

Privacy Policy

Welcome to this NBCOS webpage. This website is owned and operated by National Board for Certification in the Orthopedic Specialties (“NBCOS”) and/or American Society of Orthopedic Professional (ASOP) (together, “NBCOS/ASOP”, “we”, “us” and “our”), with its principal place of business located at 700 Beach Drive NE, Suite #103, St. Petersburg, FL 33701, USA.

CERTAIN NBCOS/ASOP WEBSITES, PRODUCTS AND SERVICES, INCLUDING BUT NOT LIMITED TO PASSWORD PROTECTED SITES AND SERVICES, CONTAIN TERMS AND CONDITIONS WHICH CONTAIN PRIVACY STATEMENTS THAT ARE SPECIFIC TO THE PURPOSES OF THOSE WEBSITES AND SERVICES. SUCH PRIVACY STATEMENTS ARE IN ADDITION TO THIS PRIVACY POLICY and shall prevail. In the event of any inconsistency between such Privacy Statements and this Privacy Policy.

If your use of our Services is in connection with a school, employer, institution or other organization (your “Institution”) who is a customer of NBCOS/ASOP, information about you may be shared with your Institution.

Commitment to Privacy

NBCOS/ASOP is committed to respecting your privacy. We help people reach their career goals by providing professional certifications, specialized certificate programs, exam preparation, study resources, home study/professional development and analytic reporting. We may work with you directly or through your school or employer, or through another organization you use, such as a training center.

This Privacy Policy describes how we collect, use, share and protect information about you. When you interact with or use the products, services or websites of NBCOS/ASOP (“Services”), you consent to such collection, use and sharing of your information as described in this Privacy Policy, our Terms and Conditions for our websites and the Terms and Conditions provided in relation to specific services and products.

Our privacy practices may vary among the states, countries and regions in which we operate in order to comply with applicable legal requirements. We are committed to compliance with the EU-U.S. and SWISS-U.S. Privacy Shield.

Consent

When you interact with or use our Services, and when you enter any personal information into any of our other Services, you are consenting to the collection, use, and transfer of your personal

information as outlined in this Privacy Policy, our Terms of Use for our websites and the Terms and Conditions provided during registration with NBCOS/ASOP or any NBCOS/ASOP product. If you are located outside the United States, your use of, and entry of personal information into, any of the Services constitutes your consent to the transfer of your personal information into the United States. Although we do not normally collect any sensitive personal information (such as ethnicity or race, religious beliefs or medical conditions), your entry of any such sensitive information in using our Services is your express consent to the collection, use and transfer of such information.

If you do not consent to the terms of this Privacy Policy, please do not continue to use our Services.

Data Collection

NBCOS/ASOP is dedicated to protecting the privacy of all personal information collected through this website and our Services. We may collect information from you (directly or through third party vendors we retain) or from a third party who is authorized by you or otherwise permitted by applicable law to share information with us (for example, your school or employer) in situations such as the following:

- **Website visit.** When you provide information during a login process, when you access certain portions of our website, when you ask us to provide more information, when you purchase online or in connection with any online employment applications.
- **Registration.** When you create an account on our Services, make a purchase, register or login to access or use functions or features.
- **Communications.** When you communicate with us.
- **Learning and Certification Activities.** When you use our Services, information about your grades and scores, instructor/course feedback and comment, your personal learning behaviors, and various metrics related to your learning of particular subject matters is recorded.
- **Surveys and Research.** If you participate in our research studies about our products or the industries and professions we support or our market research surveys or programs.
- **Forums.** If you participate in our forums, blogs, intranets, chat rooms, “wikis” or other similar features.
- **Subscriptions.** If you subscribe to one of our newsletters, memberships or request text alerts.
- **Social Media.** If you use or interact with our Services on social media and networking pages and applications, such as Facebook, Instagram, LinkedIn and others.

We also may collect information about you from other sources. We work closely with third parties (for example, business partners, service providers, sub-contractors, educational institutions, analytics providers, search information providers) and may receive information about you from

them. We may also collect and process information about you that your employer or any educational, professional, governmental, oversight or other organization with which you are, or previously were, affiliated provides to us. If you use our Services through a third party, please contact that third party first if you have any questions about the data they collect from you and share with us. If they do not address your concerns, please contact us.

To the extent permitted by applicable law, we may collect data in an automated manner and make automated decisions, including using machine learning algorithms, about users of our Services in order to provide or optimize the Services offered and/or delivered, for security or analytics purposes, and for any other lawful purpose. Our Services may collect certain information by automated means when you access or use our Services. This information may include, but is not limited to, usage details, Internet Protocol ("IP") address, browser type, browser language, devices you use, access times, the sites linked from, pages visited, applications downloaded or accessed, links and features used, content viewed or requested, information collected through cookies and other such information. We generally collect this information to improve our Services for our users, to learn about our users' interests and enhance the Services we provide, for security and analytics purposes, and for other lawful purposes. To learn more, please see our "Cookies and Similar Technologies" section below.

Educational Records (FERPA). In providing our Services, we are not directly covered by the U.S. Federal Educational Rights and Privacy Act ("FERPA"). **Please note** that Certification Data is not subject to FERPA. Any data provided by your Institution or by you for any purpose related to obtaining one of our professional certifications or credentials, including, but not limited to, your contact data, all data related to the results of certification exams or credential programs, all data pertaining to your certification status, and all data related to recertification, if any, including data concerning continuing education is deemed "Certification Data", even if such data was originally FERPA data. That said, we secure your Certification Data in the same manner as we secure your FERPA data. Certification Data may be subject to disclosure to accreditors, regulatory agencies or other professional oversight bodies and, with respect to certification status, the general public. **By accepting this Privacy Policy you agree to the reclassification of some of your FERPA data to Certification Data.**

How We May Use Your Information.

We use your information to provide you, either directly or through a third party, with our Services. We also may use your information to support our business functions, marketing, and analytics.

We may use your information:

- To fulfill your requests for Services and communicate with you about those requests.
- To set up your account and verify your identity when you register for our Services.

- To process your payments - but we do not retain your credit card data after a payment has been processed.
- To monitor, record, analyze and report on your activity, interactions and engagement with our Services.
- To track and analyze and report on your progress, success, results, performance, registrations, incomplete attempts, and results in connection with our certification and specialized certificate program Services. If your use of our Services is in connection with your Institution, we **may share** your data with your Institution, its instructors and staff, and other parties associated with or required by your Institution.
- To perform research and analysis for our Services and to further develop and improve our Services or to perform research concerning the industries and professions we serve.
- To perform benchmarking analytics and general metrics about your performance or, after anonymizing, de-identifying or aggregating the data, your Institution's performance as compared to other schools and institutions and other NBCOS/ASOP customers.
- To analyze technical data such as cookies, content viewed, IP address, device use, site volume and load.
- To verify compliance with product terms.
- To support and personalize our Services, websites, mobile services, and advertising.
- To inform you of new products, services or promotions we may offer.
- For research, analysis, benchmarking or surveys.
- To engage you in our social media platforms.
- To protect the security and integrity of our Services, content, and our business.
- To respond to reviews, comments, or other feedback you provide us.
- To comply with applicable legal or regulatory requirements and our policies, protect against criminal activity, claims and other liabilities.
- For any other lawful purpose for which the information is provided.

We also may use, process, transfer, and store any data about you in an anonymous, aggregated manner. We may combine personal information with other information, collected online and offline, including information from third party sources.

We may also use information in other ways with your consent or as permitted by applicable law.

Information Sharing

To the extent permitted by applicable law, we may share information about you, including your personal information, as set forth below or as otherwise described in this Privacy Policy or the terms and conditions for use of the Services:

- **Affiliates and Agents.** We may share information with our corporate partners and affiliates (or any business partner or agent acting on our behalf) worldwide as necessary to provide you with the Services, business partner, and agent will be under the same obligations as is NBCOS/ASOP to protect the confidentiality of your information and protect your privacy.

- **Analytics and Reporting.** We may share your information to (i) analyze and provide certain information about your learning and academic performance to you, your institution, including other parties associated with and required by your Institution, and your instructor(s) or supervisor(s) from your Institution; (ii) generate reports and analytics for use by you, your Institution, other parties associated with and required by your Institution, and your instructor(s) regarding the learning and academic performance of an entire class or cohort at your Institution and (iii) generate reports and analytics to be used by researchers or third parties in the industries or fields that we support to better understand changes and trends in such industries or fields.
- **Service providers.** We may share information with agents, contractors, service providers, vendors, business partners, and other third parties we use to support our business and Services. We may share information to provide technical support to you and your Institution, its instructor(s) or staff. Some examples of third parties we work with are shippers, payment servicers, information processors, financial institutions, data centers, educational institutions you attend, other organizations you are affiliated with, or their support service providers. Such third-party providers may perform technical operations such as database monitoring, data storage and hosting services and customer support software tools. Such third parties may access, process or store personal data in the course of providing these services.
- **Your Institution and other Organizations.** We may share information about your use of our Services with your Institution and its faculty or staff, and other parties associated with or required by your Institution. We also may share information with governmental agencies, oversight organizations, professional organizations, certification or accreditation organizations, and industry self-regulatory organizations.
- **Fraud Prevention.** We may share your information to confirm your identity to ensure only authorized users are accessing our Services and for general security.
- **Advertising and Marketing.** To the extent permitted by applicable law, we may share information with third parties for marketing, advertising, promotions, contests, or other similar purposes. If required by applicable law, we will share such data for advertising and marketing purposes only in an aggregate, anonymous, and de-identified manner.
- **Mergers, Acquisitions, Divestitures.** We may share, disclose or transfer information about you to a buyer, investor, new affiliate, or other successor in the event NBCOS or ASOP, or any portion, group or business unit thereof, undergoes a business transition, such as a merger, acquisition, consolidation, reorganization, divestiture, liquidation or dissolution (including bankruptcy), or a sale or other transfer of all or a portion of any assets or during steps in contemplation of such activities (e.g., negotiations and due diligence).
- **Law Enforcement and National Security.** We may share information to comply with any law or directive, judicial or administrative order, legal process or investigation, warrant, subpoena, government request, regulatory request, law enforcement or national security investigation, or as otherwise required or authorized by law.
- **Protection of Rights, Property or Safety:** We may also share information if, in our sole discretion, we believe disclosure is necessary or appropriate to protect the rights, property or safety of any person, or if we suspect fraud, illegal activity, abuse or testing misconduct has taken place.

We also may share information to fulfill any other purpose for which you have provided information to us; for any other purpose disclosed by us or the third party with whom you are interacting when you provide the information; to enforce our rights arising from any contracts; for billing and collection; or as otherwise permitted under applicable law.

Data Security

Security of your personal information is of the utmost importance to us. We use administrative, technical and physical safeguards to protect the security of your personal information from unauthorized disclosure. We take reasonable security measures to secure your personal information against unauthorized access, loss, use, disclosure, or alteration by third parties and unauthorized employees. We use Secure Sockets Layer (SSL) encryption, the industry standard for secure online transmissions.

Despite our efforts, we cannot guarantee the security of your personal information during its transmission or its storage in our systems. No method of transmitting or storing electronic information is ever completely secure. We make no warranty, express, implied, or otherwise, that your information will never be accessed, used or released in a manner that is inconsistent with this Privacy Policy. We are not responsible for any damages or liabilities relating to any security incidents, and we disclaim all representations and warranties regarding such matters to the fullest extent permitted by law. Where required under law, we will notify you of any loss, misuse or alteration of personal information that may affect you so that you can take the appropriate actions for the due protection of your rights. We review our security procedures periodically to consider appropriate new technology and updated methods.

If information is transmitted to us using a means that is outside our systems, or if you transmit information to a third party, we cannot guarantee the security of information during transmission. Any such unsecured transmission is at your own risk. We recommend that you use appropriate security measures to protect your information.

Correction of Your Personal Information

Accuracy is a top priority for us. You can ensure that any contact data is up-to-date and can correct, update or delete inaccuracies to the information by either logging into your account to review and maintain your information or by contacting customer service. In certain situations, you may need assistance from member support in making a change. For example, if you received a certification and then realized that your name was misspelled, we may need to take certain steps to verify your identity before making the change, ensure that your name change is linked to all of your certification records and, in some states or countries, that the oversight agency receives the correction. We will respond to your request to make changes to your records as soon as reasonably possible.

We will attempt to answer all requests that we correct the data if it is inaccurate or delete it as long as we are not required to retain it by law or for legitimate business purposes.

In addition, to protect your privacy, we may require you to prove your identity before granting access to, or agreeing to update, correct or delete your personal information.

Not all information about you can be changed. For example, we may have records about how much time you spent working in a training module. Although this information is linked to you, it may not be changed and, in certain instances, it may be subject to government or regulatory oversight. Similarly, learning data, assessment scores and certification status kept in NBCOS/ASOP systems may not be changed by you, although you should contact us if you believe such data is not accurate.

Cookies and other Tracking Devices

When you visit our websites, you are offered an opportunity to accept our placement of cookie. This section provides more information about our use of cookies and our policies.

We may use cookies and similar technologies to operate and improve our Services, as well as to simplify our interaction with you. A "cookie" is a unique numeric code that we transfer to your computer so that we can keep track of your interests and/or preferences and recognize you as a return visitor to the websites. We may use cookies, log files, pixel tags, web bugs, web beacons, clear GIFs, Local Storage Objects (LSOs) such as HTML5 and Flash or other similar technologies to collect information about the ways you interact with and use our Services, to support and enhance features and functionality, to monitor performance, to personalize content and experiences, for marketing and analytics, and for other lawful purposes. We may also engage third party service providers to provide advertisements and promotions on our behalf, or authorize third parties to advertise and market products and services via our Services.

We may use the following types of cookies and similar technologies:

- **Strictly necessary cookies** required for the operation of our Services. They include, for example, cookies that enable you to log into secure areas.
- **Analytical/performance cookies** that collect information about how you use our Services. They allow us to recognize and count the number of visitors and to see how visitors move

around our website. This helps us to improve the way our website works. These cookies are sometimes placed by third party providers of web traffic analysis services.

- **Functionality cookies** that remember choices you make and recognize you when you return. This enables us to personalize our content, greet you by name and remember your preferences (for example, your choice of language or region).
- **Targeting cookies** that collect information about your browsing habits such as the pages you have visited and the links you have followed. We use this information to make our website more relevant to your interests, and, if we enable advertising, to make advertising more relevant to you, as well as to limit the number of times you see an ad. These cookies are usually placed by third-party advertising networks. They remember the other websites that you visit and this information is shared with third-party organizations, for example advertisers.

Most internet browsers accept cookies by default. You can block cookies by activating the setting on your browser that allows you to reject all or some cookies. The help and support area on your internet browser should have instructions on how to block or delete cookies. Some web browsers (including some mobile web browsers) provide settings that allow you to control or reject cookies or to alert you to when a cookie is placed on your computer, tablet or mobile device. Although you are not required to accept cookies, if you block or reject them, you may not have access to all of the features available through our Services, such as tests, trainings or other activities.

For more information, visit the help page for your web browser or see <http://www.allaboutcookies.org> or visit www.youronlinechoices.com which has further information about behavioral advertising and online privacy.

We may use third party analytics such as Google Analytics or similar analytics services. For information on how Google processes and collects your information regarding Google Analytics and how you can opt-out, please see <https://tools.google.com/dlpage/gaoptout>.

We may use third-party advertisers to serve or track advertisements on or relating to the Services. These third parties may use cookies and other tracking and analytical technologies to, among other things, record which ads your browser has loaded and which pages you were viewing when ads were delivered or accessed. Information so collected is subject to the privacy policies of those

third parties which you should carefully review. We have limited or no control over third party use of cookies.

Cross Device Tracking. When you use your mobile device to interact with us or our Services, we may receive information about your mobile device, including a unique identifier for your device. We and our service providers and third parties we collaborate with, including ad networks, may use cross-device/cross-context tracking. For example, you might use multiple browsers on a single device, or use various devices (such as desktops, smartphones, and tablets), which can result in your having multiple accounts or profiles across these various contexts and devices. Cross-device/cross-context technology may be used to connect these various accounts or profiles and the corresponding data from the different contexts and devices.

Links

Our Sites or Services may contain links or other connections to other third-party websites, platforms, products, services or applications that are independent of our Services. The information collection practices and privacy policies of these third parties may differ from ours. NBCOS/ASOP provides links to you only as a convenience, and the inclusion of any link does not imply affiliation, endorsement or adoption by NBCOS/ASOP of any site or any information contained therein.

When you leave our Sites, these Terms will no longer govern your Internet browser session. Your use of any site to which you navigate from our Sites will be subject to that site's terms of use, if any, and its privacy and data gathering policies. It shall be your sole responsibility to review the applicable terms and policies, including privacy and data gathering practices, of any site to which you navigate from the Sites. **We recommend that you carefully read their policies.**

Data Retention

To the extent permitted by applicable law, we may retain your information for as long as your account is active, for at least twenty-four (24) months thereafter, or as long as is reasonably necessary to provide you with our Services or as needed for other lawful purposes. We may retain cached or archived copies of your information. We may be required to retain some of your data for a longer period of time because of various laws and regulations or because of contractual obligations. We also will retain your information as long as reasonably necessary to comply with our legal obligations, resolve disputes and enforce our agreements

Telephone Consumer Protection Act Notice

We may use your information to make business, informational and collections calls relating to our Services to all telephone numbers, including cellular numbers or mobile devices, you choose to provide on your account or in registering for any of our Services. You agree such calls may be pre-recorded messages or placed with an automatic telephone dialing system. In addition, you agree that we may send service or account related text messages to cellular phone numbers you

provide to us, and you agree to accept and pay all carrier message and data rates that apply to such text messages. If you choose to provide an email or other electronic address on your account, you acknowledge and consent to receive business and informational messages relating to our Services at such address, including collections messages, and you represent and warrant that such address is your private address and is not accessible or viewable by any other person.

Children

We recognize the importance of protecting the privacy and safety of children. Our Services are not intended for anyone under 18 years of age. We do not knowingly collect personal information from those under 18. If you are under 18, do not use the Services and do not send any information about yourself to us. If we learn we have collected or received personal information from someone under 18 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 18, please contact us as set forth below.

California Privacy Rights

If you are a California resident, California law may provide you with additional rights regarding our use of your personal information.

The California Consumer Privacy Act ("CCPA") provides consumers with certain rights, including the right to access your "personal information" (a term defined by the law) we may have about you and to know how we use and disclose this data, the right to have your data deleted under certain conditions and the right not to be discriminated against for having exercised your other rights. One of the main objectives of CCPA is to give consumers control over the sale of their data. NBCOS/ASOP does not sell, rent, lease or otherwise provide personal information to others for monetary or other valuable consideration. Your rights and other CCPA concepts are more fully described in our Privacy Notice for California Residents.

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Websites who are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. To obtain this information, please email NBCOS by email at support@nbcos.org Privacy Information" in the subject line of your message. Please include sufficient information so that we can process your request, including name, mailing address, and email address if you want to receive a response by email. We reserve the right to confirm your identity before processing any requests.

If you are a California resident under age 18 and are a registered user of any of our Services, then you may request that we remove any content or information that you posted on our Websites, online services, online applications, or mobile applications ("User Content"). To request removal of your User Content, please send a detailed description of the specific User Content you want us to

remove to the email or regular mail address set forth above. We reserve the right to request that you provide information that will enable us to confirm that the User Content that you want removed was posted by you.

We will make a good faith effort to delete or remove your User Content from public view as soon as reasonably practicable. Please note, however, that your request that we delete your User Content does not ensure complete or comprehensive removal of your User Content. Your User Content may remain on backup media, cached or otherwise retained by us for administrative or legal purposes or your User Content may remain publicly available if you or someone else has forwarded or re-posted your User Content on another website, online service, online application or mobile application prior to its deletion. We may also be required by law or other legal obligation to not remove (or allow removal) of your User Content.

Revisions to this Privacy Policy

We may update this Privacy Policy at any time in our sole discretion by posting a revised version on this page or on our Services, or with any notice to you if required under applicable law. You can see when the Privacy Policy has changed from the date of the latest revision below. Your continued use of our Services after any such modification constitutes acceptance to any such modified Privacy Policy. Please review this Privacy Policy frequently for updates.

Feedback

You may contact us with any questions, concerns or inquiries about this Privacy Policy or data about you that we maintain. Please contact NBCOS by email at support@nbcos.org. All questions/concerns/complaints will be evaluated and a reply will be sent as soon as appropriate. In some instances, we may cease providing Services to you if, in our sole discretion, we deem it necessary to satisfy your request or if required under applicable law.

NBCOS/ASOP Privacy Policy (Rev August, 2020)