



BETTERUP DOES NOT SELL YOUR PERSONAL DATA UNDER ANY CIRCUMSTANCES.

# BetterUp Cares About Your Privacy

Last Update Effective: September 21, 2022

Transparency and honesty are a huge part of our mission at BetterUp. We care about your privacy and especially about the psychological safety of the coaching environment. As such, whether you are a coach providing services on our platform, a user of our platform, an entity that contracts on behalf of users of our platform, or a visitor to our website, we want you to know how we collect, use and share your data. We want to communicate this in plain language, as much as possible.

You may be working with us in other contexts not specifically described in this policy and while we don't address privacy for all stakeholders and situations in this privacy policy, our philosophy applies to those other contexts as well.

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## 1. Introduction and Definitions

This privacy policy describes our privacy practices relevant to the Site, Services and Platform and the impact these practices have on Applicants, Site Visitors, Coaches, Users and User Organizations. Each term is defined below. Let's start with a brief overview of what we do, how and where we might be collecting data and then define some relevant terms.

BetterUp is the first Whole Person™ platform to transform performance and growth for people, teams, and organizations where it matters most - career and leadership development, proactive mental fitness, and inclusion and belonging (the "Services") through a variety of behavioral techniques and methods on our mobile application and online platform (the "Platform").

We will need to distinguish between the people to whom we provide Services directly via the Platform (who we will refer to as "Users") and the entities who contract with us to provide Services to their employees or others on the Platform (who we will refer to as "User Organizations"). We collect, use and share data differently for Users and User Organizations, although they might sometimes be one and the same. In the event you receive BetterUp Services



as a result of your employer or other sponsoring organization, please be aware of the data which may be shared back to your User Organization as a result of using the BetterUp Platform.

We also collect data from business coaches (“Coaches”) who typically contract with us to provide services to Users via the Platform and from visitors (“Visitors”) to our website [www.BetterUp.com](http://www.BetterUp.com) (the “Site”). Should you apply for a job with BetterUp you will be known as an “Applicant”.

To the extent data is associated with an identified or identifiable natural person and is protected as personal information (or substantially equivalent terms) under applicable data protection laws, we will refer to it this Privacy Policy as “Personal Data”, except when we are specifically referring to rights under California law, when we will refer to this data as “personal information”.

## 2. Data We Collect

### 2.1 Data You Provide to Us

#### Data From Our Website

If you are a visitor to our public website, [BetterUp.com](http://BetterUp.com), we will collect certain information. We use cookies and similar technologies (e.g., web beacons, pixels and ad tags) to collect data (e.g., device IDs) from our public Site to recognize you and your device(s) on, off and across different services and devices where you have engaged with our Site. We also allow third parties to use cookies as the Cookie Policy describes. We may also collect (or rely on others who collect) data about your device where you have not engaged with our Site (e.g., ad ID, IP address, operating system and browser data) so we can provide our Visitors with a better user experience. You can opt out from our use of data from cookies and similar technologies that track your behavior on the sites of others for ad targeting and other ad-related purposes.

Please review the [Cookie Policy](#) for all relevant details.

#### Data From Applicants

We collect information if you apply for a job (“Applicant”) with BetterUp. We will need to collect certain personal information from you in order to process your application, such as your name, email address, phone number, location, and work history. This information is used to evaluate your experience and communicate with you. BetterUp does work with several third party vendors to assist in the application process and where those systems will have access to your personal information BetterUp will provide the appropriate disclosures. If any of these systems will require highly sensitive personal information or request session recordings, you will be notified at that time.

If you are based in the European Union (including Applicants based in the UK after the UK leaves the European Union, “EU Applicants”) please review the [Notice for EU Candidates](#) which includes information about: what personal information we collect; how we collect, use and



disclose that information and the legal grounds for us doing this; and your rights in respect of your personal information.

### Data From Coaches

If you are a Coach, we collect data when you submit an inquiry to provide coaching services for us, when you use the Platform, when you request technical support, and when you otherwise initiate communication with us.

We never require Coaches to provide us any sensitive Personal Data (e.g. financial data), although we may request demographic or other personal data from Coaches when we are testing a new tool or feature, staffing a specific program for customers, or conducting research studies. The type of demographic or personal data we may request may include gender, race, ethnicity, specialized skills such as ASL, or for federal programs, your citizenship. When asking for demographic data, BetterUp does so because we believe it will improve the services for our Users and Coaches; however, providing such personal information shall remain optional.

We may ask for your consent as a Coach to record your coaching session for training, research, or additional purposes as further described in [Section 2.6](#), in which case we may collect data capturing your image, voice, and/or a transcript of recording in order to conduct analysis for the betterment of the User, also known as our Members, and your future coaching sessions. BetterUp understands video recordings may capture sensitive personal information; therefore where possible, BetterUp will minimize the amount of personal data being accessed by analyzing the recordings after de-identification or conducting analysis on the transcript rather than the full video. We discuss this further within Section 2.6 below.

As a Coach, we may ask you to provide us data to improve your experience on the Platform. For example, we may ask Coaches:

- to review your coaching and Platform experience.
- personal preferences within your Coach profile, such as preferred pronouns and preferred language

In all circumstances, your decision to provide BetterUp with Personal Data has no impact on your role as a Coach, and you may withdraw consent at any time by emailing [support@betterup.co](mailto:support@betterup.co).

### Data From Users

If you are a User, we collect data when you register for the Platform and when you access the Services via the Platform. We require certain Personal Data in order to register your account, such as:

- Your name
- Your email address
- Your phone number
- Your role or title



- Your Country and State (where applicable)

We require this data for at least the following reasons: 1) to create your account; 2) to ensure you are matched with a coach in an appropriate time zone; 3) ensure we have minimum location data to honor your specific privacy rights; and 4) to ensure you receive applicable surveys or questionnaires commensurate with your management level.

We may ask you to provide us data to improve your experience on the Platform. For example, we may ask Users:

- to complete surveys to help us match you with a Coach that aligns with your coaching goals.
- to complete an assessment that will allow you to gain insight into your strengths and weaknesses by asking you a series of questions about general wellbeing, work-life balance, and stress.
- to review your coaching and Platform experience.
- personal preferences within your User or Coach profile, such as preferred pronouns and preferred language

To facilitate a robust and meaningful coaching experience, both you and your Coach will have access to your matching survey and assessment responses. Reviews or opinions will only be shared with a Coach on an aggregated or de-identified basis. Your sponsoring User Organization will never receive access to your individual assessment or personalization responses although they may see aggregate and de-identified reports of all Users connected to your sponsoring Organization so long as our data scientists can confirm a minimum threshold of Users from your organization to maintain anonymity.

We collect usage data from Users accessing the Platform, such as which programs you respond to and attend, your session ratings, when you attend a coaching session, your employment details and any other usage data you share with us (or your User Organization shares with us) in connection with the Platform.

Your sponsoring Organization will receive information from BetterUp about your usage on the Platform in the following ways:

- Individually identifiable data regarding your date of registration, number of coaching sessions completed, and the date you have completed certain assessments. BetterUp will never provide your sponsoring Organization details about your specific coaching session or individual topics you have discussed.
- Aggregated and de-identified insights for topics and themes discussed by all Users associated with your sponsoring Organization as discussed within Section 4 below.



## **2.2 Data We Collect About Users from Others**

If you are a User registering on the Platform through a license purchased by a User Organization (which may or may not be your employer), the User Organization may provide us with certain demographic data about you.

In some cases, a User Organization may choose to integrate its human resources information system (“HRIS”) with the Platform. If applicable, the User Organization may share employment data not limited to your hire date, your history promotions or job changes, or anything else your sponsoring Organization may choose to provide to BetterUp.

In other cases, the Platform may integrate with third party systems on behalf of User Organization to manage data and gain insights about the value of the platform.

If you as a User have concerns about this data collected from third parties, please speak with your BetterUp program manager or your contact at your User Organization.

## **2.3 Aggregated Data from Use of Platform**

Whether you are a Coach or User, we may collect aggregated and de-identified data related to your use of the Platform apart from what has been detailed above. We may analyze your usage data and content when it is uploaded, sent, received, or stored. We may use your data, activity logs, and direct feedback to improve our Platform and Services.

## **2.4 Cookies and Similar Technologies**

First, we want to emphasize that we do not use cookies within our Platform. The cookies and similar technology used on our public website, BetterUp.com, are all disclosed within our [Cookie Policy](#).

In order to provide specific functionality within our Platform, there is limited use of tracking technology within our Platform, as also disclosed within our Cookie Policy. BetterUp will not request specific geo-location data from our Users. Users may manage their Cookie preferences within their User Profile in the Platform.

## **2.5 Your Device and Location**

We do collect data from Site Visitors such as data about your device and location via IP address, the type of browser you use, amount of time you spend on the Site, pages viewed, forms submitted,, and the digital channel that brought you to the Site.

If you access the Site via a mobile device or have downloaded our mobile application, we may collect data such as the first time the mobile application is opened, mobile carrier, and the type of device that is being used.



## 2.6 Audio & Video Data

We may record coaching sessions on the Platform with the express consent of both Coach and User (each a “Recording”). If you have consented to a Recording, it will be used to inform analyses on the quality and effectiveness of your coaching session. The session recording may be used in the following ways:

- Analysis of aggregate call statistics such as number of speaker turns
- Text analysis including full transcript, key words, themes, and sentiment of words
- Audio analysis
- Video analysis including facial expressions and body language

We have developed software to view and analyze these sessions and derive insights from them in a deidentified manner to improve your experience and our Platform and Services. When BetterUp uses the term “deidentified” we understand this is useful as a data minimization technique and included within this term is a commitment not to re-identify the data unless necessary to provide Service to You.

BetterUp is constantly looking for ways to level up our services, to find a way to use the behavioral sciences to improve your coaching journey. Occasionally in our pursuit of the best tools to provide the analysis we need to serve our Users, we may use third party vendors to assist with analyzing this data. When working with third party vendors, BetterUp will only provide data in a deidentified manner and will ensure that your data remains confidential to your experience with BetterUp. BetterUp requires all third party vendors to certify in contract they will never sell data and will maintain strict privacy and security controls for all data they may have access to as a result of working with BetterUp.

The session recordings will be securely stored in our data center in the United States and our employees can access them on a need-to-know basis only. Session recordings will never be shared with your User Organization. Your sponsoring User Organization will never receive access to your individual recording although they may see aggregate and de-identified analysis of all Users connected to your sponsoring Organization so long as our data scientists can confirm a minimum threshold of Users from your organization to maintain anonymity.

## 2.7 Personal Health Information

BetterUp's Services do not collect any Personal Health Information as that is defined under the Health Insurance Portability and Accountability Act (“HIPAA”) and the use of our Services does not require HIPAA compliance. Additionally, BetterUp is not considered a Covered Entity under HIPAA.

BetterUp acknowledges and understands the definition of health information is more expansive under GDPR, and other privacy regulations, to include general well-being and any data relating to a person’s physical or mental health; therefore, BetterUp handles all health information as sensitive and has implemented additional security and confidentiality protocols for all health-related information.



## 3 How We Use Your Data

### 3.1 Services

At the core of BetterUp is our belief that behavioral sciences can create the world's most effective approach to human and organizational transformation, driving impact for your whole person and delivering real metrics that measure success. To do so, BetterUp will use your data to drive these insights and analytics to serve you, our Users. The primary manner in which we use all data is to provide the Services and help us improve the Site, the Platform, and the quality of our Services, and this extends to Personal Data. As described in [Section 2](#), we request sensitive Personal Data only under very limited circumstances, providing it is always voluntary, and you may revoke permission at any time.

### 3.2 Communicate With Users and Coaches

We require certain Personal Data from both User and Coaches for routine communication with each and to facilitate the relationship between them.

### 3.3 Market To You

As further described in the Cookie Policy and in [Section 2.4](#) and [2.5](#) above, we collect certain data from Site Visitors for marketing purposes. Site Visitors may also need to provide data to schedule a demo or interact with a bot on the Site to get what information you need from us more efficiently. We may also use this information to communicate with You about product, services, offers, promotions, rewards, and events offered by BetterUp or others, and provide news and information we think will be of interest to You.

### 3.4 Provide Customer Support

You may provide data via the Site or Platform that we use to provide a better customer support experience to you. For instance, if you were to email [support@betterup.co](mailto:support@betterup.co) our team would request specific information for verification purposes and as necessary to address your concerns.

### 3.5 Generate Insights That Do Not Identify You

Most data that we use is de-identified and aggregate data, which we use to improve the Platform, the Site and the quality of our Services.





## 4 How We Share Data with Third Parties

**AS REFERENCED ABOVE, BETTERUP DOES NOT SELL YOUR PERSONAL DATA.**

We share certain Personal Data about Users with Coaches (and vice versa) such as contact information and responses to surveys to facilitate the ability for Coaches to provide services to Users.

If you are a User who is accessing the Platform through a paid subscription through a User Organization (e.g. your employer), we share certain usage data with your sponsoring User Organization, such as data about your Platform usage (e.g. the number of sessions you attended, when the session was attended, or date of completion of an assessment). We share this information with your sponsoring Organization to ensure a User Organization has the tools necessary to ensure the Services are being utilized and that they are effective. We do NOT share your assessment or survey responses or your individual coaching sessions with your User Organization. Your sponsoring Organization may see de-identified and aggregated analysis from all participating Users within your organization as aggregated from your interactions with resources within the BetterUp Platform and general session topics as identified by your Coach, post-session. As discussed in 2.1 above, we do share limited individual level data with the sponsoring Organization.

Section 2.2 also discusses how third parties may access your data.

We may also share opinions, feedback or reviews you voluntarily provide to us as a User with your User Organization and your Coach on a de-identified basis, for quality or educational purposes.

If you are a Visitor, Coach, User or User Organization, we may also share data about you as follows:

- With vendors, consultants, and other service providers (including Coaches) who need access to such data to carry out work on our behalf, on a need-to-know basis;
- In response to a request for data if we believe disclosure is in accordance with any legitimate law, regulation, or legal process, or as otherwise required by any applicable law, rule, or regulation;
- If we believe your actions are inconsistent with the spirit or language of our user agreements or policies, to protect the rights, property, and safety of others;
- In connection with, or during negotiations of, any merger, sale of our assets, financing, or acquisition of all or a portion of our business to another company; and
- With your consent or at your direction, including if we notify you through the Site, Services or Platform that certain data you provide will be shared in a particular manner and you choose to provide this data.





## 5 Your Choices, Rights and Obligations

### 5.1 Data Retention

We store Personal Data for as long as is necessary for the purpose(s) for which we originally collected it, or for other legitimate business purposes, including to meet our legal, regulatory, or other compliance obligations.

### 5.2 Your Choices About Data Generally

You may update, correct, or delete Personal Data at any time by contacting us at [support@betterup.co](mailto:support@betterup.co). Your User Profile within the Platform also affords you the ability to update certain preferences and personal information. Please note that we may retain certain data as required by law or for legitimate business purposes. We may also retain cached or archived copies of data about you for a certain period.

### 5.3 Your Choices About Email Subscriptions

You may opt out of receiving email communications from us by following the unsubscribe link within those communications or by emailing us at [info@betterup.co](mailto:info@betterup.co).

### 5.4 Your Choices About Promotional Communication

If you are outside of the European Union (“EU”), you may opt out of receiving promotional communications from us by following the instructions in those communications or by emailing us at [support@betterup.co](mailto:support@betterup.co). If you opt out, we may still send you non-promotional communications specifically related to your use of the Platform.

### 5.5 Your Jurisdiction-specific Rights

#### A. *Your Rights under California Online Protection Act (“CalOPPA”)*

We do not support Do Not Track (“DNT”). DNT is a preference you can set in your web browser to inform websites that you do not want to be tracked. You can enable or disable DNT by visiting the Preferences or Settings page of your web browser.

In accordance with CalOPPA, we agree to the following:

- Site users can visit our site anonymously
- Site users will be notified of any privacy policy changes on our Privacy Policy page
- Site users are able to change their personal information (as defined by CalOPPA) by emailing us at [support@betterup.co](mailto:support@betterup.co)



*B. Your Rights under the General Data Privacy Regulation (“GDPR”)*

If you are a resident of the European Union (EU) and European Economic Area (EEA), GDPR affords you certain rights. These include:

- The right to access, delete, or update the Personal Data we have on you
- The right to have your Personal Data rectified if it is incomplete or incorrect
- The right to object to our processing of your Personal Data
- The right to request that we restrict the processing of your Personal Data
- The right to request a copy of your Personal Data in a machine-readable and commonly used format
- The right to withdraw your consent at any time where we rely on your consent to process your Personal Data

To exercise any of the above rights, please send a request to [support@betterup.co](mailto:support@betterup.co). Please note that we may ask you to verify your identity before responding to such requests.

Your Personal Data may be processed outside your jurisdiction, and in countries that are not subject to an adequacy decision by the European Commission or your local legislature and/or regulator, and that may not provide for the same level of data protection as your jurisdiction, such as the European Economic Area.

We are based in the United States and the information we collect is governed by U.S. law. By accessing or using the Services or otherwise providing information to us, you consent to the processing and transfer of information in and to the United States and other countries, where you might not have the same rights and protections as you do under local law. BetterUp may be obligated to disclose personal information in response to lawful requests by public authorities, including to meet national security or law enforcement requirements.

You have the right to complain to a Data Protection Authority (as defined by the GDPR) about our collection and use of your Personal Data. For contact details of your local Data Protection Authority, please see: [http://ec.europa.eu/justice/data-protection/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/data-protection/article-29/structure/data-protection-authorities/index_en.htm).

*C. Your Rights under the California Consumer Privacy Act (“CCPA”)*

If you are a California resident, you are entitled to learn what data we collect about you, ask to delete your data and ask us not to sell it. You may request what personal information we have about you. If you make this request, we will return to you:

- i. The categories of personal information (as defined by the CCPA) we have collected about you.
- ii. The categories of sources from which we collect your personal information.
- iii. The business or commercial purpose for collecting or selling your personal information.
- iv. The categories of third parties with whom we share personal information.
- v. The specific pieces of personal information we have collected about you.



- vi. A list of categories of personal information that we have sold, along with the category of any other company we sold it to. If we have not sold your personal information, we will inform you of that fact.
- vii. A list of categories of personal information that we have disclosed for a business purpose, along with the category of any other company we shared it with. Please note, you are entitled to ask us to provide you with this information up to two times in a rolling twelve-month period. When you make this request, the information provided may be limited to the personal information we collected about you in the previous twelve (12) months.

If you request we delete your data pursuant to the CCPA, we will delete the personal information we hold about you as of the date of your request from our records and direct any service providers to do the same. In some cases, deletion may be accomplished through de-identification of the information. If you choose to delete your personal information, you may not be able to use certain functions that require your personal information to operate.

We will not discriminate against you under any circumstances for exercising your rights in connection with the CCPA. To exercise your California data protection rights described above, please send a request to [compliance@better.co](mailto:compliance@better.co).

## 6 Other Important Information

### 6.1 BetterUp and Analytics

The analytics offered at BetterUp may use machine learning (ML) to customize and enhance Your experience with certain BetterUp Services, such as our Coach Matching algorithm and our Session Insights algorithm. These Services rely on User actions and inputs including Your decision to accept or reject the proposed coaches or the analytic insights provided.

BetterUp recognizes that the use of machine learning-driven technologies - especially in voice and facial recognition - can raise new privacy and security concerns. This is why BetterUp allows Users to manually override ML-based coach recommendations. It is also why BetterUp will ask Users who are eligible for insights derived from session recordings to affirmatively opt-in to this service before a recording is generated and provide clear controls that allow Users to turn this service off at any time by opting out.

### 6.2 BetterUp's Commitment to Children's Privacy

At BetterUp we take children's privacy very seriously. The Platform and Services are designed for businesses and individuals over the age of 18 and we do not intentionally collect any data from persons under the age of 18 (each a "Child"). If you believe that BetterUp may have directly collected Personal Data about a Child and wish to have us remove that Personal Data, please contact us at [support@betterup.co](mailto:support@betterup.co) to let us know. We'll work with you to make sure that data is removed from our Site and Services, as applicable. In the event that BetterUp discovers we may have collected Personal Data about a Child, we will proactively remove that information.



### **6.3 Is BetterUp a Data Controller or a Data Processor?**

Certain data protection laws distinguish between data processors and data controllers, depending on how the data is collected and shared. BetterUp is a controller with respect to our direct relationship with Users within our Platform. BetterUp may also be a processor with respect to data provided by a User Organization when registering on behalf of Users it is contracting for.

### **6.4 Does BetterUp adhere to Privacy Shield?**

Yes. BetterUp complies with the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. BetterUp has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. For more information about the Framework and its current status visit the Department of Commerce Privacy Shield Website at <https://www.privacyshield.gov/>.

As discussed within [Section 5.5](#) your personal information may be processed outside your jurisdiction, and in countries that are not subject to an adequacy decision by the European Commission or your local legislature and/or regulator, and that may not provide for the same level of data protection as your jurisdiction, such as the European Economic Area. We ensure that the recipient of your Personal Data offers an adequate level of data protection, for example, by entering into the appropriate back-to-back agreements and, if required, standard contractual clauses for the transfer of data as approved by the European Commission (as described in Article 46 of the General Data Protection Regulation). If you have an unresolved privacy or data use concern that we have not addressed satisfactorily, please contact our U.S.-based third party dispute resolution provider (free of charge) [here](#). Under certain conditions specified by the Principles, you may also be able to invoke binding arbitration to resolve your complaint, [see here](#). We are subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission. If we share EU Data with a third-party service provider that processes the data solely on our behalf, then we will be liable for that third party's processing of EU Data in violation of the Principles, unless we can prove that we are not responsible for the event giving rise to the damage.

### **6.5 How Do You Communicate Changes to This Privacy Policy?**

If we make changes to this Privacy Policy, we will notify you by revising the date at the top of the policy. In some cases, such as a material change in our practices, we may provide you with additional notice, such as adding a statement to our homepage or sending you an email notification. We encourage you to review the Privacy Policy whenever you access the Site, Platform or Services to stay informed about our data practices and the ways you can help protect your privacy.



## 6.6 How Can I Contact BetterUp About This Privacy Policy?

Two ways:

- email: [compliance@betterup.co](mailto:compliance@betterup.co)
- mail: BetterUp Privacy Office, 1200 Folsom Street, San Francisco, CA 94103

