

# **UPHORIA™**

## **PRIVACY POLICY**

*Updated on 3/12/2015*

Sporting Innovations LLC, a Kansas limited liability company, as well as SI's clients and partners, including but not limited to teams, stadiums and leagues (hereinafter referred to as either "SI," "we," "us" or "our") are committed to informing you about their practices regarding personal information you may provide us via the Uphoria™ mobile application and related services (the "Services"). SI believes it is important for you to know how we treat your personal information. This Privacy Policy governs the manner in which SI collects, uses, maintains and discloses information collected from users ("you," "your" or "User") of the Services and any derivative or affiliated services on which this Privacy Policy is posted. SI reserves the right, at its discretion, to change, modify, add or remove portions of this Privacy Policy at any time by posting such changes to this page. You understand that you have the affirmative obligation to check this Privacy Policy periodically for changes, and you hereby agree to periodically review this Privacy Policy for such changes. Use of the Services constitutes express acceptance of and consent to the terms herein and continued use of the Services following the posting of changes to this Privacy Policy constitutes an acceptance of those changes.

## **PRIVACY**

SI is committed to safeguarding the information you entrust to SI and believes that every User should know how it utilizes the information collected from Users. Please note that the Services may contain links to other web sites, and the Services allows Users to download or otherwise access Content (including software), controlled by third parties. SI is not responsible for the privacy practices of these or any other web sites or Content controlled by third parties, and you access and utilize such Content and web sites entirely at your own risk. SI recommends that you review the privacy and other practices governing any other web sites that you choose to visit and any Content you wish to download or otherwise access.

SI is based, and the SI web site is hosted, in the United States of America. If you are from the European Union, Canada, Australia or other regions of the world with laws governing data collection and use that may differ from U.S. law and you are registering an account through the Services, purchasing products or services from SI, a SI affiliate, or the Services, or otherwise using the Services, please note that any personally identifiable information that you provide to SI may be transferred to or utilized by SI, its affiliates or its service providers in the United States. Any such personally identifiable information provided may be processed and stored in the United States by SI or a service provider acting on its behalf. The terms of this Privacy Policy apply to all users of the Services. If you do not agree with the terms of this Privacy Policy, you should immediately cease the use of the Services.

## **THE INFORMATION SI COLLECTS**

Because the purpose of the Services is to deliver a unique, personalized experience for each user, SI collects a variety of personally identifiable information about you through your use of functionality contained in the Services, including the user registration process, responses, postings, pictures or comments that you may provide to activities, content uploads, interaction with third party apps, communications with SI and interaction with various teams, your geo-location in and around various venues/stadiums, their related sponsors and partners, and related retail locations and transactions. The personally identifiable information ("Personal Information") collected on or through the Services can include some or all of the following: your name, address, date of birth, gender, telephone number(s), email addresses, text messaging information and other contact information associated with electronic or digital messaging methods, vehicles and interaction, payment information, demographic information, movements within and around venues/stadiums, and any other information or pictures you may voluntarily provide. Additionally, we may collect passwords, logins, individual device identifiers, geo-location statistics, check-ins, page views, content uploads and other information about how you interact with the Services, a team, venue/stadium, their related sponsors and partners, or related retail locations and gather broad demographic information for aggregate use. Further, we may use technologies such as location-based information from the device to provide visitors with tailored information and features upon each use. You will have the choice whether or not to disclose certain Personal Information in the above activities; however, some parts of the Services and some services may be more difficult or impossible

to use if you choose not to disclose Personal Information and your experience in using the Services will not be as personally tailored. Certain Personal Information must be disclosed before you will be able to access any part of the Services. While not all of the information that we collect from you is personally identifiable, it may be associated with personally identifiable information that you provide us through the Services or otherwise. Non-personally identifiable information collected by SI is exclusively owned by SI and may be used as it sees fit in accordance with applicable law.

The Services uses cookies and web log files to track usage. A cookie is a tiny data file that resides on your device that allows us to recognize you when you use the Services using the same device. Like the information you enter during account registration, cookie and log file data is used to customize your experience using the Services. One type of cookie, known as a “persistent” cookie, is set once you have logged in to the Services. The next time you use the Services, the persistent cookie will allow us to recognize you so you will not need to log in before using the Services. Another type of cookie, called a “session” cookie, is used to identify a particular session with the Services. Session cookies expire after a short time or when you close the Services. You can choose to disable cookies, however this will prevent you from utilizing certain functionality of the Services.

## **USE OF INFORMATION**

The Services is a mobile service provided by SI, its partners and affiliates (generally, each supported team, venue/stadium, their related sponsors and partners, and related retail locations). SI may share Personal Information collected through the use of this Services with these partners and affiliates. Additionally, SI may engage service providers to perform various functions relating to the Services, and those service providers may have access to your Personal Information in order to perform those functions.

SI uses your Personal Information and other information collected through your use of the Services to create a unique, personalized experience for you in connection with various teams, venues/stadiums, their related sponsors and partners, and related retail locations. Ways in which we may use your Personal Information are: (1) to understand your use of the Services and to make improvements to our Services and our other products and services (including, without limitation, Fan360™ and other existing and future products and services); (2) to fulfill our service offerings; (3) to register you for online activities such as online ordering, mobile registration, or any other online interactive activities; (4) to respond to specific requests from you; (5) to provide tailored information and features regarding your use of the Services; (6) to provide any necessary notices to you if situations prompt such notification; (7) to protect the security or integrity of the Services if necessary; (8) to send notices of special promotions, offers or solicitations relating to your experience with a team, venue/stadium, their related sponsors and partners, or related retail locations; (9) to administer the Services in general, and (10) to promote and market SI, teams', venues/stadiums and their related sponsors and partners, related retail locations and businesses therein and various products and services and to assist in the business planning, marketing, advertising and sales efforts of the foregoing parties. Information collected from you may also be used to ensure compliance with certain terms and conditions and agreements entered between you and SI as well as to prevent unauthorized use or disclosure of Content downloaded or otherwise accessed via the Services.

SI may communicate with you through email and notices via the Services. These may include a series of welcome emails which help inform new Users about various features of the Services, emails and confirmations regarding actions taken by you on the Services or orders placed by you through the Services, and notices relating to the proper functioning of the Services or your account. SI may use your Personal Information to send you promotional information, products and services offered by third parties that SI feels may be of interest to you. The Personal Information you provide will allow SI to alert you to new developments, events, features and enhancements, special offers, upgrade opportunities, surveys, contests, news and general offers. We strive to limit use of the information you provide to those offers that we think you would appreciate receiving. To opt out of further communications from a marketing partner or sponsor with whom your information has been shared, please contact that partner directly. We may send SI electronic communications via email or the Services that may contain information regarding third-party products or services; however, this doesn't mean that we've traded your personal information to any party.

SI may allow other companies, called ad networks, to serve advertisements to Users via the Services. Ad networks include third party ad servers, ad agencies, ad technology vendors and research firms. SI may “target” some ads to Users that fit a certain general profile. To deliver these ads properly, the Services may include features that allow monitoring technologies so ad networks may provide anonymous, aggregated auditing, research and reporting for advertisers as well as to target ads to you. Ad networks may use non-personal information, such as your state zip code past buying behavior, in order to provide advertisements about goods and services that may be of particular interest to you while you use the Services.

SI may share Personal Information with third parties under the following circumstances: (1) at the request of law enforcement or governmental agencies or in connection with a court order, subpoena, government investigation, or when otherwise required by law; (2) in the event of a potential sale, merger, acquisition, or similar event relating to SI or the Services; (3) working with third-party companies to support or perform various functions of the Services’s technical operation or execute a specific promotion or program; (4) to facilitate your transactions with our third-party partners; (5) to establish, protect or exercise SI’s legal or other rights, to defend against a legal claim or as otherwise allowed by law; (6) to protect the rights, property or safety of a user or any other person; and (7) to investigate or prevent a violation by you of any contractual or other relationship with us or the perpetration of any illegal or harmful activity. SI may also disclose aggregate, anonymous data based on information collected from you to investors, advertisers and potential partners.

## **REMOVAL, SHARING AND REVISION OF PERSONAL INFORMATION**

If your Personal Information changes, or if you no longer desire to receive non-account specific information from SI, we will endeavor to provide a way to correct, update and/or remove your previously provided Personal Information. This can be done by emailing a request to us at [support@theuphoria.com](mailto:support@theuphoria.com) or using the functionality contained in the Services (if any). Additionally, you may request access to your Personal Information as collected by us by sending a request to us as set forth above. Otherwise, SI will retain your Personal Information for as long as your account and use of the Services remain active and for a period of time after that in order to provide you with the unique, personalized experiences generated by the Services. Please note that while SI may remove your Personal Information from its systems, certain non-identifiable information may be retained and used by SI for commercial purposes.

## **PERSONAL INFORMATION, DISCLOSURE, OPT-OUT**

You always have the option to opt-out of having your Personal Information disclosed by SI to third parties that are not agents or service providers of SI or to opt-out of having your Personal Information used for direct marketing purposes. If you would like to opt-out of such further disclosures or direct marketing, please contact us at [support@theuphoria.com](mailto:support@theuphoria.com) or use the opt-out mechanisms (if any) contained in the Services. Please note that, even if you so opt-out, your Personal Information may still be disclosed to third parties to the extent that you affirmatively provide it to third parties using the Services (e.g., by posting it using functionality in the Services).

## **PROTECTION OF PERSONAL INFORMATION**

Information about Users that is maintained on SI’s or SI’s provider’s systems is protected using industry standard security measures. In order to secure your personal information, access to your data is password-protected, and sensitive data is protected by SSL encryption when it is exchanged between your web browser and the Site. However, no security measures are perfect or impenetrable, and SI cannot guarantee that the information submitted to, maintained on or transmitted from its systems will be completely secure. SI is not responsible for the circumvention of any privacy settings or security measures contained on the Services by any Users or third parties. As such, SI recommends that you use caution whenever submitting Personal Information online.

In the event a User includes such User’s personally identifiable information as part of the User Content that such User posts to the Services, such information may be made available to any parties using the Services and/or such User Content. SI may, but does not have the obligation to edit or otherwise remove such information from User Content before it is posted on the Services. If a User does not wish to have such User’s personally identifiable information made available in this man-

ner, such User must remove any such information from the User Content before posting. User contact information (which may include, without limitation, a User's username and email address) may be included with any User Content that a User posts via the Services. SI is not liable for any damages caused or incurred due to personally identifiable information made available in the foregoing manners.

## **INTERACTION WITH OTHER SERVICES**

The Services may contain links to other applications, websites and services that may not be owned or operated by SI. SI cannot control, nor are we responsible for, the privacy practices or content of external services and applications. We encourage you to read the privacy statements of each and every external application, website and or service that collects personally identifiable information from you. This Privacy Policy applies solely to Personal Information collected on this Services.

## **PRIVACY POLICY EFFECTIVE DATE AND NOTICE OF CHANGES**

This Privacy Policy was last updated as of the effective date above. Changes to the Privacy Policy may and do occur at SI's discretion. If we decide to use your Personal Information in a manner different than first communicated, SI will notify users by email. Users will then be given a choice as to whether or not their Personal Information can be used in the new manner.

In the event that SI goes through a business transition, such as a merger, another company acquires SI or its affiliates, or SI sells a portion of its assets, your Personal Information will, in most instances, be part of the assets transferred. SI will endeavor to inform you of any exchange and its effects via notice on our Services. If as a result of a business transition, your Personal Information will be used in a manner different from that stated at the time of collection, you will be given the choice to opt out.

## **CHILDREN'S PRIVACY**

The Services is not directed at children under 13 years of age, and SI does not knowingly collect Personal Information from children under 13 years of age via the Services. If you believe we have information about a child under 13 through improper means, please notify us at [support@theuphoria.com](mailto:support@theuphoria.com).

## **CONTACT**

If you have any further questions concerning the SI Privacy Policy and the use of your Personal Information, please contact us.

Sporting Innovations  
1511 Baltimore Avenue  
Kansas City, MO 64108  
[support@theuphoria.com](mailto:support@theuphoria.com)

## **GOVERNING LAW**

This policy and use of information hereunder shall be governed by and construed in accordance with the laws of the State of Missouri. If any provision of this agreement shall be unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from the other provisions and shall not affect the validity of the other provisions.

## **YOUR CALIFORNIA PRIVACY RIGHTS**

California Civil Code Section 1798.83 permits users that are residents of California to request certain information regarding SI disclosures of personally identifiable information to third parties for such third parties' direct marketing purposes. If user

is a California resident and would like to make such a request, please email SI at [support@theuphoria.com](mailto:support@theuphoria.com) or write SI at the address above.

## **YOUR AUSTRALIAN PRIVACY RIGHTS**

This provision applies to Australian users only. By accessing, signing into and/or registering to use the Services and by providing your personal information, you confirm that you consent to the collection, use, storage and disclosure of your personal information by SI. This includes information about how you may seek to access and correct your personal information held by SI. If you do not agree and consent in the manner set out in this clause, then you should not provide your personal information (in which case SI may determine that you are not able to access the Services). All personal information collected or acquired by SI as part of or in connection with the Services will be used and may be disclosed by SI in accordance with SI's Privacy Policy and this clause. Without limiting the above, we will use your personal information in order to provide the Services and for related purposes and services, and to communicate with you (including through electronic messaging and for promotional and direct marketing purposes) about events, programs, promotions, offers and other activities at venues or about the third party products of our partners. SI may disclose your personal information and other data to certain third parties who provide it with (or help it provide) products and services (including to its related entities, sponsors, partners and services providers (including third parties located in the United States of America)). SI may also disclose your personal information to its partners and other third parties for the purposes of them direct marketing to you. You agree and accept that the data and personal information you provide to SI can be shared with all such third parties referred to in this clause for these and related purposes. SI will comply with all applicable Australian privacy legislation.