PRIVACY POLICY

Last updated: 12 November 2012

**Conquer LLC Privacy Policy**

Conquer LLC (“**Conquer**”) has adopted this privacy policy (“**Privacy Policy**”) to explain how Conquer collects, stores, and uses the information collected in connection with Conquer’s products, services and websites including, but not limited to Conquer’s games Save Penguin and Light Swarm and on-line store (together “**Services**”).

Should you have any questions relating to this Privacy Policy, please contact us at support[a]conquerllc.com or alternatively at Conquer LLC, Legal Department, 6515 E Paseo Diego, Anahem Hills, CA 92806.

BY INSTALLING, USING, REGISTERING TO OR OTHERWISE ACCESSING THE SERVICES, YOU AGREE TO THIS PRIVACY POLICY AND GIVE AN EXPLICIT AND INFORMED CONSENT TO THE PROCESSING, USE AND DISCLOSURE OF YOUR PERSONAL DATA IN ACCORDANCE WITH THIS PRIVACY POLICY. IF YOU DO NOT AGREE TO THIS PRIVACY POLICY, PLEASE DO NOT INSTALL, USE, REGISTER TO OR OTHERWISE ACCESS THE SERVICES. Conquer reserves the right to modify this Privacy Policy at reasonable times, so please review it frequently. Your continued use of Services will signify your acceptance of the changes to this Privacy Policy.

**1. Non-personal data**

For purposes of this Privacy Policy, “non-personal data” means information that does not directly identify you. Additionally, non-personal data means “aggregate” and “de-personalized” information, which is data Conquer collects about the use of Conquer Services, from which any personally identifiable data has been removed.

Conquer may use tools or third party analytical software to automatically collect and use certain non-personal data that does not directly enable Conquer to identify you. The types of non-personal data Conquer may collect and use include, but are not limited to: (i) device properties, including, but not limited to IP address, Media Access Control (“MAC”) address and unique device identifier or other persistent or non-persistent device identifier ("Device ID"); (ii) device software platform and firmware; (iii) mobile phone carrier; (iv) geographical data such as zip code, area code and coarse location; (v) game progress, time used playing, score and achievements; (vi) other non-personal data as reasonably required by Conquer to enhance the Services and other Conquer products and services.

Conquer may use Flurry analytics tool in order to develop and analyze use of the Services. If you wish to opt-out from Flurry analytics, please follow this link:[http://www.flurry.com/resources/privacy.html](http://www.flurry.com/resources/privacy.html?KeepThis=true&amp;TB_iframe=true&amp;height=600&amp;width=800).

Conquer may use and disclose to Conquer’s partners and contractors the collected non-personal data for purposes of analyzing usage of the Services, advertisement serving, managing and providing the Services and to further develop the Services and other Conquer services and products.

You recognize and agree that the analytics companies utilized by Conquer may combine the information collected with other information they have independently collected from other services or products relating to your activities. These companies collect and use information under their own privacy policies.

Conquer may supplement your personal and non-personal data with data received from third parties in connection with demographic, advertisement, market and other analytics surveys or services.

**2. Ad Serving Technology**

Conquer reserves the right to use and disclose the collected non-personal data for purposes of advertisement by Conquer or Conquer’s partners and contractors. Conquer may employ third party ad serving technologies that use certain methods to collect information as a result of ad serving through Services. Conquer or third parties operating the ad serving technology may use demographic and location information as well as information logged from your hardware or device to ensure that appropriate advertising is presented within the Service. Conquer or third parties may collect and use data for this purpose including, but not limited to IP address (including but not limited to for purposes of determining your coarse location), Device ID, MAC, software, applications, hardware, browser information, internet and on-line usage information and in-game information. The foregoing data may be used and disclosed in accordance with this Privacy Policy and the privacy policy of the company providing the ad serving technology.

You recognize and agree that the advertising companies who deliver ads for Conquer may combine the information collected with other information they have independently collected from other services or products. These companies collect and use information under their own privacy policies. These ad serving technologies are integrated into Services; if you do not want to be subject to this technology, do not use or access Services. Although Conquer takes commercially reasonable steps to instruct such advertising companies to comply with the terms and conditions of this Privacy Policy, Conquer does not have access to or control of third party technologies.

Conquer may display to you behaviorally targeted advertising. If you wish to "opt out" of certain targeted advertising, please visit [http://www.youradchoices.com](http://www.youradchoices.com/)and/or [www.networkadvertising.org](http://www.networkadvertising.org/). Please note that the links above may not reach all Conquer’s advertising partners and certain behaviorally targeted advertising may still be displayed to you. If you want to be certain that no behaviorally targeted advertisements are not displayed to you, please do not use or access the Services. Additionally please note that if you “opt out” it does not mean that you will no longer receive advertising. It just means that the advertising you see displayed will not be customized to you and your interests and may be less relevant to you.

**3. Location Data**

To the extent Conquer makes location enabled Services available and you use such Services, Conquer may collect and process your location data to provide location related Services and advertisements. For example, some add-ons or offers may be available at dedicated locations. Conquer may use various technologies to determine location, such as GPS, Wi-Fi or other network-based data such as IP address. Your GPS geo-location is not accessed without your consent. Notwithstanding Conquer’s partners who are providing location related parts of the Service, Conquer will not share your GPS geo-location with third parties without your consent. To the extent Conquer makes available GPS geo-location to third parties in accordance with this Privacy Policy, it will be provided anonymously. Please note that Conquer may share your anonymous coarse location with its partners.

**4. Personal Data**

For purposes of this Privacy Policy, “personal data” means personally identifiable information that specifically identifies you as an individual.

Likely situations when you make personal data available to Conquer include, but are not limited to: (i) registration for Services, contests and special events; (ii) accessing Services using a third party ID, such as social networking sites or gaming services; (iii) subscribing to newsletters; (iv) purchasing a product or services through Conquer’s online stores; (v) using “tell a friend,” "email this page," or other similar features; (vi) requesting technical support; and (vii) otherwise through use of Conquer Services where personal data is required for use and/or participation.

The types of personal data may vary depending on the type of activity you are engaged in. The personal data Conquer may collect, process and use may include, but are not limited to your name, screen/nick name, Conquer Services’ or third party service ID, e-mail address, phone number, photo or other image, birthdate, sex, address, friend connections, avatar image, credit card information, shipping information; and location (only if directly identifiable to you, otherwise Conquer treats location as non-personal data).

If you choose to use Conquer’s "tell a friend" or a similar service about Conquer Services or order a gift certificate for your friend, Conquer may store your friend's name and contact details that you provide to Conquer.

Conquer may use personal and non-personal data, both individually and combined together, for purposes of analyzing usage of the Services, providing customer and technical support, managing and providing Services (including managing advertisement serving), customizing Conquer’s communications and to further develop the Services and other Conquer services and products. Conquer may combine non-personal data with personal data.

Conquer may use your personal data to send messages to you with informative and/or commercial content about Conquer’s services or third party products and services Conquer thinks may be of interest to you, such as new features and services, special offers and updated information.

Please note that certain features of the Services may be able to connect to your social networking sites to obtain additional information about you. In such cases, Conquer may be able to collect certain information from your social networking profile when your social networking site permits it, and when you consent to allow your social networking site to make that information available to Conquer. This information may include, but is not limited to, your name, profile picture, gender, user ID, email address, your country, your language, your time zone, the organizations and links on your profile page, the names and profile pictures of your social networking site “friends” and other information you have included in your social networking site profile. Conquer may associate and/or combine as well as use information collected by Conquer and/or obtained through such social networking sites in accordance with this Privacy Policy.

**5. Disclosure and Transfer of Personal Data**

Personal data may be disclosed in accordance with applicable legislation and this Privacy Policy. Additionally, Conquer may disclose personal data to its parent companies and its subsidiaries in accordance with this Privacy Policy.

Conquer may hire agents and contractors to collect and process personal data on Conquer’s behalf and in such cases such agents and contractors will be instructed to comply with our Privacy Policy and to use personal data only for the purposes for which the third party has been engaged by Conquer. These agents and contractors may not use your personal data for their own marketing purposes. Conquer may use third party service providers such as credit card processors, e-mail service providers, shipping agents, data analyzers and business intelligence providers. Conquer has the right to share your personal data as necessary for the aforementioned third parties to provide their services for Conquer. Conquer is not liable for the acts and omissions of these third parties, except as provided by mandatory law.

Conquer may disclose your personal data to third parties as required by law enforcement or other government officials in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose you or Conquer to legal liability. Conquer may also disclose your personal data to third parties when Conquer has a reason to believe that a disclosure is necessary to address potential or actual injury or interference with Conquer’s rights, property, operations, users or others who may be harmed or may suffer loss or damage, or Conquer believes that such disclosure is necessary to protect Conquer’s rights, combat fraud and/or comply with a judicial proceeding, court order, or legal process served on Conquer. To the extent permitted by applicable law, Conquer will make reasonable efforts to notify you of such disclosure through Conquer’s website or in another reasonable manner.

**6. Data Retention and Correctness**

Conquer retains the data collected pursuant to this Privacy Policy for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law. Thereafter if the collected data is no longer needed for purposes specified in this Privacy Policy, Conquer deletes all aforementioned data in its possession within a reasonable timeframe. Conquer does not verify the correctness of personal data.

Irrespective of the above, Conquer may still retain some of the data to the extent such retention is necessary to resolve disputes, enforce Conquer user agreements, and comply with technical and legal requirements and constraints related to the security, integrity and operation of Services.

**7. Cookies, beacons and tracking**

The Services may use “cookies” and other technologies such as pixel tags, locally shared objects, clear GIFs and web beacons. Conquer treats information collected by cookies and similar technologies as non-personal data.

Cookies: A “cookie” is a small bit of record-keeping information that websites often store on a user's computer. Conquer’s cookies do not include personal data and are typically used to quickly identify your device and to “remember” you. You can disable cookies or set your browser to alert you when cookies are being sent to your device; however, disabling cookies may affect your ability to use the Services.

Flash cookies & HTML5: Conquer may also use Flash cookies (locally shared objects) and HTML5 storage (locally stored objects). Locally shared objects are small files similar to browser cookies and are used to remember your settings to personalize the look and feel of the Services. Locally shared objects only collect data in the aggregate. You may prevent locally shared objects from being placed by disabling locally stored objects in your browser or visit www.adobe.com. Locally stored objects, such as HTML5 Web Storage, are used for similar purposes as cookies but typically may contain a greater amount and different types of data than browser cookies.

Web Beacons and pixel tags: A “web beacon” or a “pixel tag” is an electronic image that allows Conquer to count users who have visited certain pages or viewed certain advertisements. Web beacons, like cookies, do not include personal data. E-mails and other electronic communications Conquer sends to you may contain pixel tags that enable Conquer to track your usage of the communication, including whether the communication was opened and/or what links were followed, if any.

**8. Third Party Terms and Conditions**

Please note that your access to and use of the Services may be subject to certain third party terms and conditions and privacy policies, including but not limited to application stores, map data providers, mobile software platforms, on-line gaming platforms, social networking services and payment providers. You recognize and agree that Conquer is not liable for any such third party terms and conditions and their use of your personal data.

Conquer may in its discretion make available links through advertisements or otherwise enable you to access third party products or services. Please note that, while using such products or services, you are using products or services developed and administered by people or companies not affiliated with or controlled by Conquer. Conquer is not responsible for the actions of those people or companies, the content of their products or services, the use of information you provide to them, or any products or services they may offer. The fact that Conquer is linking to those products or services does not constitute our sponsorship of, or affiliation with, those people or companies.

Conquer may from time to time make available Conquer’s partners’ services, such as sweepstakes or polls and such services may require you to disclose personal data in order to register for and access such services. Such services will reasonably identify the partners at the point of where you are required to disclose personal data. If you at that point choose to disclose your personal data, such personal data may be transferred directly or via Conquer to such third parties and will be subject to the privacy policy and practices of such third parties. Conquer is not responsible for the privacy practices and policies of such third parties and, therefore, you should review the privacy practices and policies of such third parties prior disclosing any personal data in relation to such services.

Please note that certain Services that Conquer may offer, such as multiplayer gaming, social networking and gaming console services, may use third party services to provide authentication for the Services with a gaming console ID, social networking ID or gaming network account. When you register to join or use the Services from a third-party gaming or social networking system, certain personally identifiable user and/or membership data may be transferred automatically to and from Conquer and you hereby consent to the processing, using, combining, disclosing and retaining of such data in accordance with this Privacy Policy by Conquer.

**9. Safeguards**

Conquer follows generally accepted industry standards and maintains reasonable safeguards to attempt to ensure the security, integrity and privacy of the information in Conquer’s possession. Only those persons with a need to process your personal data in connection with the fulfillment of their tasks in accordance with the purposes of this Privacy Policy and for the purposes of performing technical maintenance, have access to your personal data in Conquer’s possession. Personal data collected by Conquer is stored in secure operating environments that are not available to the public. To prevent unauthorized on-line access to personal data, Conquer maintains personal data behind a firewall-protected server. However, no system can be 100% secure and there is the possibility that despite Conquer’s reasonable efforts, there could be unauthorized access to your personal data. By using the Services, you assume this risk.

**10. Other**

Please be aware of the open nature of certain social networking and other open features of the Services Conquer may make available to you. You may choose to disclose data about yourself in the course of contributing user generated content to the Services. Any data that you disclose in any of these forums, blogs, chats or the like is public information, and there is no expectation of privacy or confidentiality. Conquer is not responsible for any personal data you choose to make public in any of these forums.

If you are under 13 years of age or a minor in your country of residence, please ask your legal guardian’s permission to use or access the Services. Conquer encourages parents and/or guardians to play an active role in their children's online experience at all times. Conquer does not knowingly collect any personal information from children under 13 years of age and if Conquer learns that Conquer has inadvertently gathered personal data from children under 13 years of age, Conquer will take reasonable measures to promptly erase such personal data from Conquer’s records.

Conquer may store and/or transfer your personal data to its affiliates and partners in and outside of EU/EEA member states and the United States in accordance with mandatory legislation and this Privacy Policy. Conquer may disclose your personal data to third parties in connection with a corporate merger, consolidation, restructuring, the sale of substantially all of Conquer’s stock and/or assets or other corporate change, including, without limitation, during the course of any due diligence process provided, however, that this Privacy Policy shall continue to govern such personal data.

**11. Further information**

Should you wish opt-out from receiving communications (such as newsletters or offers) from Conquer, please contact unsubscribe[a]Conquer.com.

Conquer makes good faith efforts to enable you to review, update or correct your personal data in Conquer’s possession. In order to do so, please contact Conquer at support[a]Conquer.com. Conquer will need sufficient information from you to establish your identity and to verify your access request, and also to assist us in handling your request. Please note that even if personal data is changed or deleted according to your request, Conquer may still retain some of your personal data to resolve disputes, enforce Conquer user agreement(s), and comply with technical and legal requirements and constraints related to the security, integrity and operation of Conquer Services.

Conquer regularly reviews its compliance with this Privacy Policy. If Conquer receives a formal written complaint from you, Conquer will attempt to contact you directly to address any of your concerns. Conquer will cooperate with the appropriate governmental authorities, including data protection authorities, to resolve any complaints regarding the collection, use, transfer or disclosure of personal data that cannot be amicably resolved between you and Conquer. Any dispute, controversy or claim arising out of or relating to this Privacy Policy or the breach, termination or validity thereof shall be finally settled at Conquer's discretion (i) at your domicile's competent courts; or (ii) by arbitration in accordance with the with the International Arbitration Rules of the US Chamber of Commerce. The arbitration shall be conducted in Anaheim, CA, USA, in the English language. YOU AGREE THAT YOU MAY BRING CLAIMS AGAINST CONQUER ONLY IN YOUR INDIVIDUAL CAPACITY AND NOT AS A PLAINTIFF OR CLASS MEMBER IN ANY PURPORTED CLASS OR REPRESENTATIVE PROCEEDING.