



**FANPLAYR INC**  
**PRIVACY POLICY**

*Last Updated: 24<sup>th</sup> March 2021*

**WHO WE ARE**

Fanplayr Inc of 725 Alma Street, Palo Alto, CA 94301, USA. provides a web-based interactive onsite analytics, segmentation and targeting service for ecommerce and websites ("Web Sites") of our clients' ("Customers") and retargeting of Customers by email, web push notifications, and SMS which allows display of personalized content and offers to Users based on their web browsing and online shopping behavior, demographics and other information and any other feature as described on <http://www.fanplayr.com> ("Fanplayr Service") and we maintain a corporate web site at [www.fanplayr.com](http://www.fanplayr.com) ("Site") (collectively our "Services").

**WHAT THIS IS**

Fanplayr has upgraded its Privacy policy to meet the European data protection regulation (GDPR).

This Privacy Policy ("Policy") describes data processing and security measures applied to our Services and describes our collection of Personal Data from visitors to our Customers Web Sites and visitors to the Site ("Visitors"). We take Your privacy seriously and make it a priority to protect personally identifiable information that we obtain from and about You both online and off-line.

By using the Services You expressly consent to the information handling practices described in this Policy. If You do not want information about You to be used in the manner set forth in this Policy, please do not use the Services.

This Policy is incorporated into and is subject to the Fanplayr Terms of Service, located here <http://www.fanplayr.com/terms-conditions/>.

Your use of the Services and any Personal Data You provide via the Services are subject to the terms of this Policy and Fanplayr's Terms of Service.

**PERSONAL DATA**

"Personal Data," means any information relating to an identified or identifiable natural person ('data subject'); 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.

Personal Data also includes information about an individual's activities, such as information about his or her activity on our Services, demographic information, name, date of birth, gender, geographic area, address, telephone number, e-mail address, IP address and preferences, when any of this information is linked to Personal Data that identifies that individual.

**SENSITIVE/SPECIAL DATA**

**Fanplayr asks You not to share with us any sensitive/special categories of Personal Data, as defined in Article 9 and 10 of the GDPR, unless expressly agreed in writing.**

**ANONYMOUS AGGREGATED DATA**

Anonymous data is information (originally personally identifiable or non-personally identifiable) that subsequently is used in aggregate form. Although anonymous data may be based in part on personal data, it does not identify You personally. We may collect anonymous data. We may use anonymous data for several purposes, including targeting advertising, research, benchmarking or analysis or user demographics, internet usage, and interests and behavior.

**DATA FANPLAYR COLLECTS**

***Collection of Voluntarily-Provided Information***

- User Provided Information. When You register, and set up an account with one of our Customers' Web Sites, use or visit the Services, or contact us or our Customers by e-mail or other means for any reason, You may provide Personal Data to Fanplayr. If You use the Services with Your mobile device, we may have access to Your phone number, Unique Device Identifier or other device information that uniquely identifies individual smartphones or mobile devices.

***Passively Collected Information***

- Automatically Collected Information. When You use the Services, some information is also automatically collected, such as Your Internet Protocol (IP) address, Your operating system, the browser type, the address of a referring Web site and Your activity on the Services. We treat this information as Personal Data if we combine it with or link it to any of the personally identifying information mentioned above. Otherwise, it is not considered by Fanplayr to be subject to the restrictions in this Policy.

- "Cookies" and Clear Gif Information. We may automatically collect certain information using "cookies" or clear gifs. Cookies are small data files that are stored on a User's hard drive at the request of a Web Site to enable such Web site to recognize Users who have previously visited them and retain certain information such as user preferences and history. If we combine cookies with or link them to any personally identifiable information, we would treat this information as Personal Data. Clear gifs are small, invisible graphic images that may be used by the Services or in emails relating to the Services to collect certain information and monitor user activity on the Services and may be combined with Your IP address or other information that we have gathered with respect to a User's use of the Services. If You wish to block, erase, or be warned of cookies or clear gifs, please refer to Your browser instructions or help screen to learn about these functions.
- We may also use third parties to serve ads on the Services. These third parties may place cookies, clear gifs and/or other devices on Your computer or device to collect non-personal information, and information provided by these devices may be used, among other things, to gather information about Your use of the Services or Web Sites. This Policy does not apply to, we have no control over, and we are not responsible for, cookies and/or clear gifs in third party ads.
- We use analytics tools to track how You get to Web Sites and to understand how You use the Web Sites after You arrive.

### **Information from Other Sources**

- We may receive information about You, including Personal Data, from third parties and third party web sites (e.g., Facebook, Twitter, etc.) ("Third Party Sites"), in accordance with the policies and terms of such Third Party Sites. Fanplayr may combine this information with other Personal Data we maintain about You. If we do so, this Policy governs any combined information that we maintain in a personally identifiable format.

### **INFORMATION ABOUT DATA PROCESSING**

- In general, we use Personal Data we collect to provide the Services to our Customers.
- We analyze, in order to provide our services, aggregate data which does include Personal Data.
- Fanplayr may use "cookies" or clear gif information for a number of reasons related to the Services, including to: (a) remember Your information so that You will not have to re-enter it during Your visit or the next time You use the Services or the Web Sites; (b) provide customized third-party advertisements, content, and information; (c) monitor the effectiveness of third-party marketing campaigns; (d) monitor aggregate site usage metrics such as total number of visitors and pages viewed; and (e) track Your entries, submissions, and status in any promotions or other activities.
- Fanplayr may also utilize "cookies" or clear gif information in the delivery of advertisements on other web sites across the internet.
- We have a policy that Fanplayr's employees, agents and contractors must have a legitimate authorization based on commercial or contractual reasons to obtain access to the Personal Data that the user can provide in using the Service. We may share Your Personal Data with companies that provide services to us, including outside contractors or agents who help us manage our information activities (for example, payment processing, data storage, customer service, email delivery, administration and to assist us in our marketing efforts), but we limit the Personal Data that is provided to these service providers to that which is reasonably necessary to provide us with a specific service and not for any other purpose and we require them to maintain the confidentiality of the Personal Data.
- Personal Data provided online may be linked together or merged with other Personal Data so that we may better understand Your needs. In addition, if we receive information from third parties with whom we have business relationships, we may combine this information with the other Personal Data we maintain about You.
- We may disclose Personal Data in good faith belief that we are lawfully authorized or required to do so, or that doing so is reasonably necessary or appropriate to comply with the law or with legal process or authorities, respond to any claims, or to protect the rights, property or safety of the Services, our Customers, our employees or the public, including without limitation to protect Fanplayr or our Customers from fraudulent, abusive, inappropriate or unlawful use of the Services.
- We may disclose Personal Data in connection with the reorganization, reincorporation, recapitalization, change of control, acquisition, debt financing, merger, sale of Fanplayr or its relevant assets or business, or any similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which Personal Data is transferred to one or more third parties as one of our business assets.
- We may use the location information that You provide or that we collect to provide content and services to our Customers based on Your location, such as for making You offers or showing You content based on your geographic location.



- We use all the information that You provide or that we collect or aggregate to understand and analyze the usage trends, interests, and preferences of users, to improve the way the Services work and to create new features and functionality.

## REPORTS FOR CUSTOMERS

- We may use information to create usage reports for Customers. The reports consist mainly of aggregate information collected when users view offers, claim coupons and other incentives and share offers with friends, including, but not limited to, number of coupons collected, number of coupons shared, number of emails submitted. Transfers of Personal Data to subsequent third parties are covered by the provisions in this Policy regarding notice and choice, and the provisions of the Media Services Agreement in place with each Customer.

## HOW FANPLAYR PROTECTS INFORMATION

- Fanplayr uses commercially reasonable physical, managerial, and technical safeguards to preserve the integrity and security of Your Personal Data. We cannot, however, ensure or warrant the security of any information You transmit to Customers or Fanplayr, and You do so at Your own risk and this is not a guarantee that such information will not be accessed, disclosed, altered, or destroyed by breach of any of Fanplayr's physical, technical, or managerial safeguards.
- If Fanplayr learns of a security systems breach, then we undertake to notify You electronically through the contact information that You have provided in using the Services so that You can take appropriate protective steps. Fanplayr may also post a notice on the Site if a security breach occurs. Depending on where You live, You may have a legal right to receive notice of a security breach in writing. If the breach concerns data that are in Europe or if you live in Europe, Fanplayr has provided data breach notification specific procedures.

## CHOICES YOU HAVE REGARDING THE USE OF YOUR PERSONAL DATA

- You may decline to share Your Personal Data with Fanplayr. You may update, correct, or delete Your profile information and preferences at any time by emailing us at [privacy@fanplayr.com](mailto:privacy@fanplayr.com).
- You may "opt out" of receiving promotional and marketing materials by emailing us at [privacy@fanplayr.com](mailto:privacy@fanplayr.com). However, this shall not affect our ability to send You service and account related emails or SMS's and to use Your Personal Data as otherwise described in this Policy. Please be aware that if You "opt out" of receiving commercial email or SMS's from us, it may take up to ten business days for us to process Your "opt out" and You may receive commercial email from us during that period.
- To protect Your privacy and security, we take reasonable steps to verify Your identity before granting You account access or making corrections to Your information.

## LINKS TO OTHER WEBSITES

- The Services may be linked to third-party sites operated by other companies, including [facebook.com](https://www.facebook.com), products, or services that we do not own or operate. If You choose to visit or use any third-party products or services, please be aware that this Policy will not apply and we are not responsible for the privacy practices of these third-party sites and third party services.

## INTERNATIONAL VISITORS

Our Services are hosted in the United States and generally are intended for United States visitors. If You visit from the European Union the law governing Personal Data processing is the General Data Protection Regulation (GDPR), or if You visit from other regions with laws governing data collection and use that may differ from United States law, please be aware that You are transferring Personal Data to the United States. The European Commission considered the EU-U.S. Privacy Shield Framework adequate to enable data transfers under EU law (Privacy Shield).

By providing Personal Data to us, You consent to the transfer of it to the United States and the use of it in accordance with this Policy and applicable law, which You agree is adequate.

## RIGHTS OF THE DATA SUBJECT

Fanplayr is not a Data Controller of Personal Data processed on behalf of the customer. Fanplayr asks its Customers to collaborate in respect of users rights. Data Controllers must immediately communicate any request for data relating to Personal Data processed by Fanplayr on behalf of clients, such as access, rectification, erasure, restriction of processing, right to data portability, etc., by contacting us via email at [privacy@fanplayr.com](mailto:privacy@fanplayr.com).

Fanplayr asks You to collect appropriate consent of any Data Subject, whose Personal Data Fanplayr processes on your behalf, and to provide a clear and unambiguous option to an easy-to-use opt out mechanism, including, where applicable, the ability for a Data Subject to opt out of Interest-Based Advertising.



## **CHANGES AND UPDATES TO THIS PRIVACY POLICY**

This Policy may be revised periodically and this will be reflected by a "Last Modified" date above. We will not notify You of any changes to this Policy except by posting a new privacy policy. Please revisit this page to stay aware of any changes. Your continued use of the Services constitutes Your agreement to this Policy and any future revisions. However, if we change this Policy in a manner that is materially less restrictive of our use or disclosure of Your Personal Data, we will use reasonable efforts to notify You of the change and to obtain Your consent prior to applying the change to any Personal Data that we collected from You prior to the date the change becomes effective.

## **FANPLAYR CONTACT INFORMATION**

Please contact Fanplayr with any questions or comments about this Policy, Your Personal Data, our third-party disclosure practices, or Your consent choices by email at [privacy@fanplayr.com](mailto:privacy@fanplayr.com) or by mail at:

Attention: Terms of Service  
Administrator Fanplayr Inc , 725  
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Palo Alto, CA 94301