

# SLP Learning Management System Privacy Notice

**Effective: 18 July 2023.**

This Learning Management System Privacy Notice (“**Privacy Notice**”) governs how your Personal Data is processed by Simulations Plus, Inc., our affiliates (Lixoft SAS) (“**Company**”) and Third Parties in connection with using, providing, and performing the Services.

THIS PRIVACY NOTICE IS IN ADDITION AND IS INCORPORATED IN THE TERMS OF USE RELATING TO OUR PORTALS ON THE LEARNUPON PLATFORM (AVAILABLE AT <https://simulations-plus.learnupon.com/> and <https://employee-simulations-plus.learnupon.com/>). ANY CAPITALIZED TERM NOT DEFINED HEREIN SHALL HAVE THE MEANING ASCRIBED THERETO IN THE TERMS OF USE. THIS PRIVACY NOTICE APPLIES TO THE SERVICES; THE COMPANY SITE FROM WHICH SERVICES ARE RENDERED; AND ALL END USERS THEREOF (“**DATA SUBJECTS**”, “**YOU**”, or “**YOUR**”).

This Privacy Notice explains our practices and the choices YOU can make about the way YOUR Personal Data is collected, created, received, maintained, processed, stored, transferred, disclosed, and used in connection with the Services.

## 1. Definitions

### For purposes of this Agreement:

1.1 “**Personal Data**” means any information that may be used, either alone or in combination with other information, to personally identify an individual such as a DATA SUBJECT, including, but not limited to, a first and last name, a personal profile, an email address, a physical address, or other contact information.

1.2 “**Process**”/”**Processed**” means how YOUR Personal Data is handled, including receipt, transfer, disclosure, collection, use, storage, and retention.

1.3 “**Services**” means all training provided to you on the Platform.

1.4 “**Third Party**” means an entity used by Company to Process YOUR Personal Data for YOU to access and use the Services, and/or for

Company to provide the Services or perform certain business-related functions, including the Learning Management System (LearnUpon Limited, [www.learnupon.com](http://www.learnupon.com)), and third-party cloud storage provider and email service provider (Microsoft Corporation, Microsoft Privacy, One Microsoft Way, Redmond, Washington 98052, USA) stating that they comply with applicable data privacy laws.

## **2. The following types of YOUR Personal Data are Processed for YOU to access and receive the Services:**

In order to access the Services, YOU will be required to create an account. The account may be created directly by YOU, or by us or by a Third Party at YOUR request. YOUR Personal Data necessary to create such account and to access the Services, and for Company and Third Parties to process YOUR Personal Data to provide the Services, includes YOUR name, geographic data, Company information, language, email address, password and log-on (account) credentials, educational measurements and notes, attendance records, IP addresses, cookies (including cookie ID), statistical data, web URLs, and responses or posts made by a DATA SUBJECT.

## **3. Legal basis and consent.**

For YOUR Personal Data, whether if provided to Company by YOU or by a Third Party, by accessing and using the Services, YOU declare that YOU: (a) voluntarily provide YOUR Personal Data; and (b) give YOUR consent to Process YOUR Personal Data by Company and Third Parties according to this Privacy Notice. **If YOU do not agree to this Privacy Notice, you will not be able access, or otherwise use the Services.** Notwithstanding the above, Company has a legal basis to Process Personal Data (e.g., includes YOUR name, geographic data, physical address or other contact information, language, email address) without YOUR consent where necessary for the purposes of legitimate interests pursued by Company or YOU (e.g., GDPR Article 6) such as to meet contractual obligations entered into by YOU (e.g., GDPR Article 6, Section 1 (b)), and to comply with legal obligations of the Company (e.g., GDPR, Article 9. Section 2 (f); Article 6, Section 1 (c)).

## **4. How YOUR Personal Data is received or collected.**

Personal Data is received and/or collected from YOU in the ways set forth below:

**4.1 From Third Parties.** In account registration, account management, and in providing the Services, YOUR Personal Data will be Processed by Third Parties who then transfer such Personal Data to Company for performing the Services.

**4.2 When YOU register for the Services.** In order to access the Services, YOU will be required to create an account by providing YOUR Personal Data (see Section 3 above).

**4.3 When YOU use the Services.** When YOU access the Services via a digital platform (e.g., via a Company website), Company and Third Parties will Process YOUR Personal Data in order to offer the Services to YOU. Log files may be used when YOU use the Services or data from YOUR computerized device used to access the Services may be transmitted. The information inside the log files or transmitted by YOUR device may include internet protocol (IP) addresses, type of browser, Internet Service Provider (ISP), date/time stamp, referring/exit pages, clicked pages and any other information YOUR browser may send to Company. Company may use such information to analyze trends, administer the Services, track users' movement around the Services, and gather demographic information.

**4.4 When YOU ask to 'Contact Us'.** If YOU send Company a "Contact Us" request, YOU will be required to provide COMPANY with certain Personal Data such as YOUR name, email address, and geographical locations, to enable Company to respond to YOUR request.

**4.5 When YOU purchase.** Company may include the option to purchase certain products or services from us via the digital platform. If YOU choose to make a purchase, Company may require sufficient information from YOU to complete the transaction. Such information could include a credit card number and related account and billing information, invoice related information, and other data required to process the order. For services that require payment, YOU will be transferred directly to a third party for payment processing using industry standard technology. If YOU submit financial information, all of that information is submitted directly and securely to a third-party payment processor; and SLP does not retain any financial information submitted through the third party payment processor.

**4.6 Cookies and other tracking technologies.** Services may utilize "cookies", anonymous identifiers and other tracking technologies

(“tracking technologies”) in order for Company (or Third Parties- see comment) to provide Services and present YOU with information that is customized for YOU. Tracking technologies may serve to recall Personal Data, such as an IP address, previously indicated by a user. Most browsers allow YOU to control cookies, including whether or not to accept them and how to remove them. However, if YOU do not accept cookies, YOU may not be able to use some portions of the Services. Some tracking technologies are not enabled to be blocked and are necessary to perform and provide the Services.

**4.7 Additional data.** Company may collect and receive additional Personal Data as part of new features, modifications and/or developments of the Services, and Company will update this Privacy Notice accordingly.

**5. The way YOUR Personal Data is used.**

Under GDPR, Company will be the controller of YOUR personal data.

Contact:

Office of Personal Data Protection	EU Representative & Data Protection Officer
<i>Simulations Plus, Inc.</i> 42505 Tenth Street West Lancaster, CA 93534, US	<i>VeraSafe, LLC</i> +1 (617) 398-7067 <a href="https://www.verasafe.com/about-verasafe/contact-us/">https://www.verasafe.com/about-verasafe/contact-us/</a>
<a href="mailto:dataprivacyoffice@simulations-plus.com">dataprivacyoffice@simulations-plus.com</a>	<a href="mailto:experts@verasafe.com">experts@verasafe.com</a>

Company or Third Parties will Process Personal Data for the following purposes:

**5.1 To provide YOU the Services.** In order to provide the Services to YOU, the functionalities of the digital platform used by Company to provide the Services to YOU may be accessed by Company to monitor YOUR use of such functionalities (for example, to identify and authenticate YOUR access to those Services that YOU have registered for are otherwise authorized to access).

**5.2 Business purposes.** Personal Data may be used in order to help Company improve the functionality of the Services such as to better understand the needs of the users of the Services; to protect misuse of the Services; to generally manage and administer the Services and the business of the Company; for carrying out the Company's legal responsibilities, including security and dispute resolution processes.

**5.3 Contacting you.** Company will use YOUR Personal Data contact information to contact YOU: (a) in connection with the Services (including system notifications and scheduling) and certain related programs or offerings of the Company; and (b) for administrative and technical requests (e.g. to change YOUR password or other technical support for YOU to access the Services).

**5.4 Data retention and archives.** Company retains and archives YOUR Personal Data in accordance with this Privacy Notice and the [Terms of Use](#).

**5.5 Transfer, share, or disclosure of Personal Data.** Company may share, disclose, transfer, or otherwise Process YOUR Personal Data with Third Parties who process Personal Data on behalf of the Company to provide the Services and/or perform certain business-related functions. Some of these Third Parties may be located outside of the European Union, the European Economic Area, or the United Kingdom. In some cases, the European Commission or the UK Secretary of State may have determined that a country's data protection laws provide a level of protection equivalent to European Union or UK law. A list of countries recognized as providing an adequate level of protection by the European Commission is available [here](#) and by the UK Secretary of State [here](#).

We will only transfer YOUR Personal Data to Third Parties in countries not recognized as providing an adequate level of protection to Personal Data when there are appropriate safeguards in place. These safeguards may include the [Standard Contractual Clauses](#) ("SCCs") as approved by the European Commission under [Article 46.2 of the GDPR](#), the [UK International Data Transfer Agreement](#), and the SCCs together with the [UK International Data Transfer Addendum to the SCCs](#).

**5.6 Corporate sale, merger, reorganization, dissolution or comparable event.** Personal Data may be part of the transferred assets in any of the aforementioned events, and YOU acknowledge and agree that any successor or purchaser of Company or Company assets

(including the Services) will continue to have the right to use YOUR Personal Data and other information in accordance with the terms of this Privacy Notice.

**5.7 Direct marketing.** Personal Data will be used to contact YOU for Company marketing and advertising purposes, including without limitation to inform YOU about new services and products that Company believes might be of interest to YOU. YOU may opt-out of receiving such marketing communications by contacting Company at [unsubscribe@simulations-plus.com](mailto:unsubscribe@simulations-plus.com).

**5.8 Compliance with applicable law.** YOUR Personal Data may be disclosed as required by applicable law, or if Company has a good faith belief that such disclosure is necessary to:

5.8.1 Comply with any legal obligation

5.8.2 Protect or defend Company rights, interests or property or that of Third Parties

5.8.3 Prevent or investigate possible wrongdoing in connection with the Services

5.8.4 Protect against legal liability.

5.9 With respect to the Services or use of Personal Data hereunder, Company has no actual knowledge that it sells or shares the Personal Data of data subjects under 16 years of age.

## **6. How YOUR Personal Data is stored and transferred.**

When YOUR Personal Data is stored by, or transferred between, Company and Third Parties, implemented are reasonable physical, organizational, and technical measures, as accepted in the industry of the Company and/or Third Parties, to prevent unauthorized access to or use of YOUR Personal Data. However, in the event YOU suspect any security events in Processing of Personal Data for the Services, please report them to Company at [support@simulations-plus.com](mailto:support@simulations-plus.com).

## **7. YOUR rights in respect of YOUR Personal Data.**

7.1 Depending on the laws applicable to YOUR Personal Data (e.g., CCPA or CPRA for California residents, GDPR for EU citizens or UK GDPR for UK citizens, PIPL for Chinese citizens), YOU may have one or more of the following rights with respect to YOUR Personal Data that Company and Third Parties Process.

- YOU have the right to request access to YOUR Personal Data that the Company holds on YOU. YOU have the right to be informed about the collection and use by the Company, and request copies, of YOUR Personal Data.
- YOU have the right to request the Company to cease Processing YOUR Personal Data. YOU have the right to request the restriction of Processing of YOUR Personal Data by the Company, but this right may be subject to exemptions based on applicable laws.
- YOU have the right to object, on grounds relating to YOUR particular situation, at any time to Processing of YOUR Personal Data which is based on the purposes of the legitimate interests pursued by the Company (as described in Section 3 of this Privacy Notice).
- YOU have the right to request the Company to delete YOUR Personal Data in the Company's possession. YOU have the right to request that YOUR Personal Data be deleted by the Company, but this right may be subject to exemptions based on applicable laws.
- YOU have the right to request the Company to change any incorrect or incomplete Personal Data the Company holds on YOU. YOU have the right to request inaccurate or outdated Personal Data of YOURS which the Company Processes be updated or corrected.
- YOU have the right to request the transfer of YOUR Personal Data to another party. YOU have the right to ask for YOUR personal data to be transferred to another controller or provided to them in a machine-readable electronic format.
- YOU have the right to request us to provide more information on the balance between our legitimate interests in Processing YOUR Personal Data (see table above) and YOUR Personal Data rights.
- YOU have the right not to be discriminated against by the Company by exercising your Personal Data privacy rights. The Company is required to inform YOU if it uses automated decision-making and profiling of YOU using YOUR personal data. YOU

have the right to object if the Company uses automated decision-making and profiling of YOU using YOUR Personal Data.

- If YOU have consented to the use of YOUR Personal Data by the Company, YOU have the right to withdraw such consent. Note that by withdrawing YOUR consent, it does not affect the right of the Company to Process YOUR Personal Data based on YOUR consent prior to YOUR withdrawal of YOUR consent.
- YOU have the right to lodge a complaint with a supervisory authority in the Member State in the EU or State in the US of YOUR residence, place of work, or of the alleged violation of the applicable personal data protection law.
- YOU have the right to request that the Company disclose to YOU what Personal Data of YOURS that Company collects, uses, discloses, and sells.

7.2 If YOU have a disability and need to access this Privacy Notice in a different format, please contact Company by email at **[dataprivacyoffice@simulations-plus.com](mailto:dataprivacyoffice@simulations-plus.com)** or by postal mail using the below address. In YOUR request, please let us know which formats that will make the Privacy Notice accessible to YOU (e.g., audio, large print, etc.) and the email or mailing address where it should be sent.

*Office of Personal Data Protection  
Simulations Plus, Inc.  
42505 Tenth Street West  
Lancaster, CA 93534, US*

7.3 Under the CPRA, we are required to disclose categories of Personal Data shared with Third Parties for a business or commercial purpose in the preceding 12 months, such as providing YOU the Services. This Personal Data includes YOUR name, geographic data, language, email address, password and log-on (account) credentials, educational measurements and notes, attendance records, and IP address.

7.4 To exercise any of YOUR Personal Data rights under the CPRA (see Section 7.1 above), please submit a verifiable consumer request to Company by either:

*Email: [privacy@simulations-plus.com](mailto:privacy@simulations-plus.com).  
Mailing: Office of the Personal Data Protection Officer  
Simulations Plus, Inc.*



*42505 10<sup>th</sup> Street West STE 103  
Lancaster, CA, USA 93535*

Only YOU or a person registered with the California Secretary of State that YOU authorize to act on YOUR behalf may make a verifiable consumer request related to YOUR Personal Data.

YOU may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows Company to reasonably verify YOU are the person or an authorized representative of the person that Company collected Personal Data on.
- Describe YOUR request with sufficient detail that allows Company to properly understand, evaluate, and respond to it.

The Company cannot respond to YOUR request or provide YOU with YOUR Personal Data if we cannot verify YOUR identity or authority to make the request and confirm the Personal Data relates to YOU. Regarding the latter, Company may require confirmation from YOU if YOU have provided permission to an agent authorized by YOU to make a request for exercising YOUR Personal Data rights under the CPRA on your behalf. Making a verifiable consumer request does not require YOU to create an additional account with the Company. Company will only use Personal Data provided in a verifiable consumer request to verify YOUR identity or authority to make the request.

### **Response Timing and Format**

The Company endeavors to respond to a verifiable consumer request within 45 days of its receipt. If the Company requires more time (up to 90 days), we will inform YOU of the reason and extension period in writing. Company will deliver our written response by mail or electronically, at YOUR option. Any disclosures that Company provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response Company provides will also explain why we cannot comply with a request, if applicable. For data portability requests, Company will select a format to provide YOUR personal information that is readily useable and should allow YOU to transmit the information from one entity to another entity without hindrance.

Company does not charge a fee to process or respond to YOUR verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If Company determines that the request warrants a fee, we will tell YOU why we made that decision and provide YOU with a cost estimate before completing YOUR request.

7.5 To learn more about these and other rights YOU have regarding YOUR Personal Data, including how YOU may exercise these rights; or to learn more about how Company processes YOUR Personal Data; please access the Company Privacy Notice at <https://www.simulations-plus.com/privacy-policy/>. If YOU have questions or concerns about YOUR rights regarding YOUR Personal Data, or the Company's privacy policies and practices affecting YOUR Personal Data, YOU may also contact the Company's Office of Personal Data Protection by emailing [privacy@simulations-plus.com](mailto:privacy@simulations-plus.com).

## **8 Retention of Personal Data.**

YOUR Personal Data will be deleted (i) within 30 days (processing time) of receiving a verified request by YOU to delete YOUR Personal Data Processed for the Services (see Section 7 above, and <https://www.simulations-plus.com/privacy-policy/>); or (ii) as soon as the purposes for Company Processing YOUR Personal Data have expired; unless Company is legally bound to further store data according to applicable laws and/or as required to meet contractual obligations. Additionally, Company may need a reasonable additional period of time to ensure deletion of YOUR Personal Data stored on backup or archival media.

## **9 Changes and modifications.**

Company reserves the right, at Company's sole discretion, to update or modify this Privacy Notice at any time (collectively, "**Modifications**"). Modifications to this Privacy Notice will be posted on the digital platform used to provide or access the Services with a revised 'Last Updated' date at the top of this Privacy Notice. Please review this Privacy Notice periodically.

YOUR continued use of the Services following the implementation of any Modifications to this Privacy Notice constitutes acceptance of those Modifications. If YOU do not accept any Modification to this Privacy Notice, YOUR sole remedy is to cease accessing and using the Services.