

PRIVACY POLICY

Effective Date: January 31, 2019

ETF Action LLC (collectively, “ETF Action”, “we”, “us”, or “our”) respects your privacy and is committed to protecting your personal information that may be collected. This privacy policy and notice (“Privacy Policy”) describes how ETF Action collects, uses, and shares your personal information when you use our website (www.etfaction.com and our other domains), our mobile or desktop, and the services provided through them and otherwise provided by ETF Action (collectively, the “Services”) as well as your choices in connection with such use.

INFORMATION THAT WE COLLECT

Through your use of our Services we may collect personal information, which is information that identifies you as an individual, relates to you as an identifiable individual, or that, along with other information, could identify you. We collect the following types of personal information:

Information you provide to us:

We collect personal information from you when you use our Services. We do not require you to provide any personal information in order to navigate our website. We collect information from you when you:

Sign up: In order to use our website and/or mobile applications, or subscribe to our services, you would need to provide account information, including contact information, such as your name, email address, password, phone number, investor type, and may also provide your mailing address, firm name, broker CRD number, and AUM (assets under management). If you purchase any subscription services or other product on the website, we also need your payment information in addition to your first and last name and physical address. We use Authorize.Net, a third-party provider, to process credit card information and only retain the last four digits of the credit card.

We need this information in order to provide you with the Services. If you do not provide this information, we would not be able to provide the Services to you.

Interact with our website or Services: When you post a product review, engage with us on our various social media platforms, or send us any feedback, questions, comments, suggestions, ideas, or interact with us in any way, you provide us with personal information such as your name, email address, social media username and IP address.

Information provided through feedback, surveys, suggestions, etc., without the parts that identify you is considered non-confidential and non-proprietary. We may use and share such information on an anonymous and aggregated basis with third parties.

Information we get from third parties:

If you make a purchase through PayPal or have signed up previously for our premium service through Paypal, we will also collect information such as the email address associated with your PayPal account.

Information collected automatically:

We may automatically collect the following types of information as you use our Services:

- ***Usage Information:*** which pages on our website you access, the frequency of access, what you click on while on our website and when you accessed the website.
- ***Location Information:*** information about your location, which may be determined through your IP address, GPS and other sensors that may reveal information on nearby devices, Wi-Fi access points, and cell towers.

- **Device Information:** information about the device you are using, such as hardware model, operating system, application version number, browser, and IP addresses.
- **Mobile Device Information:** mobile network information, such as the unique device identifier assigned to that device, mobile carrier, operating system, telephone number, and other device attributes.
- **Social Media Widgets:** Our website includes social media features, such as the Facebook “Like” button, and other widgets, such as the “Share” button or interactive mini-programs provided by third parties. These third parties collect information about you when you use our website. The information they collect may be associated with your personal information or they may collect information, including personal information, about your online activities over time and across different websites and other online services. You can control your interactions with these widgets through the relevant social media network.
- **Google Analytics:** We use a tool called “Google Analytics” to collect some information we listed above about your use of the Services. We use the information we get from Google Analytics to improve the Services. In order to collect this information, Google Analytics may set cookies on your browser or mobile device, or read cookies that are already there. Google Analytics may also receive information about you from apps you have downloaded that partner with Google. We do not combine the information collected through the use of Google Analytics with personally identifiable information. Google’s ability to use and share information collected by Google Analytics about your visits to the Services to another application which partners with Google is restricted by the Google Analytics Terms of Use and the Google Privacy Policy. Please review those and see <http://www.google.com/policies/privacy/partners/> for information about how Google uses the information provided to Google Analytics and how you can control the information provided to Google. To prevent your data from being used by Google Analytics, you can download the Google Analytics opt-out browser add-on for Google Analytics which can be found here <https://tools.google.com/dlpage/gaoptout/>.
- **MailChimp:** We use a tool called Mailchimp to deliver emails, and collect some information relating to mail opens, clicks, etc. Please see and review Mailchimp’s privacy policy relating to how they use data they collect, which can be found here: <https://mailchimp.com/legal/privacy/>.

“Cookies” and Other Tracking Technologies

“Cookies” are small pieces of information that are stored by your web browser software on your computer’s hard drive or temporarily in your computer’s memory, or on your mobile phone or other device when you visit a website. We or our third-party providers place and store Internet cookies on your hard drive or device. Cookies can save any of the types of information noted above. Cookies enable us to personalize your viewing experience. When you revisit our website, we can recognize you by the cookie and customize your experience at this website accordingly. For example, we use cookies to recognize your access privileges to this website, track website usage and traffic patterns, identify you and keep track of your preferences, prevent fraudulent activity or improve website security, assess the performance of the website, add advertisements for goods or services of interest, and estimate the website’s audience size.

You can find out more about the cookies we use from each of the categories in the table below.

Categories of Cookies	Purposes	Description
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<u>Strictly Necessary</u>	Security	Some cookies help us detect, prevent, and mitigate malicious and fraudulent activities on our Services. Security cookies also support and enable other security features.
<u>Functional</u>	Analytics and Research	We use some cookies to collect information about how people are using our Services. For example, these cookies allow us to know which pages are visited the most often, our site's page load times and page response times. Overall, these cookies provide us with analytical information about how our Services are performing and how we can improve them.
<u>Functional</u>	Preferences and Settings	Your preferences may be stored in our cookies so you do not have to reset them every time you visit our Services. These cookies allow us to remember the choices you make to tailor this website and provide enhanced features and content to you. For example, these cookies can be used to remember your user name and region information.
<u>Functional</u>	Social Media Plugins	In order to enhance your internet experience and to make the sharing of content easier, some of the pages on our Services contain tools or applications that are linked to third party social media service providers such as Facebook, Twitter, LinkedIn, or Google. Through these tools or applications the social media service provider may set its own cookies on your device. We do not control these cookies and you should check the social media service provider's website for further details about how they use cookies.
<u>Advertising</u>	Advertising	These cookies are used to deliver advertisements that are more relevant to you and your interests. They are also used to limit the number of times you see an advertisement as well as help measure the effectiveness of the advertising campaign. They remember that you have visited a website and this information may be shared with other organizations such as advertisers. This means after you are done using our Service you may see some advertisements about our Services elsewhere on the Internet.

Emails we send contain a bit of code known as a “web beacon”. This code allows us to understand the time and date when you have opened an email, and when you have utilized a link within the email to visit a website. If you wish to disable our web beacons, you should do so by turning images “off” in your email client (e.g., Outlook, Gmail). Please see your email client for more information.

To learn how you can control information collected about you using cookies and other technologies see choices about your information, below.

HOW WE USE INFORMATION

ETF Action use's your personal information to provide the Services to you, to improve our Services, and to protect our legal rights. We limit the collection of personal information to that which is relevant for these purposes. We will not store, access, transmit, retain or otherwise use personal information in any way that is incompatible with the purposes for which it has been collected or stored as described in this Privacy Policy without your consent. We use the personal information we collect in the following ways:

We process your information for the following purposes as necessary to provide the Services to you and perform our contract with you:

- **Facilitate your purchase:** to facilitate your purchase of subscription services or product.
- **Communicate with you:** to communicate with you about our website or Services (including the notifications that are part of our Services), to send you account updates or other communications regarding your account or to inform you of any changes to our website or Services.
- **Provide Customer Support:** to provide you support or other services you request. For example, we may need your information in order to provide technical support or answer questions about our website or Services.

We process your information for the following purposes as part of our legitimate interest in the improvement and marketing of our Services, and in the security of our Services. We apply appropriate safeguards to protect your information including as described below.

- **Communicate about new features:** We send you notifications about new features or information available on our Services or that we feel might be of interest to you. You can opt-out by emailing us at support@etfaction.com or clicking the Unsubscribe link in the email notifications you receive.
- **To maintain and improve our website and Services:** We analyze how our users interact with our website in order to maintain and improve our website. We also use information that we collect to diagnose any problems with our website.
- **Benchmarking:** We aggregate your information in order to gain insights into our Services.

In our processing of your information, we also share your personal information to defend our rights and the rights of others, to efficiently maintain our business, and to comply with the law as described below.

HOW WE SHARE INFORMATION

ETF Action shares your information with our service providers, among our entities, in connection with a corporate restructuring, to prevent harm, to comply with the law, and to protect our legal rights. The legal basis for this is our legitimate interest in providing our Services, complying with the law, and protecting our rights and those of others. We apply appropriate safeguards for this sharing of your information including as described below.

- **Service Providers:** We share information with service providers that help us perform website functions and process your transactions.
 - We use Google Analytics to conduct data analytics on usage of our services. A link to the Google Privacy Policy is <https://policies.google.com/privacy>.
 - We use Mailchimp to send email and collect data with regard to email interactions. A link to the Mailchimp Privacy Policy is <https://mailchimp.com/legal/privacy/>.

- **Corporate Structure:** We would share information if we are involved or intend to be involved in a merger, acquisition, consolidation, change of control, or sale of all or a portion of our assets or in connection with bankruptcy or liquidation proceedings.
- **To Prevent Harm:** We may share information if we believe it is necessary in order to detect, investigate, prevent, or take action against illegal activities, fraud, or situations involving potential threats to the rights, property, or personal safety of any person.
- **To Protect Our Rights and As Required by Law:** We will share information where we are legally required to do so, such as in response to court orders or legal process, to exercise our legal rights, to defend against legal claims or demands, or to comply with the requirements of any mandatory applicable law. We will also share information as necessary to enforce the terms of this Privacy Policy, the ETF Platform Terms of Use (www.etfaction.com/termsfuse) the ETF Action Terms of Service (www.etfaction.com/termservice) and any other terms that you have agreed to, including to protect the rights, property, or safety of ETF Action, its users, or any other person, or the copyright-protected content of the Services.

With Your Consent: We will request your permission to use or share your personal information for a specific purpose that is not compatible with the purposes listed here. We will notify you and request consent before you provide the personal information or before the personal information you have already provided is shared for such purpose. With your consent, we may also share your quotes and reviews on our Service for promotional purposes. If we rely on your consent to use or share your information, your consent may be revoked at any time by contacting us at support@etfaction.com.

SECURITY

The security of your personal information is important to us. We maintain reasonable physical, technical, and administrative security measures to protect and limit access to your personal information. No method of transmission over the Internet or electronic storage technology, however, is 100% secure. Therefore, while we strive to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security.

CHOICES ABOUT YOUR INFORMATION

Access, correct or delete your information: You may use your account to access or correct the information you provided to us and which is associated with your account by clicking the link in any ETF Action Services email that says “Click here to update your info” or something similar. You can also request this, as well as request deletion of your information, by writing us at support@etfaction.com. Subscribers can also update their information by logging into their premium accounts on the website at <https://etfaction.com/login>. Even if you terminate your account, keep in mind that deletion of your personal information by our third-party providers may not be immediate and that deleted personal information may persist in backup copies for a reasonable period of time and as required by applicable laws and regulations.

In the event that we refuse a request under rights of access, we will provide the individual with a reason as to why. Individuals residing in the EU also have the rights described below.

Advertising cookies: To opt out of interest-based advertising or to learn more about the use of this information by our service providers you can visit the Network Advertising Initiative website (http://www.networkadvertising.org/managing/opt_out.asp) or the Digital Advertising Alliance website (<http://www.aboutads.info/choices/>), or if you are in the EU, the EDAA (<http://www.youronlinechoices.eu/>). If you choose to opt out, we will place an “opt-out cookie” on your computer or device. The “opt-out cookie” is browser specific and device specific and only lasts until cookies are cleared from your browser or device. The opt-out cookie will not work for some cookies that are important to how our websites and mobile apps work (“essential cookies”). If the cookie is removed or

deleted, if you upgrade your browser or if you visit us from a different computer or device, you will need to return to the applicable website to re-select your preferences.

Cookies: If you would like to opt out of accepting cookies altogether, you can generally set your browser to not accept cookies or to notify you when you are sent a cookie, giving you the chance to decide whether or not to accept it. Please note that certain functions of this website may not function properly if your web browser does not accept cookies. If you choose to opt out, we will place an “opt-out cookie” on your computer or device. The “opt-out cookie” is browser specific and device specific and only lasts until cookies are cleared from your browser or device. The opt-out cookie will not work for some cookies that are important to how our websites and mobile apps work (“essential cookies”). If the cookie is removed or deleted, if you upgrade your browser or if you visit us from a different computer, you will need to return and update your preferences.

Google Analytics: See <http://www.google.com/policies/privacy/partners/> for information about how Google uses the information provided to Google Analytics and how you can control the information provided to Google. To prevent your data from being used by Google Analytics, you can download the Google Analytics opt-out browser add-on for Google Analytics which can be found here: <https://tools.google.com/dlpage/gaoptout>

Promotional emails: To unsubscribe from promotional emails please click the unsubscribe link included in the footer of all of our emails. By unsubscribing, you will be removed from our email list and you will no longer receive any communications from us, including emails pertaining to the Services. We will continue to send you notifications necessary for the Services related to this email address.

Email tracking: To disable our web beacons you may turn images “off” in your email client (e.g., Outlook, Gmail).

RIGHTS OF RESIDENTS OF THE EUROPEAN UNION (EU)

If you use the Services and reside in the EU, you are entitled by law to access, correct, amend, or delete personal information about you that we hold. A list of these rights is below. Please note that these rights are not absolute and certain exemptions apply. To exercise these rights please contact us at support@etfaction.com. For your protection, we may need to verify your identity before responding to your request, such as verifying that the email address from which you send the request matches your email address that we have on file. In the event that we refuse a request under rights of access, we will provide you a reason as to why.

- **The right to access:** You have the right to ask us for copies of your personal information. This right has some exemptions, which means you may not always receive all the information we process. When making a request, please provide an accurate description of the data you want access to.
- **The right to rectification:** You have the right to ask us to rectify information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- **The right to erasure:** You have the right to ask us to erase your personal information in certain circumstances, including (i) when your personal information is no longer necessary for the purposes for which it was collected or processed or (ii) your information must be erased to comply with a legal obligation in EU Union or Member State law.
- **The right to restrict processing:** You have the right to ask us to restrict the processing of your information in certain circumstances, including (i) when the accuracy of the information is brought into question or (ii) when we no longer need the information for purposes of the processing but you require such information for the establishment, exercise, or defense of a legal claim. See “choices about your information” for some ways you can restrict processing.

- ***The right to object to processing:*** You have the right to object to processing if we are able to process your information because the process is in our legitimate interests. See “choices about your information” for some ways you can object to processing.
- ***The right to data portability:*** This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organization to another, or give it to you.
- ***The right to lodge a complaint with the supervisory authority.*** A list of Supervisory Authorities is available here: http://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm.

HOW LONG DO WE KEEP YOUR INFORMATION

ETF Action will retain your personal information until the later of (i) the information is no longer necessary to accomplish the purpose for which it was provided; or (ii) your account with ETF Action is terminated.

We retain your information for longer periods for specific purposes to the extent that we are obliged to do so in accordance with applicable laws and regulations and/or as necessary to protect our legal rights or for certain business requirements. For example, when we process your payments, we will retain this data for longer periods of time as required for tax or accounting purposes. More specifically, we would retain some data for longer periods of time for the following reasons:

- ***Security, fraud & abuse prevention:*** i.e. To protect you, other people, and us from fraud, abuse, and unauthorized access.
- ***Financial record-keeping:*** When you make a payment to us we are often required to retain this information for long period of time for purposes of accounting, dispute resolution and compliance with tax, anti-money laundering, and other financial regulations.
- ***Complying with legal or regulatory requirements:*** To meet any applicable law, regulation, legal process or enforceable governmental request, as required to enforce our terms of service, including investigation of potential violations.
- ***Direct communications with us:*** If you have directly communicated with us, through a customer support channel, feedback form, or a bug report, we may retain reasonable records of those communications.

Even if you delete your account, keep in mind that the deletion by our third-party providers may not be immediate and that the deleted information may persist in backup copies for a reasonable period of time. For any privacy or data-protection-related questions, please write to support@etfaction.com.

TRANSFERS OF INFORMATION

Your information may be transferred to — and maintained on — computers located outside of your state, province, country or other governmental jurisdiction where the data protection laws may differ from those of your jurisdiction.

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

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

The laws in the United States may not be as protective of your privacy as those in your location. For example, United States law does not provide you with the right to access, modify and delete personal information in all cases. Further, government entities in the United States may have certain rights to access your personal information. When transferring personal information to and processing personal information in the United States we will implement appropriate safeguards and process the personal information in

accordance with the terms of this Privacy Policy. By using our websites or our Services, you agree to the transfer and processing of your personal information to the United States.

CHILDREN’S PRIVACY

Our website and Services are not intended for use by children. We do not knowingly collect personal information from children under the age of 16 years. If we become aware that a child under 16 has provided us with personal information, we take steps to delete such personal information without undue delay. California users under the age of 18 may request the removal of their content or information publicly posted on the website by emailing us at the appropriate email address identified below.

YOUR CALIFORNIA PRIVACY RIGHTS

California Civil Code Section § 1798.83 permits users of the Services that are California residents to request certain information regarding ETF Action’s disclosure of personal information to third parties for their direct marketing purposes. To make such a request, please send an email to support@etfaction.com or write to ETF Action at the address below.

UPDATES TO THIS PRIVACY POLICY

ETF Action may update or modify this Privacy Policy from time to time. We will post the changes to this page and will indicate the date they go into effect. We encourage you to review our Privacy Policy to stay informed. If we make changes that materially affect your privacy rights we will notify you of the changes by posting a prominent Privacy Policy on our website or using other methods that we select, such as sending you an email.

“DO NOT TRACK”

The website is not currently configured to respond to Do Not Track signals sent by Internet browsers.

CONTACT US

Any questions or concerns about the interpretation or operation of this Privacy Policy or about what may or may not be done with regard to your information should be directed to:

ETF Action
800 Englewood Parkway
Englewood, Colorado 80110
support@etfaction.com