

## **Mechanical Simulation Corporation Data Protection and Privacy Policy** **(“Data Protection and Privacy Policy” or “Policy”)**

### **Introduction**

Mechanical Simulation Corporation – a Michigan corporation (“**MSC**” or “**we**”) is committed to respecting your online privacy and recognizes your need for appropriate handling of any Personal Data you share with us in connection with our website at “\*.carsim.com” or “carsim.com” (collectively, the “**Site**”). “**Personal Data**” means information relating to an identified or identifiable individual, which includes, but is not limited to, your name, user name, password, I.D. number, physical address or other location data, email address, phone number, fax number, mobile number, company name, and position at your company. We respect your right to keep your Personal Data private, and thus we strive to protect your Personal Data in accordance with this Data Protection and Privacy Policy.

This Policy applies to information we collect:

- On the Site.
- In email, text, and other electronic messages between you and the Site.
- Through desktop applications you download from the Site, which provide dedicated non-browser-based interaction between you and the Site.

This Policy does not apply to information collected by:

- Us offline or through any other means, including on any other website operated by Company or any third party; or
- Any third party, including through any application or content (including advertising) that may link to or be accessible from or on the Site.

Please read this Policy carefully to understand our policies and practices regarding Personal Data and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Site. By accessing or using the Site, you agree to this Data Protection and Privacy Policy. This Policy may change from time to time. Your continued use of the Site after we make changes is deemed to be acceptance of those changes, so please check the Policy periodically for updates.

### **Personal Data We Collect and How We Collect It**

We collect several types of information from and about users of our Site, including information:

- By which you may be personally identified, such as name, postal address, e-mail address, telephone number, and any other identifier by which you may be contacted online or offline;
- About your internet connection, the equipment you use to access our Site, and usage details;
- Records and copies of your correspondence (including email addresses).
- Details of transactions you carry out and of the fulfillment of your orders.

We collect this information:

- Directly from you when you provide it to us;
- From third parties, for example, our business partners and agents.

### **How We Use Your Information**

We use Personal Data that we collect about you or that you provide to us:

- To present our Site and its contents to you;
- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to request a price quote or ask a question about our products or services, we will use that Personal Data to respond to your inquiry. If you provide your Personal Data to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns;
- To provide you with information, products, or services that you request from us;
- To fulfill any other purpose for which you provide it;
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- To notify you about changes to our Site or any products or services we offer or provide through it;
- In any other way we may describe when you provide the information;
- To evaluate or conduct a merger, restructuring, dissolution, or any sale or transfer of some or all of our assets, including Personal Data we hold;
- For any other purpose with your consent.

### **With Whom Do We Share Personal Data and for what Purpose**

If you choose to submit Personal Data to us, MSC may share that Personal Data with:

- Its distributors, sales representatives, dealers, value added resellers, and other third-parties in MSC's distribution channels for their purposes of marketing and supporting our products;
- Third-party service providers under contract to perform functions on our behalf, such as customer support for MSC products and sending postal mail or emails to carry out transactions (the foregoing in (a) and (b) hereafter referred to as "**Processors**"). We will refrain from using your Personal Data for any other purpose unless we notify you first and obtain your affirmative consent with respect to its use outside of these above-stated purposes. Likewise, our Processors may have access to and use your Personal Data only as necessary to perform their functions described above; and
- Any buyer or other successor in case of a merger, restructuring, dissolution, or any sale or transfer of some or all of our assets, including Personal Data we hold. That buyer or

successor will possess the Personal Data collected by us and will assume the rights and obligations regarding your Personal Data as described in this Data Protection and Privacy Policy.

### **Anonymous Information**

MSC may also share with its Processors and advertisers, business partners, and other third-parties Anonymous Data in aggregated form about its Site visitors. MSC will have the right to use Anonymous Information for any purpose and in any manner. “**Anonymous Information**” means information that is not associated with or linked to your Personal Data; Anonymous Information does not, by itself, permit the identification of individual persons. Anonymous Information includes non-personally identifiable data we create from Personal Data by excluding information that makes such data personally identifiable.

### **How Long Do We Keep Personal Data?**

MSC will keep Personal Data only as long as it is necessary to accomplish the purpose for which it was originally collected; thereafter MSC will store it for as long as it is necessary to defend intellectual property rights of MSC. From time-to-time, MSC may purge or delete some or all of the Personal Data it keeps in its database in compliance with the foregoing.

### **Measures Employed by MSC to Protect Your Personal Data in our Possession**

In addition to sharing Personal Data with Processors as described above, Personal Data will be shared within MSC on a “need to know” basis. We have commercially reasonable security measures in place to help protect against loss, misuse, and alteration of your Personal Data in our possession. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while MSC uses reasonable efforts to protect your Personal Data, MSC cannot guarantee its absolute security. MSC will contractually require each Processor or other third-party with whom it shares Personal Data to use reasonable measures to protect that Personal Data. However, MSC cannot monitor these Processors and other third-parties to ensure that they comply.

### **Third-party Links and Services**

The Site provides links to third-party web sites and services. These links are provided for your reference only. We do not control, operate or endorse in any respect information, products, or services on such third-party sites or services and are not responsible for their content. Many third-party sites and services have their own terms of use and privacy policies that differ from ours. This Data Protection and Privacy Policy only applies to our Site and the information obtained from or provided by you through the Site for the purposes of accessing or using content controlled and owned by us. This Data Protection and Privacy Policy does not apply to any other site or service.

Our lead collection partners may collect Personal Data from you when you visit the Site. MSC is not responsible for the collection, use, and disclosure of such Personal Data by those lead collection partners. Such collection, use, and disclosure is governed by those lead collection partners’ terms of use and privacy policies, and not by this Data Protection and Privacy Policy.

## Children Under the Age of 13

Our Site is not intended for children under 13 years of age. No one under age 13 may provide any information, whether Personal Data or otherwise, to or on the Site. We do not knowingly collect Personal Data from children under 13. If you are under 13, do not use or provide any information on this Site or on or through any of its features/register on the Site, make any purchases through the Site, use any of the interactive or public comment features of this Site or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received Personal Data from a child under 13 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under the age of 13, please contact the MSC Data Privacy Officer as specified in the Contact Information section.

## Processing Personal Data According to the GDPR

Additionally, if the processing of your Personal Data falls within the scope of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of Personal Data and on the free movement of such data, known as the General Data Protection Regulation (“**GDPR**”), then such processing shall also be performed in accordance with GDPR requirements. Therefore, in addition to the above terms, MSC provides you with the following information:

(a) The contact information for the MSC Data Privacy Officer is provided in the last paragraph below (Contacting MSC);

(b) Personal Data is processed only for the express purposes set forth in this Data Protection and Privacy Policy;

(c) Personal Data may be transferred to processors located around the world;

(d) You are entitled to:

- **Request access** to your Personal Data. This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it;
- **Request correction** of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate Personal Data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us;
- **Request erasure** of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have successfully exercised your right to object to processing, where we may have processed your information unlawfully or where we are required to erase your Personal Data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request;
- **Object to processing** of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular

situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Personal Data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms;

- **Request restriction of processing of your Personal Data.** This enables you to ask us to suspend the processing of your Personal Data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it;
- **Request the transfer of your Personal Data to you or to a third party.** We will provide to you, or a third party you have chosen, your Personal Data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you;
- **Withdraw consent at any time where we are relying on consent to process your Personal Data.** However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

(e) You will not have to pay a fee to access your Personal Data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

(f) You may at any time lodge a complaint with a supervisory authority located in the European Union having jurisdiction over processing; and

(g) MSC does not perform automated decision-making, including profiling.

### **Privacy Notice for California Residents According to the CCPA**

This **Privacy Notice for California Residents** applies solely to all visitors, users, and others who reside in the State of California ("**consumers**" or "**you**"). We have adopted 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 Section of Data Protection and Privacy Policy.

#### *Information We Collect*

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device ("**Personal Information**"). Personal Information does not include:

- Publicly available information from government records.

- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, like:
  - health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;
  - Personal Information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

In particular, we have collected the following categories of Personal Information from its consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	Yes (except for Social Security number, driver's license number and passport number).
B. Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  Some personal information included in this category may overlap with other categories.	Yes (but only limited to name, address and telephone number).
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	No.
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	No.
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or	No.

	retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	No.
G. Geolocation data.	Physical location or movements.	No.
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	No.
I. Professional or employment-related information.	Current or past job history or performance evaluations.	No.
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	No.
K. Inferences drawn from other Personal Information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	No.

*Use of Personal Information*

We may use, or disclose Personal Information we collect for one or more of the following purposes:

- To present our Site and its contents to you;
- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to request a price quote or ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns;
- To provide you with information, products, or services that you request from us;
- To fulfill any other purpose for which you provide it;
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;

- To notify you about changes to our Site or any products or services we offer or provide though it;
- In any other way we may describe when you provide the information;
- To evaluate or conduct a merger, restructuring, dissolution, or any sale or transfer of some or all of our assets, including Personal Data we hold;
- For any other purpose with your consent.

We will not collect additional categories of Personal Information or use Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

*Sharing Personal Information*

We may disclose your Personal Information to a third party for a business purpose. When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.

*Disclosures of Personal Information for a Business Purpose*

In the preceding twelve (12) months, Company has disclosed Personal Information for a business purpose to the following third parties:

<b>Personal Information Category</b>	<b>Business Purpose Disclosures</b>
A. Identifiers.	Distributors; Sales Representatives; Dealers; Value Added Resellers; Other Third Parties in Company’s distribution channels.
B. Personal Information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)). Please, be advised that this category is limited to name, address and telephone number.	Distributors; Sales Representatives; Dealers; Value Added Resellers; Other Third Parties in Company’s distribution channels.
C. Protected classification characteristics under California or federal law.	N/A
D. Commercial information.	N/A
E. Biometric information.	N/A



F. Internet or other similar network activity.	N/A
G. Geolocation data.	N/A
H. Sensory data.	N/A
I. Professional or employment-related information.	N/A
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	N/A
K. Inferences drawn from other Personal Information.	N/A

### *Sales of Personal Information*

In the preceding twelve (12) months, Company has not sold Personal Information.

### *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.

### *Access to Specific Information and Data Portability Rights*

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. Once we receive and confirm your verifiable consumer request, we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for 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.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- 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.

### *Deletion Request Rights*

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. Once we receive and confirm your verifiable consumer request, we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

#### *Exercising Access, Data Portability, and Deletion Rights*

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request, as specified in the Contact Information section.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative;
- 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.

Making a verifiable consumer request does not require you to create an account with us.

We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

For instructions on exercising sale opt-out rights.

#### *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 ninety (90) days), we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. 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.

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. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that **can result** in different prices, rates, or quality levels. Any CCPA-permitted financial incentive we offer will reasonably relate to your Personal Information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

#### **Privacy Notice for Nevada Residents**

Nevada residents, who wish to exercise their sale opt-out rights under Nevada Revised Statutes Chapter 603A may submit a request to the MSC Data Privacy Officer as specified in the Contact

Information section. However, please know we do not currently sell Personal Data triggering that statute's opt-out requirements.

### **Contact Information**

We welcome your comments or questions regarding this Data Protection and Privacy Policy. Please email us at [dataprivacy@carsim.com](mailto:dataprivacy@carsim.com) or contact us at the following address:

Mechanical Simulation Corporation

Attn: MSC Privacy Policy Officer

755 Phoenix Drive

Ann Arbor MI 48108

### **Changes to this Data Protection and Privacy Policy**

MSC reserves the right to amend this Data Protection and Privacy Policy at any time. Should we make material changes to this Data Protection and Privacy Policy, we intend to take reasonable steps to notify you of such changes by posting a prominent notice on our Site for a reasonable period of time. Any changes to this Data Protection and Privacy Policy will be effective immediately for new users of our Site; otherwise these changes will be effective thirty (30) calendar days following our posting of such notice. **Continued use of our Site following notice of such changes shall indicate your acknowledgement of, and agreement to be bound by, such changes.**