

## PRIVACY POLICY

The Essential Elements Interactive platform/system is owned and operated by Hal Leonard LLC, and **Essential Elements Interactive is a trading name of Hal Leonard LLC**. Hal Leonard LLC is committed to protecting and respecting your privacy.

This policy sets out the basis on which any personal data we collect from you, or that you provide to us, in connection with our site (as defined below), will be collected, stored, used, disclosed and otherwise processed by us. **Please read the following carefully to understand our views and practices regarding your personal data and how we will treat it.**

Hal Leonard LLC is the controller of your personal data that it collects from you or otherwise receives. This means that it determines the purposes and means of the processing of your personal data. However it will process your personal data in accordance with this policy.

### 1) Definitions

In this policy:

- a) **we / our / us** refers to Hal Leonard LLC, a Delaware limited liability company, whose principal address is 7777 West Bluemound Road, Milwaukee, WI 53213, United States; and
- b) **personal data** means any information relating to an identified or identifiable natural person (a data subject), and includes “personally identifiable information” as that term is used in the United States of America (**USA**). An “identifiable natural person” is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

### 2) Information we collect about you; policy concerning children

- a) **Information we collect.** We will collect and process the following personal data about you:
  - i) **Information you give us.** This is information about you that you give us by contacting us via our website or filling in online forms on our website at EssentialElementsInteractive.com (**our site** or **our website**), by communicating with us by telephone, e-mail or otherwise, when downloading content from the site, by recording to/uploading recordings to our site, or by posting reviews on our site. The information you give us may include:
    - (1) **If you are a teacher:** Your first name and last name; school name and address, or your personal/work name and address if you are not attached to a school; and your contact details at the school including phone number and email address, or your other personal/work contact details if you are not attached to a school;
    - (2) **If you are a student:** Your first name, middle name and last name; your birth date; your gender; relevant parent or guardian and/or school and/or teacher(s); your grade and musical instrument(s); your contact details including address, phone number and email address; audio recordings you record to/upload to our site;

- (3) **If you are a parent or guardian of a student:** Your first name and last name; relevant student(s) and/or school and/or teacher(s); your email address and phone number.

Please be aware that if you fail to provide to us information that we ask for, we may be unable to provide services to you or otherwise to fulfil your requirements. It is important that we hold current information about you, so please provide us with any appropriate updates.

- ii) **Information we collect about you.** With regard to each of your visits to our site we will normally automatically collect the following information:

(1) technical information, including the Internet protocol (**IP**) address used to connect your computer or other device to the Internet, your login information, and information about your computer or other device being used to connect to our site, including browser type and version, time zone setting, browser plug-in types and versions, operating system and platform;

(2) information about your visit, including the full Uniform Resource Locators (**URL**), clickstream to, through and from our site (including date and time), products or services you viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page.

- iii) **Information we receive from other sources.** We work closely with third parties (including, for example, business partners, sub-contractors in technical services, advertising networks, analytics providers, search information providers) who may provide information about you to us. We will notify you when we receive information about you from them and the purposes for which we intend to use that information.

- b) **Data concerning children.** We collect personal data relating to students who are children (which we define as individuals aged 12 years old and under) only in the following ways:

- i) **By such student creating an individual account.** If you are aged 12 years old or under and you wish to create an individual account, you must go to the following link and click on Individual Student Account: <https://www.essentialelementsinteractive.com/stuacctchoice.asp#>. From there, the consent of your parent or guardian is required to create the account and you must make sure that they enter their consent on our site. You can then create an account. At that point, you will need to provide the following information to us: your first name, last name, instrument(s) and email address. For further information on our practices with respect to the personal data of children in the United States under the age of 13, please see our COPPA Privacy Policy.

- ii) **By such student signing up for an account through their school classroom.** You can do this if your teacher creates an Essential Elements Interactive classroom on our site. You can then go to the following link and create an account using the school code and student ID provided to you by your teacher: <https://www.essentialelementsinteractive.com/createstuacct.asp>. When you create your account, you will need to provide the following information to us: your first name, last name, instrument(s) and email address (or your teacher may already have entered this information). Your teacher may also have provided your home phone number, cell phone number, birth date and gender.

If you are aged 12 years old or under then you must not provide us with any information through this site, except by creating an individual Essential Elements Interactive account or by signing up for an account through your school classroom created by your teacher, as described above.

### 3) Cookies

Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site. For information on the purposes for which we use them see our Cookies Policy.

### 4) Uses made of the information

a) **We comply with the law.** We will only use your personal data to the extent that the law allows us to do so. Under the EU General Data Protection Regulation (the **GDPR**) we will rely on the following legal bases for processing your personal data:

- i) where it is necessary to perform a contract we have entered into or are about to enter into with you;
- ii) where it is necessary for the purposes of our legitimate interests (or those of a third party) and your interests or fundamental rights and freedoms do not override those interests. Our legitimate interest means our interest in conducting and managing our business, including supplying products or services ordered, enabling us to provide you and our other customers with the best products and services we can and the best and most secure experience when dealing with us. In assessing our legitimate interests, we make sure we consider and balance any potential impact (both positive and negative) on you and others and your rights;
- iii) where you have given us your consent.

b) **Information you give to us.** We will use this information:

- i) **If you are a teacher:** To provide customer service and technical support to you; to carry out our obligations arising from any contracts entered into between you and us, or between your school and us; to inform you about new features and tutorials available through our site; to provide you with information about other products and services we offer that are similar to those that you or your school have already purchased or enquired about; to provide your information to our marketing department who may contact you to request feedback and comments on our products or services or to provide information to you which may be of interest to you or to your school; to provide you, or permit selected third parties to provide you, with information about goods or services we feel may interest you or your school. If you or your school are an existing customer, we will only contact you by electronic means (such as e-mail or SMS) with information about products and services similar to those which were the subject of a previous sale or negotiations of a sale to you or your school. If you or your school are a new customer, and where we permit selected third parties to use your data, we (or they) will contact you by electronic means only if you have consented to this. If you do not want us to use your data in this way, or to pass your details on to third parties for marketing purposes, you will be able to withdraw your consent by contacting [eei@halleonard.com](mailto:eei@halleonard.com); to moderate and publish reviews that you post on our site; in the case of address information, for product research and development;

- ii) **If you are a student:** To provide customer service and technical support to you, at your request; to carry out our obligations arising from any contracts entered into between you and us or between your parent or guardian and us;
  - iii) **If you are a parent or guardian of a student:** To provide customer service and technical support to you, at your request; to carry out our obligations arising from any contracts entered into between you and us or between your parent or guardian and us;
  - iv) **In all cases:** To try to ensure that content from our site is presented in the most effective manner for you and for your computer or other device.
- c) **Information we collect about you.** We will use this information:
- i) to administer our site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes;
  - ii) to improve our site to try to ensure that content is presented in the most effective manner for you and for your computer or other device;
  - iii) as part of our efforts to keep our site safe and secure;
  - iv) to measure or understand the effectiveness of advertising we serve to you and others, and to deliver relevant advertising to you;
  - v) to make suggestions and recommendations to you and other users of our site about products or services that may interest you or them or the schools you or they represent;
  - vi) to provide you or your school with the most relevant information, promotions and products during your visit to our site.
- d) **Information we receive from other sources.** We will use this information to combine with information you give to us and information we collect about you. We will use this information and the combined information for the purposes set out above (depending on the types of information we receive).

## 5) Disclosure of your information

- a) You agree that we have the right to share your personal data with selected third parties (and agree that third parties may directly collect personally identifiable and non-personally identifiable information about our users' online activities over time and across different websites) including:
  - i) entities that assist us in providing customer service and technical support to you in relation to the site;
  - ii) entities who provide services to us in relation to marketing, in order to assist us in marketing to you or your school as described above. However this only applies if you are a teacher;
  - iii) cloud service providers, including the entity that hosts this website, for the purposes of storage and such hosting;

- iv) our website developer in relation to this site, for the purposes of further developing this site;
- v) analytics and search engine providers that assist us in the improvement and optimisation of our site.

**Google Analytics.** Please note in particular that our site uses Google Analytics, including its data reporting features. Information collected by Google Analytics includes but is not limited to web metrics. For information on how Google Analytics collects and processes data, please see the site “How Google uses data when you use our partners' sites or apps”, currently located at [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/). For information on opting out of Google Analytics, we encourage you to visit Google’s website, including its list of currently available opt-out options presently located at <https://tools.google.com/dlpage/gaoptout>.

**Do Not Track.** The term “Do Not Track” refers to a HTTP header offered by certain web browsers to request that websites refrain from tracking the user. We take no action in response to automated Do Not Track requests. However, if you wish to stop such tracking, please contact us with your request, using our contact details provided below.

b) We will disclose your personal data to third parties:

- i) if Hal Leonard LLC or all or substantially all its assets or the relevant part of its assets are acquired by a third party, in which case personal data held by it about its customers or service users (or the relevant customers all service users) and individuals representing those customers or service users will be one of the transferred assets and we may disclose your personal data in connection with any such transaction; or
- ii) if we are under a duty to disclose or share your personal data in order to: comply with any legal obligation, including without limitation lawful requests by public authorities such as to meet national security or law enforcement requirements, and including with regulators and other authorities who require reporting of processing activities in certain circumstances; or to enforce or apply our standard terms and conditions of business and other agreements; or to protect the rights, property, or safety of Hal Leonard LLC, our clients, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction;
- iii) if we discontinue our business or file a petition or have filed against us a petition in bankruptcy, reorganization or similar proceeding; or
- iv) to our Corporate Affiliates; for purposes of this privacy policy: "Corporate Affiliate" means any person or entity which directly or indirectly controls, is controlled by or is under common control with Hal Leonard LLC, whether by ownership or otherwise; and “control” means possessing, directly or indirectly, the power to direct or cause the direction of the management, policies or operations of an entity, whether through ownership of fifty percent (50%) or more of the voting securities, by contract or otherwise.

## 6) Where we store your personal data

- a) All information you provide to us is stored on secure servers. These may be located anywhere in the world, including the USA. See below concerning international transfers of personal data.

- b) 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 guarantee the security of your data transmitted to our site; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. This may include encryption of some information.
- c) We will also use reasonable efforts intended to ensure that third parties to whom we disclose your personal data take appropriate measures to ensure the security of your personal data and do not use it except for the purposes for which we disclose it to them.

## 7) **International transfers of personal data**

- a) We may share your personal data within the group of companies of which Hal Leonard LLC is a member. This may involve transferring your personal data outside the European Economic Area (**EEA**), including to the USA.
- b) Many of our external third parties to whom we transfer your personal data as described above are based outside the EEA so their processing of your personal data will involve a transfer of data outside the EEA.
- c) We may transfer your personal data out of the EEA, including without limitation in the following contexts:
  - i) Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe. For further details, see [European Commission: Model contracts for the transfer of personal data to third countries](#);
  - ii) Where we use providers based in the USA, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US. For further details, see [European Commission: EU-US Privacy Shield](#);
  - iii) The transfer is necessary for the performance of a contract between you and us or between your school and us.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data out of the EEA.

## 8) **Retention of personal data**

- a) We will only retain your personal data for as long as necessary to fulfil the purposes for which we collected your personal data.
- b) To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of that personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. If by law we are required to retain any information about our customers or their interactions with us, we will retain your personal data insofar as required to comply with such law.

- c) We may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

## 9) Your legal rights

- a) Under certain circumstances, you have the right to:
  - i) **Request access** to your personal data (commonly known as a “subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
  - ii) **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
  - iii) **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data in certain other circumstances, namely where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
  - iv) **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
  - v) **Request the restriction of processing** of your personal data. This enables you to ask us to suspend the processing of personal data about you, for example if you want us to establish its accuracy or the reason for processing it.
  - vi) **Request the transfer** of your personal data to you or to another person or entity. In that case we will provide to you, or to the person or entity to whom you wish us to transfer your personal data, your personal data in a structured, commonly used, machine-readable format.
  - vii) **Withdraw consent at any time** where we are relying on consent to process your personal data. However this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.
  - viii) **Lodge a complaint** with the UK Information Commissioner’s Office (ICO) or another applicable regulator. If you have any complaints about the way in which we process your personal data please do contact us, as set out below, as we would appreciate the opportunity to resolve your complaint.

- b) If you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we transfer a copy of your personal data to another party, please contact us using the contact details provided below.

#### **10) Other websites**

Our site may, from time to time, contain links to and from the websites or apps of our partner networks, advertisers and affiliates. If you follow a link to any of these websites or apps, please note that these websites and apps have their own privacy policies and that we do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites or apps.

#### **11) Changes to our privacy policy**

Any changes we make to our privacy policy in the future will be posted on this page and, where appropriate, notified to you by e-mail. Please check back frequently to see any updates or changes to our privacy policy.

#### **12) Contact**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to [eei@halleonard.com](mailto:eei@halleonard.com).