

# PRIVACY POLICY

**Last Updated: August 31, 2022**

ETF Action LLC (collectively, “*ETF Action*”, “*we*”, “*us*”, or “*our*”) respects your (sometimes referred to as “*you*”) privacy and understands the importance of privacy to our clients. This Privacy Policy (“*Policy*”) describes how we collect, use, share, and protect your Personal Data (defined below).

This Policy applies to Personal Data collected or processed through the service you are currently using and the technology supporting the service, including, our website ([www.etfaction.com](http://www.etfaction.com)), portal, mobile application, software, platform, our offered online products or services, or other ETF Action-operated domains (collectively, the “*Services*”).

PLEASE READ THIS POLICY CAREFULLY. By accessing and using the Services, you agree to be bound by the terms of this Policy. If you do not agree with the terms of this Policy, you should immediately cease all use of the Services. After you read this Policy, please read our Terms of Service (“*TOS*”).

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## 1. What is Personal Data?

“*Personal Data*” is information that can be linked to an identified individual, is reasonably linkable to an identifiable individual, or could be used, along with other information, to identify you. Examples of

Personal Data include, among others, name, email address, mailing address, financial account information, payment card information, and online identifiers.

## **2. Types of Personal Data We Collect and Use**

### **A. Personal Data that you Provide to ETF Action**

To provide you the Services, and through your use of the Services, we may request you provide us certain Personal Data. For example, when you choose to purchase a subscription service or other product through our Services, we may request you provide Personal Data, including, but not limited to:

- Name,
- Email address,
- Mailing address,
- Broker CRD number,
- Assets under management, and
- Payment card information.

We will indicate on the form whether a particular field of Personal Data is mandatory or optional. If you choose not to provide certain Personal Data, we may not be able to provide the requested Services.

### **B. Personal Data We Automatically Collect from You**

To improve your overall experience with the Services, we may use cookies, device identifiers, and similar technologies such as pixels and web beacons to collect Personal Data about your use of the Services. Cookies are small data files that are transferred to your computer's hard disk and are used to store Personal Data about website visits, your preferences, and enhance website functionality. We process the information collected through such technologies, which may include or be combined with Personal Data, to help operate certain features of the Services, to enhance your experience through personalization, to identify you and keep track of your preferences, to prevent fraudulent activity, and to improve the security of the Services.

Most browsers provide you with the ability to block, delete, or disable cookies, and your mobile device may allow you to disable transmission of unique identifiers and location data. If you choose to reject cookies or block device identifiers, some features of the Services may not be available, or some functionality may be limited or unavailable. Please review the help pages of your browser or mobile device for assistance with changing your settings.

Some of our service providers may use cookies or other methods to gather information regarding your use of the Services, and may combine the information in these cookies with any Personal Data about you that they may have. The use of such tracking information by a third party depends on the privacy policy of that third party. We do not respond to Do Not Track ("**DNT**") signals sent to us by your browser at this time. To learn more about how DNT works, please visit <http://allaboutdnt.com/>.

- **Google Analytics**

To assist us with analyzing the traffic to our Services through cookies and similar technologies, we use analytic services, including Google Analytics. For more information on Google Analytics' processing of your Personal Data, please see [“How Google uses data when you use our partners' sites or apps.”](#)

- **Advertising**

We may engage third parties who use cookies, pixel tags, and other storage technologies to collect or receive Personal Data from our website and elsewhere on the internet to provide marketing services to us, including targeted advertising. If you want to learn more, including how you may opt-out of targeted advertising, you should visit the following sites: <https://www.aboutads.info/choices/>, <https://www.networkadvertising.org>, <https://www.youradchoices.com> (please note: we do not operate or control these third party sites, and there may be additional ways for you to opt out of online advertising). Please note that by opting out, you will continue to see ads, but ads may not be as relevant to your interests.

- **Log File Information**

When you use the Services, our servers automatically record Personal Data, including IP Address, browser type, referring URLs (*e.g.*, the site you visited before coming to the Services), domain names associated with your internet service provider, information on your interaction with the Services, and other such information (collectively, “**Log File Information**”). We may also collect similar information from emails sent to you which then help us track which emails are opened and which links are clicked by recipients.

We use Log File Information collected from our implementation of the Services to improve the functionality and content of the Services, and to secure the services by identifying potential threats and vulnerabilities.

### **3. How We Use Personal Data**

We may use your Personal Data for the following purposes:

- Offer our Services to you,
- Administer and improve the Services,
- Facilitate your subscription or purchase of a product,
- Communicate new features of the Services,
- Manage your account,
- Protect our rights to the Services,
- Acquire aggregated data,
- Meet legal obligations, and
- Other purposes related to the reasons for which you provided Personal Data to ETF Action.

We will retain your Personal Data only as long as necessary to fulfil the purposes for which we collected and processed the Personal Data, or as required by applicable laws.

#### 4. How We Share Personal Data

We will not share Personal Data without your consent, except as set forth in this Policy. This section describes to whom we share Personal Data and the purposes for disclosure:

- **Service Providers.** We engage third party service providers to assist us in the day-to-day website operations and to perform services on our behalf, including processing transactions. We take commercially reasonable steps to ensure our service providers provide at least the same level of protection for Personal Data as we do.
- **Companies Involved in Mergers and Acquisitions Transactions.** If we sell or otherwise transfer part or the whole of our business or assets to another organization (*e.g.*, in the course of a transaction like a merger, acquisition, bankruptcy, dissolution, or liquidation), any Personal Data collected through the Services may be among the items sold or transferred.
- **Law Enforcement, Government Agencies, and Courts.** We may disclose Personal Data at the request of law enforcement or government agencies; in response to subpoenas, court orders, or other legal process; to establish, protect, or exercise our rights; to defend against a legal claim; to detect, investigate, prevent, or take action against illegal activities or potential threats to the rights, property, or safety of any other person; or as otherwise required by law.

#### 5. Protection of Personal Data

We use commercially reasonable security measures within the Services to help secure and protect Personal Data from unauthorized access or acquisition, such as, industry-standard encryption technology.

Despite these efforts to store Personal Data in a secure environment, we cannot guarantee the security of Personal Data during its transmission or its storage. Further, while we attempt to ensure the integrity and security of Personal Data, we cannot guarantee that our security measures will prevent third parties such as hackers from illegally obtaining access to Personal Data. We do not represent or warrant that Personal Data about you will be protected against, loss, misuse, or alteration by third parties.

#### 6. Accessing, Updating, or Deleting Personal Data

You may use your account to access or correct the information you provided to us and which is associated with your account by clicking the link in any ETF Action Services email by clicking the appropriate link (*e.g.* “Click here to update your information”). You may also request to access, correct, or delete your Personal Data by submitting a request via the contact information listed in Section 13 (How to Contact Us) below. Subscribers can update their Personal Data by logging into their premium account through the Services. We will promptly review all such requests in accordance with applicable law.

In certain circumstances, we may not be able to completely remove your Personal Data from our systems, as further discussed in Section 7 (Retention and Deletion).

## **7. Retention and Deletion**

As discussed above, in Section 3 (How We Use Your Personal Data), we keep your Personal Data only as long as necessary to fulfill the purposes for which it was collected and processed, including for the purposes of satisfying any legal, regulatory, accounting or reporting requirements. In some circumstances, we may de-identify, aggregate, or otherwise anonymize your Personal Data consistent with applicable laws and industry standards so that it can no longer be associated with you, in which case it is then treated as non-personal data.

## **8. Personal Data Transferred to the U.S.**

If you are using the Services outside the United States, please be aware that Personal Data may be transferred to, stored, and processed in the United States. Although we take steps to provide adequate safeguards, the data protection laws of the United States might not be as comprehensive as those in your country. By using the Services, you consent to your Personal Data being transferred to the United States for the purposes described in this Policy.

## **9. Opting Out of Receiving Electronic Communications**

To provide you information regarding the Services, we may send you promotional materials or other information via email (“*Communications*”). You may choose to stop receiving Communications by clicking on the conspicuous “Unsubscribe” link located at the bottom of any email we send to you. Please note that certain Communications are necessary for the proper functioning and use of the Services and you may not have the ability to opt out of those Communications.

## **10. Children’s Privacy**

We do not knowingly collect or solicit Personal Data directly from anyone under the age of thirteen. If you are under thirteen, please do not send any Personal Data about yourself to us through the Services or offline.

## **11. Third Party Websites and Links**

We are not responsible for the practices employed by any non-ETF Action operated website or service linked to or from the Services, including the information or content contained therein. A link to a third party’s website should not be construed as an endorsement. We encourage you to investigate and ask questions before disclosing Personal Data to third parties.

## **12. Updates to this Policy**

We may modify or update this Policy from time to time, so please review it periodically. If we make a change to this Policy that, in our sole discretion, is material, we will notify you as appropriate under the circumstances. Unless otherwise indicated, any changes to this Policy will apply immediately upon posting to the Services.

## **13. How to Contact Us**

If you have any questions or concerns about this Policy, please contact us at:

Email: [support@etfaction.com](mailto:support@etfaction.com)  
Mailing address: 4785 Tejon St., Suite 201  
Denver, Colorado 80111