

GENERAL Down4

Down4 respects the privacy of its users that use our mobile app. The following Down4 privacy policy is designed to inform you, as a user of the app, about the types of information that Down4 may gather about or collect from you in connection with your use of the app. It also is intended to explain the conditions under which Down4 uses and discloses that information, and your rights in relation to that information. Changes to this Privacy Policy are discussed at the end of this document. Each time you use the app, however, the current version of this Privacy Policy will apply. Accordingly, each time you use the app you should check the date of this Privacy Policy (which appears at the beginning of this document) and review any changes since the last time you used the app. The app is hosted in the United States of America and is subject to U.S. state and federal law. If you are accessing our app from other jurisdictions, please be advised that you are transferring your personal information to us in the United States, and by using our app, you consent to that transfer and use of your personal information in accordance with this Privacy Policy. You also agree to abide by the applicable laws of applicable states and U.S. federal law concerning your use of the app and your agreements with us. Any persons accessing our app from any jurisdiction with laws or regulations governing the use of the Internet and mobile applications, including personal data collection, use and disclosure, different from those of the jurisdictions mentioned above may only use the app in a manner lawful in their jurisdiction. If your use of the app would be unlawful in your jurisdiction, please do not use the Down4 app. BY USING OR ACCESSING THE DOWN4 APP, YOU ARE ACCEPTING THE PRACTICES DESCRIBED IN THIS PRIVACY POLICY.

GATHERING, USE AND DISCLOSURE OF NON-PERSONALLY-IDENTIFYING INFORMATION

Mobile Device: Since you will be using a mobile device to access the app, we may collect device information (such as your mobile device ID, model and manufacturer), operating system, version information and IP address.

Geo-Location Information: Unless we have received your prior consent, we do not access or track any location-based information from your mobile device at any time while downloading or using our mobile application or our services, except that it may be possible for Down4 to determine from an IP address the geographic location of your point of connectivity, in which case we may gather and use such general location data.

Push Notifications: We send you push notifications if you choose to receive them, letting you know when someone has sent you a message or for other service-related matters. If you wish to opt-out from receiving these types of communications, you may turn them off in your device's settings.

Mobile Analytics: We use mobile analytics software to allow us to better understand the functionality of our mobile software on your phone. This software may record information, such as how often you use the application, the events that occur within the application, aggregated usage, privacy policy performance data and where the application was downloaded from. We do not link the information we store within the analytics software to any Personally-Identifying Information you submit within the mobile application.

COLLECTION, USE AND DISCLOSURE OF PERSONALLY-IDENTIFYING INFORMATION

Website Registration

As defined above, Personally-Identifying Information is information that can be directly associated with a specific person. Down4 may collect a range of Personally-Identifying Information from and about app users. Much of the Personally-Identifying Information collected by Down4 about users is information provided by users themselves when (1) registering for our service, (2) logging in with social network credentials, (3) participating in polls, contests, surveys or other features of our service, or responding to offers or advertisements, (4) communicating with us, (5) creating a public profile or (6) signing up to receive newsletters. That information may include each user's name, address, email address and telephone number, and, if you transact business with us, financial information such as your payment method (valid credit card number, type, expiration date or other financial information). We also may request information about your interests and activities, your gender, age, date of birth, username, hometown and other demographic or relevant information as determined by Down4 from time to time. Users of the app are under no obligation to provide Down4 with Personally-Identifying Information of any kind, with the caveat that a user's refusal to do so may prevent the user from using certain Website features. BY REGISTERING WITH OR USING THE DOWN4 APP, YOU CONSENT TO THE USE AND DISCLOSURE OF YOUR PERSONALLY-IDENTIFYING INFORMATION AS DESCRIBED IN THIS "COLLECTION, USE AND DISCLOSURE OF PERSONALLY-IDENTIFYING INFORMATION" SECTION.

Online Postings

Certain Personally-Identifying Information collected from users may be disclosed as a matter of course as a result of your use of the app. We may provide areas on the app where you can post reviews and other information relating to your activities on the app. Such postings are governed by our Terms of Use. In addition, such postings may appear on other apps and websites or when searches are executed on the subject of your posting. Also, whenever you voluntarily disclose personal information on publicly-viewable web pages, that information will be publicly available and can be collected and used by others. For example, if you post your email address, you may receive unsolicited messages. We cannot control who reads your posting or what other users may do with the information you voluntarily post, so we encourage you to exercise discretion and caution with respect to your personal information. USERS ASSUME ALL RESPONSIBILITY FOR ANY LOSS OF PRIVACY OR OTHER HARM RESULTING FROM THEIR VOLUNTARY DISCLOSURE OF PERSONALLY IDENTIFYING INFORMATION.

Company Communications

We may occasionally use your name and email address to send you notifications regarding new services offered by the app that we think you may find valuable. We may also send you service-related announcements from time to time through the general operation of the service. Generally, you may opt out of such emails at the time of registration or through your account settings, though we reserve the right to send you notices about your account, such as service announcements and administrative messages, even if you opt out of all voluntary email notifications.

Company Disclosures

Down4 will disclose Personally-Identifying Information under the following circumstances:

- a) **By Law or to Protect Rights:** When we believe disclosure is appropriate, we may disclose Personally-Identifying Information in connection with efforts to investigate, prevent or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of Down4, our users, our employees or others; to comply with applicable law or cooperate with law enforcement; to enforce our Terms of Use or other agreements or policies, in response to a subpoena or similar investigative demand, a court order or a request for cooperation from a law enforcement or other government agency; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law. In such cases, we may raise or waive any legal objection or right available to us.
- b) **Marketing Communications:** Unless users opt-out from receiving Down4 marketing materials upon registration, Down4 may email users about products and services that Down4 believes may be of interest to them. If you wish to opt-out of receiving marketing materials from Down4, you may do so by following the unsubscribe link in the email communications, by going to your account settings (if applicable) or contacting us using the contact information below.
- c) **Third-Party Service Providers:** We may share your Personally-Identifying Information, which may include your name and contact information (including email address) with our authorized service providers that perform certain services on our behalf. These services may include fulfilling orders, providing customer service and marketing assistance, performing business and sales analysis, supporting the app's functionality and supporting contests, sweepstakes, surveys and other features offered through the app. We may also share your name, contact information and credit card information with our authorized service providers who process credit card payments. These service providers may have access to personal information needed to perform their functions but are not permitted to share or use such information for any other purpose.
- d) **Business Transfers; Bankruptcy:** Down4 reserves the right to transfer all Personally Identifying Information in its possession to a successor organization in the event of a merger, acquisition, bankruptcy or other sale of all or a portion of Down4's assets. Other than to the extent ordered by a bankruptcy or other court, the use and disclosure of all transferred Personally-Identifying Information will be subject to this Privacy Policy, or to a new privacy policy if you are given notice of that new privacy policy and are given an opportunity to affirmatively opt-out of it. Personally-Identifying Information submitted or collected after a transfer, however, may be subject to a new privacy policy adopted by the successor organization.

Changing Personally-Identifying Information; Account Termination

You may at any time review or change your Personally-Identifying Information by going to your account settings (if applicable) or contacting us. Upon your request, we will deactivate or delete your account and contact information from our active databases. Such information will be deactivated or deleted as soon as practicable based on your account activity and accordance with our deactivation policy and applicable law. To make this request, either go to your account settings (if applicable) or contact us. We will retain in our files some Personally-Identifying Information to prevent fraud, to troubleshoot problems, to assist with any investigations, to enforce our Terms of Use and to comply with legal requirements as is permitted by law. Therefore, you should not expect that all your Personally-Identifying Information will be completely removed from our databases in response to your requests.

Additionally, we keep a history of changed information to investigate suspected fraud with your account.

General Use

Down4 uses the Personally-Identifying Information in the file we maintain about you, and other information we obtain from your current and past activities on the app (1) to deliver the products and services that you have requested; (2) to manage your account and provide you with customer support; (3) to communicate with you by email, postal mail, telephone and/or mobile devices about products or services that may be of interest to you either from us, our affiliate companies or other third parties; (4) to develop and display content and advertising tailored to your interests on the app and other sites; (5) to resolve disputes and troubleshoot problems; (6) to measure consumer interest in our services; (7) to inform you of updates; (8) to customize your experience; (9) to detect and protect us against error, fraud and other criminal activity; (10) to enforce our Terms of Use; and (11) to do as otherwise described to you at the time of collection. At times, we may look across multiple users to identify problems. In particular, we may examine your Personally-Identifying Information to identify users using multiple user IDs or aliases. We may compare and review your Personally-Identifying Information for accuracy and to detect errors and omissions. We may use financial information or payment method to process payment for any Privacy Policy purchases made on the app, enroll you in the discount, rebate, and other programs in which you elect to participate, to protect against or identify possible fraudulent transactions and otherwise as needed to manage our business.

COLLECTION AND USE OF INFORMATION BY THIRD PARTIES GENERALLY

Down4 contractually prohibits its contractors, affiliates, vendors and suppliers from disclosing Personally-Identifying Information received from Down4, other than in accordance with this Privacy Policy. However, third parties are under no obligation to comply with this Privacy Policy with respect to Personally-Identifying Information that users provide directly to those third parties, or that those third parties collect for themselves. These third parties include advertisers, providers of games, utilities, widgets and a variety of other third-party applications accessible through the app. Down4 neither owns nor controls the third-party websites and applications accessible through the app. Thus, this Privacy Policy does not apply to information provided to or gathered by the third parties that operate them. Before visiting a third party, or using a third-party application, whether by means of a link on the app, directly through the app or otherwise, and before providing any Personally-Identifying Information to any such third party, users should inform themselves of the privacy policies and practices (if any) of the third party responsible for that website or application, and should take those steps necessary to, in those users' discretion, protect their privacy.

SECURITY

We take the security of your Personally-Identifying Information seriously and use reasonable electronic, personnel and physical measures to protect it from loss, theft, alteration or misuse. However, please be advised that even the best security measures cannot fully eliminate all risks. We cannot guarantee that only authorized persons will view your information. We are not responsible for third-party circumvention of any privacy settings or security measures. We are dedicated to protect all information

on the app as is necessary. However, you are responsible for maintaining the confidentiality of your Personally-Identifying Information by keeping your password confidential. You should change your password immediately if you believe someone has gained unauthorized access to it or your account. If you lose control of your account, you should notify us immediately.

PRIVACY POLICY CHANGES

Down4 may, in its sole discretion, change this Privacy Policy from time to time. Any and all changes to Down4's Privacy Policy will be reflected on this page and the date new versions are posted will be stated at the top of this Privacy Policy. Unless stated otherwise, our current Privacy Policy applies to all information that we have about you and your account. Users should regularly check this page for any changes to this Privacy Policy. Down4 will always post new versions of the Privacy Policy on the app. However, Down4 may, as determined in its discretion, decide to notify users of changes made to this Privacy Policy via email or otherwise. Accordingly, it is important that users always maintain and update their contact information.

CHILDREN

The Children's Online Privacy Protection Act ("COPPA") protects the online privacy of children under 13 years of age. We do not knowingly collect or maintain Personally-Identifying Information from anyone under the age of 13, unless or except as permitted by law. Any person who provides Personally Identifying Information through the Down4 app represents to us that he or she is 13 years of age or older. If we learn that Personally-Identifying Information has been collected from an user under 13 years of age on or through the app, then we will take the appropriate steps to cause this information to be deleted. If you are the parent or legal guardian of a child under 13 who has become a member of the app or has otherwise transferred Personally-Identifying Information to the app, please contact Down4 to have that child's account terminated and information deleted.