responsible for reviewing this Privacy Policy each time you use or access our Websites. Any changes will be effective immediately upon the posting of the revised Privacy Policy unless otherwise specified. Your continued use after the effective date will constitute your consent to those changes. Formstack will provide notice and obtain your consent (opt-in or opt-out) if required.

### Contact Information

To contact us for any privacy matters or questions related to this Privacy Policy, please direct correspondence to us at:

Email: [Privacy@Formstack.com](mailto:Privacy@Formstack.com)

Write to us:

Corporate headquarters

Formstack

11671 Lantern Road, Ste. 300

Fishers, IN 46038