

Privacy Policy

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Arkias inc. ("Zmartests") is the operator of the zmartests.com site (the "Site") and the Zmartests web-based assessment solution (the "Platform"). This Privacy Policy (the "Policy") describes how Zmartests is committed to protecting and respecting the privacy of all its stakeholders and explains how we use personal information ("Personal Data") that we collect when stakeholders visit our Site (the "Visitor») or when they access our Platform to take an assessment (the "Test Taker") or when they act on behalf of a person or a business and purchase a subscription to the Platform to administer assessments (the "Customer").

1. PERSONAL DATA THAT WE COLLECT

Generally, Personal Data means information that can be used to identify a person. Zmartests collects Personal Data regarding its Visitors, Test Takers, and Customers as follows:

	Visitors	Customers	Test Takers
Contact Name	✓	✓	✓
Contact Title	--	✓	--
Company Name	✓	✓	--
Email Address	✓	✓	✓
Phone Number	✓	✓	--
Address, City, State, Postal code	--	✓	--
Username and Password	--	✓	--
Demographic Data (optional)	--	--	✓
Answers to questions in a test	--	--	✓
Subscription and Billing Information	--	✓	--
IP Address	✓	✓	✓
Type of Device	✓	--	✓
Operating System	✓	✓	✓
Navigation data (such as pages viewed)	✓	--	✓
Content of the communications	✓	✓	✓

2. HOW WE USE PERSONAL DATA

Visitors:

- When Visitors browse our Site, we collect (by cookies, web beacons and similar technologies) certain technical information related to the Visitors interaction with the Site. Such information includes Visitors Internet protocol (IP), browser type and version, time zone setting, language preferences, browser plug-in types and versions, operating system, etc. Certain cookies and other technologies may serve to recall Personal Data, previously indicated by a user. Cookies and tracking technologies allow us to analyze the use of our Site and customize the content, information, or experience provided to Visitors and continuously enhance the Visitors experience.

- When Visitors access the Site, we collect data from analytics tools such as Google Analytics. This data is not specific to a Visitor and is only available in an aggregate format. Google Analytics may be deactivated on a browser through an add-on available at this address: <https://tools.google.com/dlpage/gaoptout>.
- When Visitors use or interact with the Site and submit a request for information or for a demonstration, we may collect Visitors full name, email address, company name, phone number, as well as any other information that Visitors decide to provide us to establish a first business connection or receive marketing communications. As applicable, we will rely on the Customer consent or our legitimate interest as a legal basis.

Customers:

- When Customers sign up to the Platform, we collect full name, company name, email address and username to provide the services, respond to inquiries, grant Customers access to the Platform, manage Customers registered users' profiles, provide support and maintenance (if applicable), send billing and marketing materials. In such case, we rely on our legitimate interest as a legal basis or the performance of a contract to which the Customers are a party or to take steps at the Customers request.
- When Customers use a credit card to make a payment on the Zmartests website, we do not retain any credit card information, as purchases are made via a third-party payment merchant. Customers should review the third-party payment merchant's privacy policy before providing any information, as Personal Data provided to a third-party payment merchant will be processed in accordance with the third party's policies.
- Zmartests offers an assistance option on its website to provide support and help Customers when they experience a problem with the Platform or have a product related question. The assistance service is provided using a third-party supplier. When logging a ticket, Customers need to share at least an email address and Zmartests may ask Customers to provide Personal Data for identification purposes and to help respond to Customers queries. As appropriate, our legal basis is the performance of a contract to which the Customer is a party or to take steps at the Customer's request.

Test Takers:

Zmartests provides the Platform as a service to Customers which use the Platform to deliver assessments to Test Takers.

- When assessments are administered to Test Takers, we collect and score Test Takers responses to derive an assessment score, and the Customer uses the data collected to generate reports about Test Takers results.
- Any Personal Data processed by Zmartests will be visible to and shared with Customers. Providing Personal Data is voluntary, but usually necessary if Test Takers wish to take an assessment. Test Takers should raise with Customers any concerns they have regarding Personal Data that they are asked to provide as part of the assessment process.
- We also use cookies to make Test Takers experience with the Platform useful, for example to remember preferences, provide Test Takers with a better user experience and to help make the assessment experience more effective.

3. ADDITIONAL USES OF PERSONAL DATA

In addition to the uses described above, we will most commonly use Personal Data in the following circumstances:

- To perform network communications, to administer our Site and to support internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes and as part of our efforts to keep our Site safe and secure.
- To comply with applicable laws, regulations or orders of competent authorities or courts and with investigations performed by the relevant authorities, law enforcement purposes, and to exercise or defend legal claims.
- For detecting, taking steps to prevent, and prosecution of fraud or other illegal activity.
- To identify and repair errors, to conduct audits, and for security purposes.

We may anonymize, aggregate, or de-identify Personal Data and further use it for internal and external purposes, including, to improve the services and research. “Anonymous Information” means information that does not enable the identification of an individual, such as aggregated information about the use of our services.

4. DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES

We share Personal Data as follows:

- With our service providers and business partners that help us provide our services, such as hosting, storage, etc.
- To the extent necessary, with regulators, courts, or competent authorities, to comply with applicable laws, regulations and rules, and requests of law enforcement, regulatory and other governmental agencies or if required to do so by court order.
- If in the future, we sell or transfer, or we consider selling or transferring, some or all of our business, shares, or assets to a third party, or we undergo insolvency, or related events, we may disclose your Personal Data to third parties (whether actual or potential) in connection with such events.

5. PERSONAL DATA RETENTION

Generally, Zmartests will retain information only for as long as is necessary for the purposes set out in this Policy, including for the purposes of satisfying any applicable legal, accounting, or reporting requirements, to provide our services, or for the relevant term under the respective statute of limitation that may apply to the relationship between our stakeholders and us. Zmartests will retain and use stakeholders information to the extent necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

6. PERSONAL DATA LOCATION

By visiting the Site or using the Platform, stakeholders’ consent to storage of their data on servers located in Canada. If a stakeholder is located outside of Canada, this may mean that their Personal data will be stored and processed in a jurisdiction that offers a level of protection that may, in certain instances, be different than the jurisdiction the stakeholder is resident in.

7. HOW WE SECURE PERSONAL DATA

We have established appropriate security measures to prevent our Personal Data from being accidentally lost, used, or accessed unauthorized, altered, or disclosed. Among other things, Zmartests follows industry standards,

and operates administrative, physical, and technical safeguards for keeping Personal Data safe. However, no method of transmission over the Internet, or electronic storage, is 100% secure. Therefore, while we strive to use reasonably acceptable means to protect our stakeholders Personal Data, we cannot guarantee its absolute security or confidentiality. Also, data security depends partly on the computer, device, or network used to communicate with us and the security used to protect user IDs and passwords. Our stakeholders should take appropriate measures to protect their information. For any questions about security on the Site or Platform, please contact us at support@zmartests.com.

8. PROTECTION OF CHILDREN'S PRIVACY

We do not offer the Platform for the use of children and, therefore, we do not knowingly collect Personal Data from or about children under the age of eighteen (18). We reserve the right to delete data provided in violation of this Policy or applicable law. If you believe that we might have any such information, please contact us at support@zmartests.com.

9. TEST TAKERS LEGAL RIGHTS

If you are a Test Taker and you have a question or request regarding your legal rights concerning Personal Data you provided to a specific Customer via the Platform, please get in touch with that Customer directly.

- Test Takers have a right to access Personal Data held about them.
- Test Takers have the right to request that we rectify any Personal Data we hold that is inaccurate or misleading.
- Test Takers have the right to request the erasure/deletion of their Personal Data (e.g., from the Site and Platform records). Please note that there may be circumstances in which we are required to retain and continue processing Test Takers Personal Data, for example for the establishment, exercise, or to meet our legal and regulatory obligations.
- Test Takers have a right to lodge a complaint with their local data protection supervisory authority. Zmartests ask that Test Takers attempt to resolve any issues with us before they contact their local supervisory authority and/or relevant institution.

If you wish to exercise any of the rights set out above, please contact us via support@zmartests.com. We try to respond to all legitimate requests within one month or as required by applicable laws. Occasionally it may take us longer than a month if your request is complex or you have made several requests.

10. CHANGES TO OUR PRIVACY POLICY

Please review this Policy occasionally, as we may update it from time to time.