

MakeMusic Cloud Privacy Policy

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1. WHO WE ARE

MakeMusic, Inc. (“**MakeMusic**”, “**we**,” or “**us**”) provides a variety of services, including the MakeMusic Cloud Services. This Privacy Policy sets forth how we collect, use and share data of our end users (“**you**,” “**your**,” or “**users**”) of the MakeMusic Cloud Services, and supplements MakeMusic’s general [Privacy Policy](#). Purchase of MakeMusic Cloud is acceptance of this Privacy Policy and the [MakeMusic Cloud Terms of Service](#). The Make Music Cloud Services is a web-based music practice application with content, tools and functionality for teachers, students, hobbyists and composers (the “**Services**”).

The MakeMusic Cloud Services are provided through the following websites:

www.makemusic.com/makemusic-cloud/, home.makemusic.com, admin.makemusic.com, asm.makemusic.com, search.makemusic.com, compose.makemusic.com, srstudio.makemusic.com, contentmanager.makemusic.com, assigner.makemusic.com, grades.makemusic.com, analytics.makemusic.com, classdetails.makemusic.com, billing.makemusic.com, account.makemusic.com, quotes.makemusic.com, and all related mobile applications, (collectively, the “**Sites**”), which are owned and operated by MakeMusic, Inc. and, as components of MakeMusic Cloud, are governed by this Privacy Policy.

Some of the data MakeMusic collects is considered “personally identifiable information,” “personal information” or “personal data” under applicable law (collectively referred to in this Privacy Policy as “**Personal Data**”). Generally, Personal Data is information that can be reasonably

connected to an identified or identifiable individual. It does not include deidentified or anonymized data.

The purpose of this Privacy Policy is to disclose to you how we collect, use and share Personal Data and how we attempt to safeguard the Personal Data we collect and process. We are committed to securing the Personal data that we collect concerning you (“**you**”) and complying with applicable data protection and privacy laws. We may update this Privacy Policy from time to time. When we do, we will post an amended version of the Privacy Policy on this website. Please review this Privacy Policy periodically. MakeMusic recognizes the importance of protecting the privacy of our customers and the users of the Site. However, some uses of such information are required for us to conduct legitimate business by providing information of interest to our customers and the users of the Site.

2. HOW TO CONTACT US

If you have any questions regarding data protection or your rights, please contact us:

MakeMusic, Inc.
Attn: Privacy Team
285 Century Place, Louisville, CO 80027
United States of America
Visit us at www.makemusic.com/support
Email us at privacy@makemusic.com
Call us toll free (for the U.S.A.): 1-800-843-2066
International callers: (952) 937-9611

3. WHY WE COLLECT DATA AND HOW WE COLLECT IT

We collect, process and use Personal Data to allow you to provide MakeMusic Cloud, the Services, and the Sites to you. For example, we use the Personal Data we collect to:

- Communicate with you;
- Process your account registration;
- Contact you regarding any account issue;
- Provide you with information, quotes, and offers;
- Provide, maintain, and improve our Sites and Services;
- Process your account registration (where applicable);
- Provide you with support;
- Personalize, enhance, an/or tailor your experience on our Sites and using our Services;
- Provide information about data privacy and security;
- Measure the performance of our Sites and Services;
- Assist with ensuring the security and integrity of the Sites and Services;
- Maintain, improve, and customize our products, Sites and Services;
- Develop new products and services;
- Investigate, prevent or take action regarding illegal activities, suspected fraud or violations of our terms of use;
- Efficiently maintain our business;
- Comply with applicable law; and
- Defend our legal rights and the rights of others.

We obtain Personal Data directly from you, through cookies and other technologies, through your devices, and from third parties as described in this Policy and any other privacy notices we may provide to you when you interact with us.

4. PROTECTING YOUR PRIVACY GENERALLY.

- a. **Industry-Standard Protection.** We utilize industry-standard security measures to safeguard the information we collect, maintain and use. These measures include technical and procedural steps to protect your data from misuse, unauthorized access or disclosure, loss, alteration or destruction. However, we do not and cannot guarantee the performance or adequacy of such security measures.
- b. **Limitation on Access.** Access to any Personal Data we collect and store is generally restricted to our employees and/or contractors who require it to perform a job or other contracted function. We require vendors and contractors we work with to use reasonable, industry standard protocols to maintain the confidentiality, security, and integrity of Personal Data.
- c. **Third Party Processors.** To ensure that your Personal Data receives an adequate level of protection, we have put in place appropriate procedures with the third parties we share your Personal Data with to ensure that your Personal Data is treated by those third parties in a way that is consistent with applicable data privacy and security laws.

5. COMMITMENT TO CHILDREN'S PRIVACY.

We are committed to protecting the online privacy of children. As part of providing our educational service offerings, we do collect certain personal information about children. However, we collect such information only for the purpose of providing our users the opportunity to participate in educational services through the Site and Services, and only in accordance with applicable law.

The Site and Services do not allow students who report themselves as under the legally required age in the applicable jurisdiction to create an account without consent from a parent/legal guardian or as otherwise allowed by law. It is a violation of these Terms of Service for children to create an account by misrepresenting their age. If a student under the legally required age creates an account by misrepresenting her/his age and MakeMusic becomes aware of the violation, we will lock the student's account and send a notification to the parent, legal guardian, or educator identified by the student to inform them of the unauthorized account and to provide them the opportunity to bring the account in compliance through provision of legally recognized consent. If such student's account is not brought into compliance within a reasonable amount of time, we will delete the account and the student's information.

- a. **General.** In compliance with the Children's Online Privacy Protection Act, 15 U.S.C., §§ 6501-06 and 16 C.F.R., §§ 312.1-312.12, the Sites and Services do not collect information from children under 13 years of age in the United States without the consent of a parent or legal guardian or another legally recognized consent mechanism. The Sites do not collect information from children under 18 years of age in Canada, or under 16 years of age in the European Economic Area without the legally mandated consent or under a

recognized exception. You, as a parent or guardian of a student under the designated minimum legal age may contact us through any of the methods below to request (1) what information we have about such child, (2) that we correct any incorrect information, (3) that we delete any personal data of such child, and/or (4) that we cease further collection or use of any personal data of such child.

b. **Educational Use.** Children under 13 years of age in the United States may use the Sites as part of an educational program wherein the respective educational institutions are responsible for collecting required parental consent for children using the Services for educational purposes or are providing parental consent for such student use as allowed under applicable law. Upon request, the educational institution shall provide proof such consent has been gathered and affirmed. For all students in the United States, their use of the Sites is compliant with Family Educational Rights and Privacy Act (FERPA) under the "School Official" Provision 34 C.F.R. § 99.31(a)(1)(i)(B).

c. **Providing, Withdrawing, and Reviewing Consent.**

- i. If, as a parent or legal guardian, you have not received information from your school, please contact the teacher or school directly.
- ii. If you have received notice from the school and have not given your consent, or if you believe we have inadvertently collected personal information of a child under 13 (United States and Canada) or 16 (European Union) without proper parental consent, please contact us directly so that we may delete such data as soon as possible. Contact information can be found in Section 2 of this Privacy Policy.
- iii. If you are a parent/guardian and wish to review information submitted by your child, you may contact us and, after confirming your identity, we will provide you with an opportunity to review, and if you wish to delete such information. Contact information can be found in Section 2 of this Privacy Policy.

6. TYPES OF INFORMATION WE COLLECT.

a. **Information You Provide Directly To Us.** We may collect the following categories of Personal Data if you provide it to us:

- Contact information and identifiers (such as name, local and permanent address, company name, telephone number, electronic mail address);
- Information regarding your order(s) and/or service request(s) (product purchased, date of purchase, purchase price);
- Financial information, such as payment information, from educational institutions and individuals that purchase our products or services;
- Information you provide to us when inquiring about our products or services;

- Any other information you provide to us, including both private messages and user generated, publicly posted content.

b. Information We Collect Via Tracking Technology.

We use cookies and other tracking technologies (such as pixels and web beacons) (collectively, “**cookies**”) to collect information as you navigate the Sites. Cookies are small files of information that are stored by your web browser software on your computer hard drive, mobile or other devices (e.g., smartphones or tablets). We use cookies to enable the Sites and Services to work more efficiently.

The information that may be collected via Cookies includes:

- Unique personal identifiers (device identifiers, IP address, cookies, beacons, pixel tags, mobile ad identifiers and other forms or persistent or probabilistic identifiers that can be used to identify a particular consumer or device);
- Internet or other electronic network activity information (browsing history; search history; and information regarding your interaction with website, application or advertisement);
- Device and browser types, language, age category, gender (if available) and interest categories derived from browsing history;
- Your general location data (town or city, not precise location data)

We have set our cookies to be anonymized, meaning that while the cookies may initially collect information that could lead to identifying an individual or device, it is then anonymized. As set, our cookies do not allow us to obtain information of a personal nature that will identify you to us, such as your name and address. We will only be aware of such information if you provide the information to us, or you have set the preferences in your browser to provide this information automatically.

Types of cookies we use:

- Strictly Necessary Cookies: These cookies are essential in order to enable you to move around the website and use its features. Without these cookies the services you have asked for, such as tutorials, cannot be provided.
- Performance Cookies: These cookies collect information about how visitors use a website, for instance which pages visitors go to most often. These cookies do not collect information that identifies a visitor. All information these cookies collect is aggregated and therefore anonymous. It is only used to improve how the website works. By using our website, you agree that we can place these types of cookies on your device.
- Functionality Cookies: These cookies allow the website to remember choices you make and provide enhanced, more personal features. For instance, these cookies can be used to remember the volume level you prefer to use when watching videos on

our website. The information these cookies collect may be anonymized and they cannot track your browsing activity on other websites.

- Targeting cookies: **MakeMusic Cloud does not use targeting cookies.**

By using our website or interacting with the MakeMusic Cloud application, you agree that we can place these types of cookies on your device.

Your web browser may allow some control of most cookies through your browser settings. To find out more about cookies, including how to see what cookies have been set on your computer and how to manage and delete them, visit www.allaboutcookies.org. Please note that you may delete and block all cookies used by this website but, if you do so, parts of the website may not work.

You can also control the use of cookies at the browser level by setting your web browser controls to accept or refuse cookies. If you choose to block all cookies (including essential cookies) you may not be able to access all or parts of our Sites and Services. In addition, most advertising networks offer you a way to opt out of targeted advertising. If you would like to find out more information on this, please visit the websites: <http://www.aboutads.info/choices/> or <http://www.youronlinechoices.com> or <http://globalprivacycontrol.org>.

Analytic cookies listed below can also be managed and/or disabled utilizing the [Google Analytics Opt-out Browser Add-on](https://tools.google.com/dlpage/gaoptout?hl=en-GB) which may be found at <https://tools.google.com/dlpage/gaoptout?hl=en-GB>.

Below is a listing a description of the specific cookies utilized within MakeMusic Cloud:

Cookie Name	Cookie Category	Cookie Purpose
.mmaorg-production	Strictly necessary cookies	A MakeMusic cookie which stores information about a user's connected platform(s).
.mmaaccount-production	Functionality cookies	A MakeMusic cookie which stores a user's account information (i.e., name, instruments played).
.mmauth-production	Strictly necessary cookies	A MakeMusic cookie which stores information about a user's role (i.e., what pages an administrator may access versus a student and what teacher a student is connected to).
.mmcoppa-production	Strictly necessary cookies	A MakeMusic cookie that maintains information about a student's birthday

		(if under the age of 13 in the United States and Canada) in order to comply with COPPA regulations.
.mmrpwc-production	Functionality cookies	A MakeMusic cookie for a temporary password reset request. Expires after 15 minutes.
.mmGdpr	Functionality cookies	A MakeMusic cookie which stores information about a user's acceptance of our cookie policy.
_cfduid	Functionality cookies	A CloudFare cookie which identifies trusted web traffic.
_zlcmid	Functionality cookies	A Zendesk Chat cookie that stores user identity across visits and the user's preference to disable our Live Chat feature.
_ga	Analytics cookies	An anonymous Google Analytics cookie used to distinguish users.
_gid	Analytics cookies	An anonymous Google Analytics cookie used to distinguish users.
_gat	Analytics cookies	An anonymous Google Analytics cookie used to throttle the request rate.
ajs_anonymous_id	Analytics cookies	A Segment cookie that counts the number of site visitors.
ajs_group_id	Analytics cookies	A Segment cookie that gathers user activity information.
sj_pa	Functionality cookies	A Skilljar cookie which stores information about an account in order to show appropriate tutorial materials.
sj_ubid	Functionality cookies	A Skilljar cookie which stores information about an account

		in order to show appropriate tutorial materials.
.auth-msg	Strictly necessary cookies	A MakeMusic cookie used for displaying messages during login.
.mmunverifiedauth-production	Strictly necessary cookies	A MakeMusic cookie which stores information about an unverified account so the account may be authenticated by a teacher upon class enrollment.
.mmunderageauth-production	Strictly necessary cookies	A MakeMusic cookie which stores information about an account under the age of consent so the account may be authenticated by a teacher upon class enrollment.
.AspNetCore.Antiforgery	Strictly necessary cookies	A MakeMusic cookie which is used to prevent request forgery.
.AspNetCore.MmExternal	Functionality cookies	A MakeMusic cookie that stores information related to the Classroom Rostering feature.

- c. Information Educational Institutions Provide to Us.** We may collect Personal Data from the educational institutions that utilize our products. The educational institutions may provide Personal Data about you to us if the information is needed to set up an account for you, provide you with services and/or provide you with support and information.
- d. Non-Identifiable Information.** We collect and use non-personally identifiable user information (“**Non-PII**”) for several purposes, including (without limitation): (i) to calculate necessary royalty payments to third party content providers, which are often based on the number of times a work is opened or accessed by our users; (ii) to prepare reports and other materials that we may share with others in an anonymous format; and (iii) for analytics purposes. In some instances, we use third-party vendors to collect, monitor and/or maintain Non-PII. For example, we utilize [Rollbar](#), [Google SSO](#) and [Google Analytics](#). Rollbar is utilized for error monitoring. Information logged includes common request data. Google Analytics is utilized to analyze application, feature and content usage.

7. DO NOT TRACK SIGNALS.

Some internet browsers incorporate “Do Not Track” or other privacy control features that signal to websites you visit that you do not want to have your online activity tracked. Our cookie management tools respond to these signals.

8. INFORMATION WE DISCLOSE TO THIRD PARTIES.

We may provide access to Personal Data to others in the following ways:

- a. **With Service Providers.** We may share information with service providers who:
 - perform data services on our behalf, such as hosting and cloud storage services, and data warehousing ([AWS](#), [Snowflake](#), [Google](#));
 - provide print publishing services ([Alfred Music](#));
 - provide project management and workflow management services ([Asana](#), [Notion](#), [Miro](#));
 - provide defect-tracking services, database and/or monitoring services, and error monitoring services ([Atlassian](#), [DataDog](#), [Rollbar](#), [Sentry](#));
 - provide messaging and notification services, customer feedback services, customer support and relationship management services, and customer engagement services ([Engage \(Twilio\)](#), [Hubspot](#), [Iterable](#), [Slack](#), [Zendesk](#), [84Codes](#), [Survey Monkey \(Momentive\)](#));
 - provide analytics and visualization services, data pooling services, and data transfer services ([Engage \(Twilio\)](#), [Fivetran](#), [Iterable](#), [Peaksware](#), [Metabase](#), [Redash](#), [SatisMeter](#), [Google Analytics](#), [Segment \(Twilio\)](#), [Sigma](#));
 - provide LMS integration, rostering, and/or SSO services ([ClassLink](#), [Schoology](#), [Canvas \(Instructure\)](#), [Google](#));
 - provide other services on our behalf, such as feature-flag services, and accounting and tax software services ([Netsuite](#), [Avalara](#), [ConfigCat](#))
 - provide other general services such as documentation software and usability testing ([Microsoft](#), [Maze](#)); and
 - process payment information on our behalf ([Braintree](#)).
- b. **With Business Affiliates.** We share information with our affiliated companies, including:
 - Our sister companies [Alfred Music](#) and [Fons](#), and our parent company, [Peaksware Holdings, LLC](#), with whom we partner with to utilize common resources, business operations, and for general business purposes (together with MakeMusic, Inc., the “Music Brands” or “Family of Brands”).
- c. **To Meet Our Legal Requirements or Exercise Our Rights.** We may share information with third parties in the following instances:

- When we are required to do so by law.
 - In connection with any legal proceedings or prospective legal proceedings.
 - To establish, exercise, or defend our legal rights, including providing information to others for the purposes of fraud prevention.
 - When we reasonably believe it is appropriate to apply to a court or other competent authority for disclosure of that Personal Data where, in our reasonable opinion, such court or authority would be reasonably likely to order disclosure of that Personal data.
 - We may share information with other persons or entities as part of our own corporate transactions, such as during financing or any asset sale.
- d. **At Your Request.** We will share your Personal Data when you request or otherwise consent to the disclosures.

9. HOW TO ACCESS & CONTROL YOUR PERSONAL DATA

We respect your privacy and provide ways for you to choose whether to share your information with us or any third parties.

- a. **You may decline to provide information.** You have the right to decide not to share information with us.
- b. **You may request deletion.** You may submit a request to update or delete your personal data by contacting us through any of the methods provided on our [Contact Us page](#), or you may email us at privacy@makemusic.com.

PLEASE NOTE, HOWEVER, THAT IF YOU CHOOSE NOT TO PROVIDE US WITH CERTAIN INFORMATION OR ASK US TO DELETE YOUR INFORMATION, WE MAY NOT BE ABLE TO PROVIDE YOU WITH ACCESS TO SOME OF OUR SITES AND/OR SERVICES. IN ADDITION, IN SOME CIRCUMSTANCES, WE MAY NOT BE ABLE TO MODIFY OR DELETE DATA DUE TO OUR OWN OBLIGATIONS.

- c. **You may review and request changes to your personal data.** If you have an account with us, you may use your account to access, correct, or view certain personal data we have collected which is associated with your account. You may also contact us through any of the methods provided on our [Contact Us page](#), or you may email us at privacy@makemusic.com to request information or changes.
- d. **You may opt out of marketing communications.** You can always choose whether you wish to receive communications we send via email, SMS messages, telephone calls and postal mail. To unsubscribe from our marketing emails, please adjust your marketing preferences in the MakeMusic Cloud in-application settings. You may also contact us through any of the

methods provided on our [Contact Us page](#), or you may email us at privacy@makemusic.com to opt out of our communications.

- e. **You may control cookies used.** You may opt out of cookies through your account settings in the Sites or as described in [Section 6 \(b\)](#) above.

10. SECURITY

When you register for an account with us, you may be required to choose or will be assigned a password which enables you to access our Sites and Services. You are responsible for keeping this password confidential and for all activity that takes place through your account credentials. Do not share your password with anyone. If your password is compromised, change your password within your account. If you believe your account may have been compromised, please notify us immediately.

We take industry standard security measures to protect your information. We also have put into place appropriate agreements and/or procedures with our service providers to ensure that your Personal Data is treated consistent with applicable data privacy and security laws. Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your Personal Data, we cannot and do not guarantee the security of your data.

11. LINKS TO THIRD-PARTY SITES

Our Sites may contain links to other websites and companies that may be of interest to you. If you click on any of those links, you will leave our Sites. We are not responsible for third-party websites. Therefore, please consult the terms of service and privacy policies of those sites when you visit them.

12. DATA RETENTION

We will store your Personal Data for as long as: (a) you maintain an account with us; (b) you continue using our Sites and Services; (c) your Personal Data is stored in our back up servers and/or services; (d) in accordance with our retention policies and schedules; and (e) as long as we are legally required to retain the Personal Data. Data can be deleted upon request.

Generally, we will store your information for as long as you are a customer and for up to five (5) years thereafter to preserve records in case of a legal claim. We may keep records of transactions with you for a period of up to seven (7) years to comply with the IRS requirements. For users who are students of U.S. educational institutions that are using the Sites and Services and are subject to the Family Educational Rights and Privacy Act (FERPA) and/or where the school has provided consent for us to collect the student's personal data under the Children's Online Privacy Protection Act (COPPA), your data will be kept for as long as you are a customer or until an educator, administrator, or parent/guardian associated with your account requests the removal of your information, unless and only to the extent we have a superseding legal obligation to retain the data.

13. ACCESSIBILITY

We value all of our users, and it is our goal to provide an excellent experience for all our users, including our users with disabilities. You understand and accept, however, that some of the features of the Site and Services may not be fully accessible because they are provided by third-parties or have errors. If you wish to access this Privacy Policy in an alternate format, or would like to report an issue you are experiencing on our Sites or Services, please email us at accessibility@makemusic.com. You expressly agree to attempt to resolve any and all issues with accessibility directly with us and in good faith prior to instituting any legal action against us.

14. ADVERTISEMENT AND MARKETING

MakeMusic will only market and advertise to customers who have opted in to applicable marketing settings in their account. These settings are turned off until accepted upon account creation.

By opting into marketing preferences, the customer affirms they meet their legal jurisdiction's age of consent and applicable criteria to receive marketing materials. We do not knowingly market to children under the age of 18.

If you are of an age of legal consent in your country, and you opt into receiving such notices, we may use your email address to send you information about changes or improvements we are making, or other MakeMusic marketing promotions. Our Business Affiliates, as detailed in Section 8.b. and referred to as (together with MakeMusic, Inc.) our "Music Brands" or "Family of Brands," may also use your provided information to send you marketing communications. To opt-out of this activity, users may opt-out of receiving marketing and advertising material as detailed in Section 9.d.

15. AUTOMATED DECISION MAKING AND AI

In order to personalize your experience and interactions with our sites and service, MakeMusic may use Automated Decision Making (ADM) to optimize product suggestions, feature interactions, and event firings. To opt-out of such ADM features, customers may opt-out of marketing and advertising services via their account or link at the bottom of applicable emails. By opting-out of receiving marketing or advertisements, customers will successfully opt-out of ADM.

16. NOTICE TO GOOGLE API SERVICE USERS.

MakeMusic Cloud accesses Google user data through Google API. The purpose of collecting this data is to provide our product and services as described above in the section titled **WHY WE COLLECT DATA AND HOW WE COLLECT IT**. No additional data outside of that specified in this policy will be collected. We secure and house all user data, including Google API Service user data, in accordance with commercially reasonable and industry-standard means and practices or as legally required. All user data, including Google API Service user data, may be shared as described in the section titled **INFORMATION WE DISCLOSE TO THIRD PARTIES**.

17. NOTICE OF STATE PRIVACY RIGHTS

Depending on the state in which you reside, you may have certain privacy rights regarding your personal data. If you are a California resident, please see **Section 19. NOTICE TO CALIFORNIA RESIDENTS** below. For other state residents, your privacy rights may include (if applicable):

- The right to confirm whether or not we are processing your personal data and to access such personal data;
- The right to obtain a copy of your personal data that we collected from and/or about you in a portable and, to the extent technically feasible, readily usable format that allows you to transmit the information to another controller without hindrance, where the processing is carried out by automated means;
- The right to delete personal data that we collected from and/or about you, subject to certain exceptions;
- The right to correct inaccurate personal data that we maintain about you, subject to certain exceptions;
- The right, if applicable, to opt out of the processing of your personal data for purposes of (1) targeted advertising; (2) the “sale” of your personal data (as that term is defined by applicable law); and (3) profiling in furtherance of decisions that produce legal or similarly significant effects concerning you;
- If we are required by applicable law to obtain your consent to process sensitive personal data, the right to withdraw your consent; and
- The right not to receive discriminatory treatment by us for the exercise of your privacy rights.

If you have questions or would like to submit a request to exercise your rights, please call us at 1-800-843-2066 or email us at privacy@makemusic.com. If legally required, we will comply with your request upon verification of your identity and, to the extent applicable, the identity of the individual on whose behalf you are making such request. To do so, we will ask you to verify data points based on information we have in our records. If you are submitting a request on behalf of another individual, please use the same contact methods described above.

Personal Information collected by MakeMusic Cloud is not shared or sold or used for targeting advertising or marketing purposes.

Users who opt-in to receive marketing communications via marketing preferences may receive targeted advertising. See **Section 14. ADVERTISEMENT AND MARKETING** for more information and how to adjust preferences.

We do not use personal data for profiling in furtherance of decisions that produce legal or similarly significant effects concerning individuals.

18. NOTICE TO NEVADA RESIDENTS

Nevada law allows Nevada residents to opt-out of the sale of certain types of personal information. Subject to a number of exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to a person for the person to license or sell the information to additional persons. We do not currently sell personal information as defined in the

Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt-out of sales and we will record your instructions and incorporate them in the future if our policy changes. Opt-out requests may be sent to privacy@makemusic.com.

19. NOTICE TO CALIFORNIA RESIDENTS

This Privacy Notice to California Consumers (“**CA Notice**”) is for California residents and supplements the other sections of MakeMusic’s Privacy Policy. This CA Notice explains how we collect, use and disclose your “**Personal Information**” (as that term is defined by California law) and how you may exercise your rights under the California Consumer Privacy Act (“**CCPA**”). This Notice is intended solely for, and is applicable only as to, California residents. If you are not a California resident, this does not apply to you.

NOTE: If you are a Californian resident and a current or former employee, job applicant or independent contractor of MakeMusic, please see our [Privacy Policy for California Employees, Former Employees & Job Applicants](#) for more information on our collection, use and storage of your Personal Information in that capacity.

A. NOTICE AT COLLECTION OF PERSONAL INFORMATION. To provide you with our products, Sites and Services, we collect and process information about you, including in some cases, Personal Information. To comply with the CCPA and to assist you in understanding our data collection and protection practices during the past 12 months:

i. Categories of Consumer Personal Information. We collect and, in the 12 months prior to the Date of Last Revision of this Privacy Policy, have collected the following categories of consumer Personal Information:

a. From Districts, Platform Owners, Platform Administrators, and Teachers:

- Identifiers (name, alias, account or user name and password, email address, postal and/or billing address, country and time zone, Internet Protocol address*, class name and/or roster, instrument(s)played, online identifiers, other similar identifiers).
- Unique personal identifiers (cookies, beacons, pixel tags, mobile ad identifiers, or other similar technology).
- Telephone numbers.
- Commercial information (records of products or services purchased, obtained, or considered, or other commercial information),
- Education information, including professional certifications and licenses (district, school, or studio name, class roster)
- Audio, electronic, video, or similar information that is linked or reasonably linkable to an individual (in-app audio and video performance).

b. From Students/Individual Users:

- Identifiers (name, account name or username and password, email

address, country, timezone, age (if above or below 13 years of age), instrument(s) played, other similar identifiers).

- Unique personal identifiers (cookies, beacons, pixel tags, or other similar technology).
- Education information (district, school, or studio name, class roster)
- Audio, electronic, video, or similar information that is linked or reasonably linkable to an individual (in-app audio and video performance).

c. From Parents / Guardians of Student Users:

- Identifiers (name, alias, email address, postal or billing address, other similar identifiers).
- Telephone numbers.

** the location within a certain area/city/zip code; we are gathering the country code.*

- ii. Sources of Personal Information. We collect the above categories of consumer Personal Information from you, from your devices and from our distributors and service providers as described in Section 6 above.
- iii. Purpose for Collection. In addition to the business purposes for which we collect consumer Personal Data described in Section 3 above, we collect consumer Personal Information for the following business or commercial purposes:
 - Auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards
 - Helping to ensure security and integrity to the extent the use of your Personal Information is reasonably necessary and proportionate for these purposes
 - Debugging to identify and repair errors that impair existing intended functionality
 - Short-term, transient use, including, but not limited to, non-personalized advertising shown as part of your current interaction with us, provided that your Personal Information is not disclosed to another third party and is not used to build a profile about you or otherwise alter your experience outside the current interaction with us
 - Performing services, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services
 - Providing advertising and marketing services, except for cross-context behavioral advertising, to you provided that, for the purpose of advertising and marketing, our service providers and/or contractors shall not combine the Personal Information of opted-out consumers that the service provider or contractor receives from us, or on our behalf with Personal Information that the service provider or contractor receives from, or on behalf of, another person or persons or collects from its own interaction with you. **We do not market or advertise to users under 18 years old.**
 - Undertaking internal research for technological development and demonstration

- Undertaking activities to verify or maintain the quality or safety of a service that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or device that is owned, manufactured, manufactured for, or controlled by us
- iv. Sale, Sharing and Disclosure of Personal Information. We have not sold Personal Information or shared Personal Information for cross-context behavioral marketing in the twelve (12) months preceding the Last Updated Date of this Privacy Policy.

The following table identifies the categories of Personal Information that we disclosed for a business purpose in the 12 months preceding the Last Updated date of this Privacy Policy and, for each category, the categories of recipients to whom we disclosed Personal Information. Please note that not all categories of personal information were necessarily shared with all categories of recipients listed.

Districts, Platform Owners, Platform Administrators, and Teachers	
Category of Personal Information	Categories of Recipients
Identifiers (name, postal address, online identifier, Internet Protocol address, email address, account name)	Education institution customers; data hosting and cloud storage providers; mailing providers; accounting and billing service providers; client relationship management service providers; payment processing vendors; website hosting providers; application performance, error, operation, functionality, and support service providers; analytical and statistical visualization service providers.
Unique personal identifiers (device identifier; cookies, beacons, pixel tags, mobile ad identifiers, or other similar technology)	Education institution customers; data hosting and cloud storage providers; cookie and privacy management provider; client relationship management service providers.
Telephone number	Education institution customers; data hosting and cloud storage providers; mailing providers; accounting service providers; accounting and billing service providers; payment processing vendors.
Commercial information (records of personal property and personal credit information)	Education institution customers; data hosting and cloud storage providers; mailing providers; accounting and billing service providers; advertising service providers; client relationship management service providers; payment processing vendors.

Education information, including professional certifications and licenses (district, school, or studio name, class roster)	Education institution customers; data hosting and cloud storage providers;
Audio, electronic, video, or similar information that is linked or reasonably linkable to an individual (in-app audio and video performance)	Education institution customers; data hosting and cloud storage providers;
Students/Individual Users	
Category of Personal Information	Categories of Recipients
Identifiers (name, postal address, online identifier, Internet Protocol address, email address, account name)	Education institution customers; data hosting and cloud storage providers; website hosting providers; analytical and statistical visualization service providers; application performance, error, operation, functionality, and support service providers.
Unique personal identifiers (device identifier; cookies, beacons, pixel tags, mobile ad identifiers, or other similar technology)	Education institution customers; data hosting and cloud storage providers; cookie and privacy management provider; client relationship management service providers; application performance, error, operation, functionality, and support service providers.
Audio, electronic, video, or similar information that is linked or reasonably linkable to an individual (in-app audio and video performance)	Education institution customers; data hosting and cloud storage providers; application performance, error, operation, functionality, and support service providers.
Parents of Student Users	

Category of Personal Information	Categories of Recipients
Identifiers (name, postal address, online identifier, Internet Protocol address, email address, account name)	Education institution customers; data hosting and cloud storage providers; mailing providers; accounting and billing service providers; client relationship management service providers; payment processing vendors; website hosting providers; analytical and statistical visualization service providers; application performance, error, operation, functionality, and support service providers.
Telephone number	Education institution customers; data hosting and cloud storage providers; mailing providers; advertising service providers, accounting service providers, call center service providers, client relationship management service providers, payment processing vendors.

- v. Children’s Personal Information. We do not knowingly collect Personal Information of consumers under 16 years of age and we do not knowingly sell or share for advertising purposes the Personal Information of consumers under 16 years of age.
- vi. Sensitive Personal Information. We do not use Sensitive Personal Information (as it is defined in the CCPA) for the purpose of inferring characteristics about individuals.
- vii. Retention of Personal Information. We retain Personal Information for as long as necessary to fulfill the purposes for which we collect it, such as to provide you with the service you have requested, and for the purpose of satisfying any legal, accounting, contractual, or reporting requirements that apply to us.
- viii. Your Rights. Under the CCPA, you have the following rights:

RIGHT TO KNOW	You have the right to request that we disclose to you the Personal Information we collected about you in the 12-month period preceding your request. This right includes the right to request: (1) specific pieces of Personal Information we have collected about you; (2) categories of Personal Information we have collected about you; (3) categories of sources from which the Personal Information was collected; (4) categories of Personal Information that we sold or disclosed for a business purpose about you (if applicable); (5) categories of third parties to whom your Personal Information was sold or disclosed for a business purpose (if applicable); and (6) the business or commercial purpose for collecting or, if applicable, selling your Personal Information.
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RIGHT TO DELETE	You have the right to request that we delete your Personal Information that we have collected from you, with some exceptions. Note that if you request that we delete your information, we may be unable to provide you with certain offers or services.
RIGHT TO CORRECT	You have the right to correct inaccurate Personal Information we maintain about you.
RIGHT TO OPT OUT OF SALE OR SHARING	You have the right to say no to the sale of Personal Information or the sharing of your Personal Information for cross-context behavioral advertising purposes. <u>MakeMusic Cloud does not sell or share Personal Information.</u>
RIGHT TO LIMIT PROCESSING OF SENSITIVE PERSONAL INFORMATION	If we use or disclose Sensitive Personal Information for purposes other than those allowed by the CCPA and its regulations, the right to limit our use and disclosure. <u>MakeMusic Cloud does not use or disclose Sensitive Personal Information for purposes other than those allowed by the CCPA and its regulations.</u>
RIGHT TO NON-DISCRIMINATION	You have the right to non-discrimination for exercising your CCPA rights. This means we cannot deny you goods or services, charge you different prices, or provide a different level of quality of goods or services just because you exercise your rights under the CCPA. <u>MakeMusic Cloud will not and does not discriminate against you or other customers for exercising any of your CCPA rights.</u>

ix. How to Exercise Your Rights.

Right to Submit a Request to Know, Delete and/or Correct: You may submit a request to know, delete and/or correct by emailing us at privacy@makemusic.com or you may call us at 1-800-843-2066. If you are submitting a request on behalf of a California resident, please submit the request through one of the designated methods discussed above. After submitting the request, we will require additional information to verify your authority to act on behalf of the California resident.

Right to Opt Out of Sharing: [MakeMusic Cloud does not sell or share your collected personal data.](#)

Our Process for Verifying a Request to Know, Delete, and/or Correct. We will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request. We will verify your identity either to a “reasonable degree of certainty” or a “reasonably high degree of certainty” depending on the sensitivity of the Personal Information and the risk of harm to you by unauthorized disclosure, deletion, or correction as applicable. For requests to access categories of Personal Information and for requests to delete or correct Personal Information that is not sensitive and does not pose a risk of harm by unauthorized deletion or correction, we will verify your identity to a “reasonable degree of certainty” by verifying at least

two data points that you previously provided to us and which we have determined to be reliable for the purpose of verifying identities. For requests to access specific pieces of Personal Information or for requests to delete or correct Personal Information that is sensitive and poses a risk of harm by unauthorized deletion or correction, we will verify your identity to a “reasonably high degree of certainty” by verifying at least three pieces of Personal Information you previously provided to us and which we have determined to be reliable for the purpose of verifying identities. In addition, you must submit a signed declaration under penalty of perjury stating that you are the individual whose Personal Information is being requested.

- x. Shine the Light Law. California Civil Code § 1798.83 permits you to request information regarding the disclosure of your personal information by us to third parties for the third parties’ direct marketing purposes (as those terms are defined in that statute). MakeMusic does not sell or disclose information to third parties for their direct marketing purposes.

20. NOTICE TO RESIDENTS OF THE EUROPEAN ECONOMIC AREA.

The General Data Protection Regulation (“**GDPR**”) applies to individuals located in the European Economic Area (“**EEA**”). The GDPR allows us to collect and use personal information from individuals within the EEA only for one or more of the following reasons:

1. To fulfill a contract we have with you;
2. When we have a legal duty;
3. When it is in our legitimate interest; or
4. When you provide consent.

Some of our website users, customers and prospective customers could be located within the EEA. If you reside in the EEA, you have a number of rights under data protection laws in relation to the way we process your Personal Data, which are set forth **below**. You may contact us directly to exercise any of these rights, and we will verify your request and, if appropriate, respond to any request received from you within one month from the date of the request. In exceptional circumstances we may need to extend this timescale, but we will always tell you in advance if we do, and our reasons why.

Right 1	A right to access personal data held by us about you, as well as information about how we are using your data.
Right 2	A right to require us to rectify any inaccurate personal data held by us about you.
Right 3	A right to require us to erase personal data held by us about you, and where the personal data has been made public, for other controllers processing the personal data to also erase links to, or copy or replication of, such personal data. This right will only apply where (for example): we no longer need to use the personal data to achieve the purpose we collected it for; or where you withdraw your consent if we are using your personal data based on your consent; or where you object to the way we process your data (in line with Right 6 below).
Right 4	A right to restrict our processing of personal data held by us about you. This right will only apply where (for example): you dispute the accuracy of the personal data

	held by us; or where you would have the right to require us to erase the personal data but would prefer that our processing is restricted instead; or where we no longer need to use the personal data to achieve the purpose we collected it for, but you require the data for the purposes of dealing with legal claims.
Right 5	A right to receive personal data, which you have provided to us, in a structured, commonly used and machine-readable format. You also have the right to require us to transfer this personal data to another organization, at your request.
Right 6	A right to object to our processing of personal data held by us about you (including for the purposes of sending marketing materials to you).
Right 7	A right to withdraw your consent, where we are relying on it to use your personal data (for example, to provide you with marketing information about our services or products).

If you have any concerns regarding our processing of your personal data, or are not satisfied with our handling of any request by you in relation to your rights, please get in touch with our team through the contact information provided in Section 2 of this Privacy Policy. You may also reach out to [your applicable Data Protection Authority](#) (“DPA”) for more information. There is a DPA located in each EU Member State.