

## FANPLAYR INC. PRIVACY POLICY

Last Updated: January 22, 2015

### WHO WE ARE:

We are Fanplayr, Inc. We work at 525 Lytton Avenue, Palo Alto, CA 94301. We have created an application to enable marketing to and targeting of users by brands ("App") and we maintain a corporate Web site at [www.fanplayr.com](http://www.fanplayr.com) ("Site") as well as all related applications, widgets, software, tools and other services provided by us and on which a link to this policy is displayed (collectively, together with the Site and App, our "Services").

### WHAT THIS IS:

This is our Privacy Policy ("Policy") and it applies to our Services and describes our collection of personal information from companies who have purchased the Services to provide marketing to and targeting of their customers ("Brand" or "Brands"), customers who view, interact with and utilize the marketing service and offers made by Fanplayr on the Site or an App to ("Customers") and visitors to the Site ("Visitors") (together, "You", "Your" or "Users"). 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. If You have questions about our Policy, please send an email to [privacy@fanplayr.com](mailto:privacy@fanplayr.com).

By using the Services (whether or not You are a registered User), 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 information You provide via the Services are subject to the terms of this Policy and Fanplayr's Terms of Service.

### PERSONAL INFORMATION

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

### 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 whether or not You are a registered user of Fanplayr. We and/or third parties that are providing services in connection with the Services may use anonymous data for a number of purposes, including targeting advertising, research or analysis on our Brand or Customer demographics, internet usage, and interests and behavior.

### INFORMATION FANPLAYR COLLECTS:

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

- **User Provided Information.** When You register and set up an account, use or visit the Services, or contact us by e-mail or other means for any reason, You may provide personal information to Fanplayr. Personal information may also be collected if You provide such information in connection with creating a profile or group, leaving comments, posting content, sending an email or message to another User or participating in any interactive forums or features of the Services. In addition, from time to time we may collect other personal information You provide in connection with Your participation in surveys, sweepstakes, contests, Apps, promotional offers, and other activities on the Services. 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.
- **Payment Information.** If You purchase services or products directly from the Services, we will collect the billing and financial information necessary to process Your charges, which may include Your postal and email addresses. We may also receive the billing and payment information that You provide when Your purchase is processed by another party.
- **Invitation Service.** If You choose to use our invitation service to tell a friend about the Services, we may ask You for information needed to send the invitation, such as Your friend's email address or phone number. We may also offer You the opportunity to invite Your friend via third party services such as Facebook or Twitter. We will automatically send Your friend a one-time email or text message inviting him or her to try the Service. By providing email addresses or phone numbers of non-Users, You represent that You have the right to do so and that such information may also be provided to the third party service that You have designated to contact the non-User. We store this information to send this one-time invitation, to register a friend if Your invitation is accepted, and to track the success of our invitation service. Your friend may contact us at [support@Fanplayr.com](mailto:support@Fanplayr.com) to request that we remove this information from our database.

#### *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 information if we combine it with or link it to any of the identifying

information mentioned above. Otherwise, it is used in the aggregate only and is not considered by Fanplayr to be subject to the restrictions in this Privacy Policy.

- "Cookies" and Clear Gif Information. We may automatically collect certain information through the use of "cookies" and/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 customer preferences and history. If we combine cookies with or link them to any personal information, we would treat this information as personal information. Clear gifs (also known as web bugs or web beacons) 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, please refer to Your browser instructions or help screen to learn about these functions. However, if a browser is set not to accept cookies or if a User rejects a cookie, some portions of the Services may not function properly. For example, You may not be able to sign in and may not be able to access certain features of the Services.
- Location Information. The Service may offer features designed to help You share information with others, including in whole or in part based on Your location. You will be given the opportunity to opt out of location-based services, normally through an opt-out screen on the App. If You choose to enable location-based services, we may collect Your location based on information provided by You or Your mobile device, including, if available, GPS, IP address or cell tower information. If You choose to disable location-based services, You may not be able to utilize certain features of the Services.
- 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 to collect non-personal information, and information provided by these devices may be used, among other things, to gather information about Your use of their services or content. 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, and we encourage Users to check the privacy policies of advertisers and/or ad services to learn about their use of cookies and/or clear gifs and other technology.
- We use analytics tools to track how You get to our Site and to understand how You use the Site after You arrive.

#### *Information from Other Sources*

- We may receive information about You, including personal information, 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 information we maintain about You. If we do so, this Policy governs any combined information that we maintain in a personally identifiable format.

#### THE WAY FANPLAYR USES AND DISCLOSES INFORMATION:

- In general, we use personal information we collect to process Your requests or transactions, to provide You with information or services You request, to inform You about other information, events, promotions, products or services we think will be of interest to You, to facilitate Your use of, and our administration and operation of, the Services, and for the purpose for which the information was provided. For example, we may use the information we collect:
  - to send You a welcoming email and to contact You about Your use of the Services, to provide other services, products or information You request and to complete any transactions in connection therewith;
  - to respond to Your emails, submissions, comments, requests or complaints;
  - to request feedback and to enable us to develop, customize and improve the Services and related publications;
  - to contact You about our or a third party's services, products, activities, special events or offers and for other marketing, informational, product development and promotional purposes;
  - to notify Users about certain events and thresholds, including campaign start and finish dates and that the maximum number of coupons was distributed;
  - for the specific purpose for which the information was provided; and
  - to conduct an aggregate analysis of the performance of promotions.
- 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; (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 to the Brands on other Web sites across the internet. For example, a "cookie" or clear gif running on the Site identifies the Brand as a subscriber of the Services. Fanplayr or a service provider can then locate this Brand as it visits other Web sites. When the Brand is found by the "cookie" or clear gif, ads for Fanplayr and its partners can be served to that Brand. Fanplayr will collect, via the particular "cookie" or clear gif, the following information: the set of Brands "cookie'd" and/or beacons; whether said Brands viewed the served ad and if the Brand clicked on the ad upon viewing. This type of information can in no way be used to identify a Brand. This data will never be shared with third parties or used to display ads for other third parties without explicit written permission from both clients.

- We have a policy that Fanplayr's employees, agents and contractors must have a legitimate business reason to obtain access to the personal information You may provide to register as a member of the Site and/or to use the Services. We may share Your personal information 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, contest and sweepstakes administration and to assist us in our marketing efforts), but we limit the personal information 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 information.
- Personal information provided online may be linked together or merged with other personal information so that we may better understand Your needs and inform You about our products or services and those of our partners. In addition, if we receive information from third parties with whom we have business relationships, we may combine this information with the other personal information we maintain about You. In either case, this Policy governs this information.
- We may disclose personal information in the 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 Users, our employees or the public, including without limitation to protect Fanplayr or our Users from fraudulent, abusive, inappropriate or unlawful use of the Services.
- You understand that when You use the Services information You post in Your public profile and in groups, forums and other interactive areas of the Services will be available to other Users and in some cases may be publicly available and You provide that information at Your sole risk. We recommend You be cautious in giving out personal information to others or sharing such information in public online forums. Even after information posted on the Services is removed, caching and archiving services may have saved that information and other Users or third parties may have copied or stored the information.
- We may disclose personal information in connection with the reorganization, reincorporation, acquisition, debt financing, merger, sale of Fanplayr's relevant assets or business or similar transaction, as well as in the event of an insolvency, bankruptcy, or receivership in which personal information 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 You based on Your location, such as for making You offers based on your geographic location.
- We use all of the information that You provide or that we collect and/or aggregate to understand and analyze the usage trends, interests, and preferences of our Users, to improve the way the Services work and look and to create new features and functionality.
- **USE OF CUSTOMER INFORMATION.** We may use Customer information to create usage reports for the Brands based on the level of Services they subscribe to. The reports consist mainly of aggregate information collected when Customers 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, affinity inputs, photos uploaded and survey answers. The only personal information collected and included in the reports is a Customer's email address or Facebook or Twitter sign-in information if Customer interacts with the Services via a Third Party Site. This personal information is collected when a Customer redeems or uses the invitation services to share an offer, incentive or coupon. Except for the provision of reports to the Brands, no other personal information is provided to the Brands. Transfers of personal information 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 Brand.

#### HOW FANPLAYR PROTECTS INFORMATION:

- Fanplayr uses commercially reasonable physical, managerial, and technical safeguards to preserve the integrity and security of Your personal information. We cannot, however, ensure or warrant the security of any information You transmit to 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 may attempt to notify You electronically through the contact information that You have provided to Fanplayr so that You can take appropriate protective steps. Fanplayr may also post a notice on the App and/or 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.

#### CHOICES YOU HAVE REGARDING THE USE OF YOUR PERSONAL INFORMATION:

- You may, of course, decline to share Your personal information with Fanplayr, in which case Fanplayr will not be able to provide to You some of the features and functionality found in the Services. If You register as a user of 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 and to use Your personal information as otherwise described in this Privacy Policy. Please be aware that if You "opt out" of receiving commercial email 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 but You are solely responsible for maintaining the secrecy of Your unique password and account information at all times.

#### LINKS TO OTHER WEBSITES:

- The Services may be linked to Third Party Sites operated by other companies, including facebook.com, products, or services that we do not own or operate. Some of these Web sites may be co-branded with our name or logo, even though they are not operated or maintained by us. If You choose to visit or use any third party products or services, please be aware that this Policy will not apply to Your activities or any information You disclose while using third party products or services or otherwise interacting with third parties. We are not responsible for the privacy practices of these third party sites and third party services. Additionally, please be aware that the Services may contain links to Web sites and services that we operate but that are governed by different privacy policies. We encourage You to carefully review the privacy policies applicable to any Web site or service You visit other than the Services before providing any personal information on them.

#### THIRD PARTY CONNECTED SERVICES

We may permit Users with accounts on certain Third Party Sites (including social networking, search, sharing, and other services delivered by third parties) to bypass standard registration processes on our Services. If You connect to our Services through an authorized Third Party Site, You may be able to use Your third party login information to log into our Services, and You may be able to publish Your comments and any other activity on our Services to the Third Party Site. We are not responsible for the sharing, posting, commenting, or other content and information-gathering practices on any Third Party Site. Please review their terms of service and privacy policies carefully before using their services and connecting to our Services.

By using any Third Party Site to log in to our Services, or otherwise connecting to any Third Party Site, You permit us to access and use all information related to Your account on the Third Party Site that may be accessible to us through the Third Party Site pursuant to this Policy. To limit or control the information that is available to us through such Third Party Site, or to disconnect the Third Party Site from our Services, You should check (and, if applicable, modify) the applicable settings on the Third Party Site.

#### OUR COMMITMENT TO CHILDREN'S PRIVACY:

Protecting the privacy of young children is especially important. For that reason, our Services are not directed to persons under 13 years-of-age and Fanplayr does not knowingly collect or maintain personal information from persons under 13 years-of-age. If Fanplayr learns that personal information of persons under 13 years-of-age has been collected in the Services without verifiable parental consent, then Fanplayr will take the appropriate steps to delete this information. If You are a parent or guardian and discover that Your child under the age of 13 has obtained a Fanplayr account, then You may alert Fanplayr at [privacy@fanplayr.com](mailto:privacy@fanplayr.com) and request that Fanplayr delete that child's personal information from its systems.

#### 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 or other regions with laws governing data collection and use that may differ from United States law, please be aware that You are transferring personal information to the United States. The United States does not have the same data protection laws as the European Union and other jurisdictions. By providing personal information 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.

#### 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 may 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 information, we will use reasonable efforts to notify You of the change and to obtain Your consent prior to applying the change to any personal information that we collected from You prior to the date the change becomes effective. We encourage You to periodically review this Policy to stay informed about how we collect, use and disclose personal information.

#### FANPLAYR CONTACT INFORMATION:

Please contact Fanplayr with any questions or comments about this Policy, Your personal information, 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.

525 Lytton Avenue, Palo Alto, California, 94301, USA