

RECORDED BOOKS, RBDIGITAL PRIVACY POLICY

Effective August 1, 2018

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PRIVACY STATEMENT FOR RECORDED BOOKS INC.

Your privacy is of great importance to Recorded Books Inc. ("We", "our" or "us"). As a user of this website and/or one of our mobile applications (collectively, the "Site"), you are valued by Recorded Books Inc. and We will take appropriate measures to protect the Personal Information provided by, collected from or relating to you in connection with the functions, facilities, products and services offered on the Site ("RBdigital Services").

INDIVIDUALS LOCATED IN THE EUROPEAN UNION SHOULD BE SURE TO READ THE IMPORTANT INFORMATION PROVIDED *IN [Additional Information for European Union Users](#)* IN THIS DOCUMENT

WHAT INFORMATION DOES RECORDED BOOKS INC. COLLECT?

We gather information about you (your "Personal Information") so that We can provide you with the RBdigital Services, and improve and personalize your experience with RBdigital. Personal Information that We collect falls into the following primary categories.

INFORMATION THAT YOU GIVE US

We receive and store the information that you enter at the Site or give to us in any other way off line. For example, We collect the information that you provide when you create an account for RBdigital – this means at minimum, your name, email address, and library card number. We may also receive the same or similar Personal Information from your library to verify you are properly eligible to use the RBdigital Services (as described [below](#)).

We also collect information you provide when you fill out the information in any "contact us" form on the Site.

We collect the minimum data set that allows us to deliver the RBdigital Services you choose to use and to assist you through Customer Support if you request it. If you engage our Customer Support team they may collect your phone number and other information specific to resolving your issue.

You can always choose not to provide some or all of the information We ask for, but this may prevent you from receiving information or obtaining certain services that you desire.

Our service partners may collect additional information in the process of creating your account on their sites. You control the information you give Recorded Books and our service partners.

AUTOMATIC INFORMATION & COOKIES:

Whenever you interact with the Site, We receive and store certain types of information. For example, We use "Session Storage" or "cookies" to store information when your web browser accesses the Site. We use Session Storage if permitted by your browser. Session Storage is temporary browser storage. We use information stored there to enhance your browsing experience at RBdigital.com. Session storage is deleted when you logout or in 30 days whichever

comes first. If session storage is not permitted by your browser, we use a cookie to store session information. A cookie is an alphanumeric identifier, which We transfer to your computer via your Web browser and store on your computer's hard drive. The cookie file allows us to recognize your computer when you visit the Site. On most web browsers, you can control how cookies work. You will find a "help" section on the browser toolbar. Please refer to this section for information on how to receive notification when you are receiving a new cookie, and how to turn cookies off. We recommend that you leave cookies turned on because they will enable you to take advantage of some of the Site's best features.

LOG FILES:

This Site uses cookies to log IP addresses, browser types, track where a user came from, where a user goes on our Site, most popular pages, least popular pages, and other similar types of information for systems administration purposes.

The information gathered via these cookies does not directly identify any individual visitor. However, it may render such visitors "indirectly identifiable". This is because the information collected is typically linked to a pseudonymous identifier associated with the device you use to access our Site.

Log files associated with these and other Site processes are kept for no more than 60 days.

HOW DOES RECORDED BOOKS INC. USE THE INFORMATION IT RECEIVES?

Recorded Books Inc. uses the information that users provide to the Site in a manner that is consistent with the reason for which such information was provided. For instance, if a user contacts Recorded Books Inc. with a question, Recorded Books Inc. will use the contact information of that user in order to respond to that inquiry.

When you register online, We collect your name, email address, postal code, and library card number if available to provide the services your library contracted for your use (as described in the section entitled *Information that you Give Us*). We only process this Personal Information to:

- Establishing and maintaining your account on the Site;
- Managing your use of the Site and its functionalities – e.g., administering content you've loaned (Checked Out) or are looking to loan (placed on Hold), or added to a Wishlist, sending you emails/notifications about content you might be interested in, etc.;
- To pass your information to our [Partners](#) whose services you access via the Site;
- To pass a small amount of information to [business partners](#) (Agents) whom we contract to provide services in support of the RBdigital website
- To provide you with the customer support that We have agreed with your library that We will provide; and
- Ensuring that you are properly entitled to use the Site – i.e., We cross-check your information against your library's systems to ensure that you are a valid recipient of the services your library has purchased for its patrons.

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DOES RECORDED BOOKS INC. SHARE THE INFORMATION IT RECEIVES?

Recorded Books Inc. considers the information provided by our users to be a vital part of our relationship with our users and We treat it with great care and respect. There are, however, certain circumstances in which We may share such Personal Information with specific third parties, as set forth below.

AGENTS:

Recorded Books Inc., like many companies that serve consumers, hires other companies to perform certain functions. Examples include managing our database and mailing requested information. When We employ another company to perform a function of this nature, We only provide them with the information they need to complete the task and they are not allowed to use that information for any other purpose. Our agent companies include:

Agent	Service and Website
Amazon Web Services	cloud storage where the RBdigital website and databases are stored securely [https://aws.amazon.com/]
Urban Airship	to facilitate push messages to mobile devices [https://www.urbanairship.com/]
Google Analytics	to assess website traffic in order to improve content, its presentation and delivery [https://www.google.com/analytics/#?modal_active=none]
Firebase	a Google product, tools for mobile application development [https://firebase.google.com/]
Crashlytics	a Google product, real-time crash reporting, facilitates building and running stable mobile applications [https://firebase.google.com/products/crashlytics/]
MailChimp	to manage mailing lists, and send email to our patrons and libraries [https://mailchimp.com/]

PARTNERS:

Recorded Books, Inc. partners with numerous companies to bring you the latest in quality services. Depending on the services your library purchased, some, none, or all of these services may be available to you. When you create a partner account to use a service, We share your Personal Information with the Partner. We share only the information necessary to create and maintain your account. However, the Partner may require additional information to setup your account. We do not receive that information. It is kept by the Partner.

A complete list of our Partner Services and the information we share with Partners can be found in the document [RBdigital Service Partner Terms](#). We encourage you to view the document.

Business Transfers:

As We develop our business, We might sell or buy businesses, stores or assets. In transactions such as these, customer information is generally one of the transferred business assets. Moreover, in the unlikely event that Recorded Books or one of its business lines are acquired, customer information may be one of the transferred assets. If such changes result in updates to the Terms of Use and/or Privacy Policy, you will be notified when you login to RBdigital.com and you will be given the opportunity to read and accept the new documents.

PROTECTION OF RECORDED BOOKS INC. AND OTHERS:

Except for the limited rights granted in Section II.1(a) of our Terms of Use, Recorded Books and/or its licensors own and/or control all right, title and interest (including, without limitation, all copyrights) in and to the Site, Site Content and Service. "Site Content" means any and all files, text, graphics, hyperlinks, interlinks, search engines, images, software, illustrations, photos, animation, video, audio, audiovisual works, designs or logos, information and other works of authorship made available to you through the Site and/or Service. You agree and acknowledge that you shall not acquire any ownership rights by accessing or using the Site, Site Content or Service. You acknowledge and agree that modification of the Site Content or use of the Site Content for any other purpose is a violation of Recorded Books' and possibly other third parties' copyright and proprietary rights.

WILL RECORDED BOOKS INC. SELL MY PERSONAL INFORMATION TO OTHER COMPANIES?

Recorded Books Inc. will not sell your Personal Information to any third-party or otherwise transfer it to any third-party for their marketing purposes.

HOW SECURE IS INFORMATION ABOUT ME?

We have put in place what We consider to be appropriate security measures to prevent your Personal Information from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. For example, your Personal Information is stored offline on a secure server which is password protected.

We take steps to limit access to your Personal Information to those employees and other staff who have a real business need to have such access. All such people are subject to a contractual duty of confidentiality.

LINKS TO THIRD PARTY SITES

You may be able to access third party websites through links available on this Site. You understand and agree that your use of such third party sites will be governed by the privacy policies of those sites and not by this Privacy Policy. Recorded Books Inc. shall not be responsible for the actions of the operators of such third party websites. We have contracts in place whose terms govern the relationship between Recorded Books, Inc. and the partners. These contracts state that (as applicable) our partners will adhere to the standards of the GDPR.

CHILDREN

Recorded Books Inc. does not knowingly collect information from children under the age of 13. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children to never provide information on this Site without their permission. All of our EU patrons and some patrons outside the EU will be asked to affirm that they are at least 16 years of age as they create or update their account with us.

BREACH NOTIFICATION

We have put in place procedures to deal with any actual or suspected breach or compromise affecting Personal Information. In the event of any such breach, We have systems in place to work with applicable regulators and our library partners to minimize the impact of any such breach. In addition, in certain circumstances (e.g., where We are legally required to do so) We may notify you of breaches affecting your Personal Information.

TERMS OF USE, NOTICES, AND REVISIONS

If you choose to visit the Site, your visit and any dispute over privacy is subject to this Privacy Policy and our Terms of Use Agreement, including limitations on damages and application of the law of the **State of Delaware, United States of America**. If you have a concern about privacy at our Site, please send an email with a detailed description of your concern to: rbdigital@recordedbooks.com and We will try to resolve it. **PLEASE NOTE THAT THIS PROVISION DOES NOT APPLY TO USERS BASED IN THE EUROPEAN UNION.**

Our business and Site change constantly. The Terms of Use and this Privacy Policy may change also. Our use of information that We receive and store is subject to the Privacy Policy and Terms of Use in effect at the time of our use of such information. If We decided to change our Privacy Policy, We will post the revised Privacy Policy on this Site. You will be notified to read and accept the updated documents when you login to the website.

RBDIGITAL PLATFORM AND WEBSITE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

Recorded Books Inc. and RBdigital continually endeavor to make the RBdigital Platform and Website accessible to individuals with disabilities in accordance with Section 508 of the Rehabilitation Act. These pages also meet Recorded Books Inc.' policy and guidelines for the Section 508 requirements. If you have difficulty viewing any page via adaptive technology, please contact us (rbdigital@recordedbooks.com) so that We can make the information available to you.

HOW TO CONTACT RECORDED BOOKS, INC.

Patron Support

RBdigital Customer Service
877-77-AUDIO or
877-772-8346

Patron Support via email:
yoursupport@recordedbooks.com

Copyright Complaints

Agent for Claims:
Recorded Books Inc.
270 Skipjack Road Prince
Frederick, MD 20678
Attention: Neil Tress

Facsimile: (410) 535-2761
E-Mail:
ntress@recordedbooks.com

Notices

Recorded Books Inc.
270 Skipjack Road
Prince Frederick, MD
20678
Attention: Neil Tress

Facsimile: (410) 535-2761
E-Mail:
ntress@recordedbooks.com

ADDITIONAL INFORMATION FOR EUROPEAN UNION USERS

THE EU GENERAL DATA PROTECTION REGULATION (“GDPR”)

The GDPR is a data protection regulation of the European Union. It came into force May 25, 2018. The GDPR is relevant to Recorded Books, Inc. because We process the Personal Information of individuals who are based in the European Economic Area (“Europe”) in the context of making available the RBdigital Services to such persons.

This Privacy Policy is intended to meet our duties of transparency under the GDPR.

In particular, We want to make it clear to you what rights you have and how you can exercise them. These are described in Your Rights in this document.

WHAT IS ‘PERSONAL DATA’ UNDER THE GDPR?

The GDPR definition of ‘personal data’ can be found [here](#). Essentially, it means: information about an individual, from which that individual is either directly identified or can be indirectly identified.

It does not include anonymous information (i.e., information where the identity of individual has been permanently removed). However, it does include ‘indirect identifiers’ or ‘pseudonymous data’ (i.e., information which alone doesn’t identify an individual but, when combined with certain additional and reasonably accessible information, could be attributed to a particular individual). For example, certain of the technical information that We automatically collect when you use the Site may constitute pseudonymous personal data by which you could indirectly be identified.

To the extent it meets the definition in GDPR, each reference to how We deal with your ‘Personal Information’ or ‘personally identifiable information’ in this Privacy Policy should, for users based in Europe, be read as a reference to personal data.

WHO IS THE CONTROLLER OF YOUR PERSONAL INFORMATION?

Recorded Books is a “Controller” of your Personal Information for purposes of the GDPR. In addition, the library of which you are a member, will also have access to, and be a Controller of, your Personal Information. This is because, depending on the context, we both determine the purposes and means of how your Personal Information is used.

For our details, see How to Contact Recorded Books, Inc. above for contact details.

If you want to know how your library handles your Personal Information, you should check its privacy policy.

OUR EU REPRESENTATIVE

As noted above, We are not based in the European Union. For this reason, We have appointed a representative based in the European Union, to whom you can address any issues or queries you might have relating to our processing of your Personal Information and/or this Privacy Policy.

Our EU representative is: W.F. Howes, Ltd. To contact W.F. Howes, Ltd. Use the information below.

Digital Customer Support: dataprotection@wfhowes.co.uk

W.F. Howes, LTD:
Unit 5, St. Georges House
Rearsby Bus. Park, Gaddesby Lane
Rearsby, Leicestershire, LE7 4YH
44 (0) 1664 423000

YOUR RIGHTS

The GDPR gives you certain rights regarding your Personal Information. You may ask us to take the following actions in relation to your Personal Information that we hold:

- **Opt-out.** Stop sending you direct marketing communications. You may continue to receive service-related and other non-marketing emails.

- **Access.** Provide you with information about our processing of your Personal Information and give you access to your Personal Information.
- **Correct.** Update or correct inaccuracies in your Personal Information.
- **Delete.** Delete your Personal Information.
- **Transfer.** Transfer a machine-readable copy of your Personal Information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your Personal Information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your Personal Information that impacts your rights.

You can submit these requests by email to yoursupport@recordedbooks.com or our postal address provided [above](#). We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your Personal Information or response to your requests regarding your Personal Information, you may contact us as described [above](#) or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

In addition, if you desire to review your own Personal Information, visit your patron profile page on the Site. From your profile page you can:

- View and download the information we keep for you
- Edit your personal information
- Change the email address associated with your account
- Request that we permanently forget your information.

ABOUT OUR FORGET ME PROCESS:

We honor your request to be “forgotten” immediately. We delete your information from our systems and notify our Partners of your request as well. They will “forget” your information upon receiving our request. We will send you a final confirmation email after which your personal information will be gone from our client-facing systems and we will no longer be able to locate your records or contact you. These steps take approximately one business day. The final traces of your information in logs, backups, etc. will be overwritten through automated processes in less than 60 days.]

Recorded Books Inc. reserves the right to maintain your Personal Information if Recorded Books Inc. has suspended, limited, or terminated your access to our Site for violating the Recorded Books Inc. Terms of Use, as necessary to comply with applicable law.

OUR LEGAL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION.

- We only use your Personal Information as permitted by the GDPR. The GDPR requires us to ensure that we have a “legal basis” for each way in which we use your Personal Information.

We are also required to inform you of each such legal basis for our processing of your Personal Information, these are described in the table below.

- If you have questions about the legal basis of how we process your Personal Information, [contact us](#).
- Please note that where we rely on “legitimate interests” as the legal basis for our processing. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your Personal Information for our legitimate interests. This means that, We have made an assessment that the nature and extent of our use of your Personal Information is necessary for our legitimate interests and your own interests and fundamental rights do not override those interests that We are pursuing.

Purpose:	What this means:	Legal basis:
To provide the RBdigital Services	<p>This is the processing which is necessary to perform the contract governing our provision of the RBdigital Services, including:</p> <ul style="list-style-type: none"> • to establish and maintain your account on the Site; • to manage your use of the Site and its functionalities – e.g., administer content you’ve loaned (Checked Out) or are looking to loan (Hold), sending you emails/notifications about content you might be interested in etc.; • to pass your information to our Partners whose services you access via the Site; • to provide you with the customer support that We have agreed with your library that We will provide; and • to ensure that you are properly entitled to use the Site and the RBdigital Services – i.e., We cross-check your information against your library’s systems to ensure that you are a valid recipient of the services your library has purchased for its patrons. 	Contractual Necessity

Purpose:	What this means:	Legal basis:
Compliance, fraud prevention and safety	<p>We use your Personal Information as we believe necessary or appropriate to:</p> <ul style="list-style-type: none"> • Enforce the Terms of Use that govern the use of the Site and the RBdigital Services; • Protect our rights, privacy, safety or property, and/or that of you or others; and/or • Protect, investigate and deter against fraudulent, harmful, unauthorised, unethical or illegal activity. 	<p>Compliance with Law. Legitimate Interests.</p>
Troubleshooting and Site improvement	To track issues that might be occurring on our systems, audit the downloading of data from the Site and improve the layout and/or content of the pages of the Site and customise them for you.	Legitimate Interests.
Analytics	To use data analytics to improve our Site, offerings, marketing, customer relationships and experiences.	Legitimate Interests.
Anonymous data creation	We may also create, use and share “Anonymous Data” (such as statistical or demographic data) for any purpose. Anonymous Data may be derived from your Personal Information, but once in aggregated form it will not constitute ‘personal data’ for the purposes of the GDPR as this data does not directly or indirectly reveal your identity.	Legitimate Interests.

WHAT HAPPENS WHEN YOU DO NOT PROVIDE NECESSARY PERSONAL INFORMATION?

Where you fail to provide Personal Information that we need to process based on Contractual Necessity or for the purposes of Compliance with Law, we may not be able to perform the contract we have or are trying to enter into with you (for example, we may not be able to open your account, we may have to close your account etc.)

USE FOR NEW PURPOSES

We may use your Personal Information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your Personal Information for an unrelated purpose, we will notify you and explain the applicable legal basis.

RETENTION

We will only retain your Personal Information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for Personal Information, we consider the amount, nature, and sensitivity of the Personal Information, the potential risk of harm from unauthorized use or disclosure of your Personal Information, the purposes for which we process your Personal Information and whether we can achieve those purposes through other means, and the applicable legal requirements.

We also consider the inconvenience to you and your library should we delete your account due to inactivity. Our policy for retaining the [personal information](#) used to maintain your Site account is that accounts dormant for a three-year period will be closed and the user/patron forgotten. Accounts showing activity will be maintained until otherwise requested by you or your library or until you library ceases to engage Recorded Books, Inc. for services.

In some circumstances we may create Anonymous Data from your Personal Information (so that it can no longer be associated with you) in which case we may use this Anonymous Data indefinitely without further notice to you.

PERSONAL INFORMATION FROM THIRD PARTY SOURCES

In addition to the Personal Information that we collect directly from you, we may also collect your Personal Information from third party sources. Please note that none of these third party sources are generally available to the public.

As examples, we may receive your Personal Information from the library you are registered with, as well as our [Partners](#) and [Agents](#).

TRANSFERS OF PERSONAL INFORMATION TO ENTITIES BASED OUTSIDE EUROPE

We are a U.S.-based company. Although We do not have an establishment within Europe, as noted above, the GDPR is relevant to us and our use of Personal Information of individuals located in Europe. For this reason, We take appropriate steps to ensure that when We process such Personal Information (despite the fact that We are not based in Europe) We do so in accordance with the GDPR.

In addition, where We transfer Personal Information of individuals located in Europe to any of the third parties outlined above, We take steps to ensure that We have implemented appropriate safeguards to provide that such protection is maintained and is not undermined as a result of that disclosure. This typically means that we endeavor to provide that all our partners with whom we share your Personal Information ([see here](#)) are bound by contractual provisions that establish appropriate safeguards for your Personal Information (including provision that Your Rights are still effectively enforceable).