

# Navigation Media Privacy Policy

**Last Updated: 8/31/2020**

Welcome to Navigation Media, Inc. (“Navigation Media”, “us”, “our” or “we”). We publish real-world augmented reality mobile experiences, including mobile game applications (“Apps”), and operate a real-world augmented reality platform (“Platform”). To do that, we need information about you. Protecting your privacy is really important to us. We only use your information where we have a legal basis to do so. This Privacy Policy will help you understand what information we collect, how we use it and what choices you have with any websites we own or operate (“Sites”), purchase of any Navigation Media merchandise, participation in Navigation Media events or promotions, and more generally your use of any Navigation Media products or services (collectively with the Apps, Sites, and Platform, the “Services”).

By using our Services, you are accepting the practices described in our Privacy Policy. If you do not agree to the terms of this Privacy Policy, please do not use the Services. We reserve the right to modify or amend the terms of our Privacy Policy from time to time. Your continued use of our Services following the posting of changes to the Privacy Policy will mean you accept those changes. If we intend to apply the modifications or amendments to this Privacy Policy retroactively or to personal information already in our possession, we will provide you with notice of the modifications or amendments.

You should also read our Terms which set out the contract between you and Navigation Media.

## **1. The information we collect about you**

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This Privacy Policy covers our use of any information that can or could be used to identify you (“Personal Data”). It does not cover information which cannot be used to identify you (“Anonymous Data”).

We may collect and use the following Personal Data to provide the Services to you and fulfil the Terms:

- When you sign up for our Services you give us Personal Data voluntarily by providing it to us, for example when you sign up for an account. We collect and use that information in order to authenticate you when you register an account and use the Services, to make sure you are eligible and able to receive the Services, and so that you receive the correct version of the Services. That information includes the in-game username you choose to use on our Services, and internal account IDs that we assign to your account. Depending on which of the Services you use, that may include your name, mailing address, phone number, country of residency, gender, date of birth (as needed to verify eligibility), and email address. We use that information to fulfil those Services to you and to provide related customer support to you.

- You must have an account with a supported external single sign-on service to use our Services. As such, the Personal Data we collect also depends on which external accounts you choose to use, their privacy policy, and what your privacy settings with those services allow us to see when you use their services to access Navigation Media Services.
  - If you choose to link your Google account to the Services, we will collect your Google email address and an authentication token provided by Google.
  - If you choose to link your Facebook account to the Services, we will collect a unique user ID provided by Facebook and, if permitted by you, your Facebook registered email address.
  - If you choose to link your Apple account to the Services, we will collect your email address on file with your Apple ID account or a private relayed email address if you use the Hide My Email option provided by Apple.
- We collect and use your device location information as you use our Services (and, if you elect to turn on background location tracking for our Services, while you are not directly interacting with the Services), including how you move around and events that occur during gameplay. We identify your location using a variety of technologies, including GPS, the WiFi points you are accessing the Service through and mobile/cell tower triangulation.
- Crash reports, which may be automatically generated when or if our Services crash and includes information about the system and the crash.
- We may collect data directly from and automatically via your use of the Services including non-identifiable game play information from you and/or your device as you use the Services, such as a persistent device identifier, play progress, inventory, items collected and/or unlocked, levels and scenes played and visited, performance stats, achievements, preferred settings, how long you played and when, and other usage statistics.
- We also collect and use your in-game actions, as well as certain information about your mobile device (including device identifiers, device OS, model, configuration, settings and information about third party applications or software installed on your device), to operate the Services for you and to personalize your gameplay and user experience.
- You also give us Personal Data when you make a purchase through us, subscribe to our publications, register for a live event, enter a competition, promotion, sweepstakes or survey or communicate with us.

## **2. How we use the information we collect about you**

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We have and rely on a legitimate interest in using your Personal Data as follows:

**Use of Information by Us.** We may use your information:

- to provide you with our Services;
- to improve our Services and to customize your experience with the Services;
- to maintain your account;
- for internal business purposes;
- for any purposes disclosed at the time you provide your information;
- any purposes provided for in our Terms;

- to provide and improve AR experiences;
- to provide technical and customer support to you;
- to offer new or additional features for our Services;
- to enforce our Terms;
- to send you materials by email or via in-app notifications, or other communications;
- to carry out anti-fraud or other measures prohibited under our Terms;
- and as otherwise set forth in this Privacy Policy.

**Third Parties.** We may engage vendors, agents, service providers, and affiliated entities to provide services to us. In providing their services, they may access, receive, maintain or otherwise process data on our behalf. Our contracts with these service providers do not permit use of your data for their own marketing and other purposes.

**Legal Matters; Safety.** We may, without your consent, access and disclose your information, any communications sent or received by you, and any other information that we may have about you as may be permitted or required by law or to prevent or investigate suspected fraud or activity that appears to us to be illegal or may expose us to legal liability. Additionally, we may disclose your information and/or communications in situations that we believe to be: (i) emergencies involving potential threats to the physical safety of any person or property if we believe that your information in any way relates to that threat; or (ii) your conduct that we believe is inappropriate and inconsistent with generally accepted norms of behavior.

We also rely on your consent where we use cookies or similar technologies. Please see our Cookie Policy for more information about how we use them.

### **3. Who we share information with**

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We will not share any Personal Data that we have collected from or regarding you except as described below:

**Information Shared with Our Service Providers.** We engage external service providers to work with us to administer and provide the Services. As part of that they may process your Personal Data on our behalf. These external service providers have access to your Personal Data only for the purpose of performing services on our behalf, in compliance with this Privacy Policy, and we make sure each one is contractually obliged not to disclose or use your Personal Data for any other purpose. The service providers we use may help us to:

- run, operate and maintain our Services through third party platform and software tools;
- perform content moderation and crash analytics;
- run email and mobile messaging campaigns;
- perform game and marketing analytics;
- provide payment attribution and process payments for purchases; and
- provide technical and customer support.

Some external service providers may also collect information directly from you (for example, a payment processor may request your billing and financial information) as a Third Party Service

in accordance with their own privacy policy. Such external service provider does not share your financial information, like credit card number, with Navigation Media, but it may share limited information with us related to your purchase, like your zip or postal code.

**Information Shared with Other Players.** When you use the Services, information about you may be shared or visible to other users therefore become publicly available, including with out-limitation: your username, in-game profile, achievements and public messages.

**Information Disclosed for Our Protection and the Protection of Others.** We cooperate with government and law enforcement officials or private parties to enforce and comply with the law. We only share information about you to government or law enforcement officials or private parties when we reasonably believe necessary or appropriate: (a) to respond to claims, legal process (including subpoenas and warrants); (b) to protect our property, rights, and safety and the property, rights, and safety of a third party or the public in general; and (c) to investigate and stop any activity that we consider illegal, unethical, or legally actionable.

**Information Disclosed in Connection with Business Transactions.** Information that we collect from our users, including Personal Data, is a business asset. If we are acquired by a third party as a result of a transaction such as a merger, acquisition, or asset sale or if our assets are acquired by a third party in the event we go out of business or enter bankruptcy, some or all of our assets, including your Personal Data, will be disclosed or transferred to a third party acquirer in connection with the transaction.

#### **4. How your Personal Data is transferred**

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Navigation Media operates its Services across the globe. Your Personal Data will very likely be transferred and stored in a country outside of your home country, including in the USA, for the purposes outlined in this Privacy Policy. The data protection laws in these countries may not be the same as in your home country.

#### **5. How we keep your Personal Data safe**

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We have appropriate security measures in place to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorized way, improperly altered or disclosed. We also limit access to your Personal Data to employees, agents, contractors and other third parties who have a business need to know. They will only process your Personal Data on our instructions, and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected Personal Data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

#### **6. How long we will keep your Personal Data**

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We keep your Personal Data for as long as we need to provide the Services to you and fulfil the purposes set out in this Privacy Policy. This is also the case for anyone that we share your information with and who carry out services on our behalf.

When we no longer need to use your Personal Data and there is no need for us to keep it to comply with our legal or regulatory obligations, we will either remove it from our systems or anonymize it so that it can no longer be associated with you. When removing Personal Data, we will take commercially reasonable and technically feasible measures to make said Personal Data irrecoverable or irreproducible.

## **7. Your rights and choices**

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If for any reason you are concerned that any information you provided to us is not correct and you wish to change or delete it, you have the ability to review and update your personal information to the extent we have it. If you would like to do so, please contact us as set forth below or otherwise view and update your information in your Account profile. You may also contact us to request access to, transfer of, or erasure of your personal information to the extent we have any. Specify the nature of your request and the information that is subject to your request.

We reserve the right not to allow access to your information or to limit your rights (e.g. if such disclosure is prohibited by law or if the rights of another individual might be violated). In some instances, this may mean that we are able to retain your personal information even if you withdraw your consent or request transfer or erasure. Please note that changes or access you request may not be effective immediately. Please also note that despite any request for removal of or change to personal information, we may need to retain certain information for recordkeeping purposes and there may also be residual information that will remain within our databases and other records, which will not be removed or changed.

Please note, with regards to automatically collected non-identifiable game play information, much of that information will not be associated directly with you or your account, and therefore we may not be able to provide you with access to that information.

## **8. Legal Grounds**

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**We rely on the following legal grounds to use your data:**

- Where it is needed to provide you with our Service.
- Where it is in our legitimate interests to do so, such as: managing our products and services, and providing our Service to you.
- To comply with our legal obligations.
- With your consent or explicit consent, where applicable.
- For a public interest.

## **9. Your Rights Under Data Protection Laws.**

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Here is a list of the rights that individuals have under data protection laws. They don't apply in all circumstances. If you wish to use any of them, we'll explain at that time if they are engaged or not.

- The right to be informed about the processing of your personal information.
- The right to have your personal information corrected if it is inaccurate and to have incomplete personal information completed.
- The right to object to processing of your personal information.
- The right to restrict processing of your personal information.
- The right to have your personal information erased (the "right to be forgotten").
- The right to request access to your personal information and to obtain information about how we process it.
- The right to move, copy or transfer your personal information ("data portability").
- Rights in relation to automated decision making which has a legal effect or otherwise significantly affects you.

If you have any questions or concerns regarding these rights please contact us via the contact information below.

## **10. Children**

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Unless stated otherwise for a particular Service, children are not allowed to use the Services, and we do not collect Personal Data from them. We define "children" as anyone under 18 years old.

## **11. Changes to this Privacy Policy**

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Any Personal Data that we collect is covered by the Privacy Policy in effect at the time such information is collected. We may make changes to this Privacy Policy from time to time. You will be given reasonable notice of any material change.

## **12. Third Parties**

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In using our Services you may access links to websites and services that are owned or operated by third parties (each, a "Third Party Service"). Any information that you provide on or to a Third Party Service or that is collected by a Third Party Service is provided directly to the owner or operator of the Third Party Service and is subject to the owner's or operator's privacy policy. We're not responsible for the content, privacy, or security practices and policies of any Third Party Service. To protect your information we recommend that you carefully review the privacy policies of all Third Party Service that you access.

## **13. Disclosures Specific to California Residents**

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The CCPA grants California residents certain privacy rights regarding the personal data we collect. We are committed to respecting these rights and complying with the CCPA. Under the CCPA you have the right to request that we disclose to you what personal data we collect, use,

disclose, and sell. The CCPA also gives California residents a right to opt-out from the sale of their personal data. You also have the right to request deletion of personal data that is in our possession, subject to certain exceptions. Please note that your request to delete data may impact your use of the Services in some cases, and we may decline to delete information for reasons set forth in this Privacy Policy or as permitted by the CCPA. Finally, you have a right to not be discriminated against for exercising your rights under the CCPA.

We do not sell your Personal Data and have not done so in the past 12 months. The information listed in Section 1 falls under the following California Consumer Privacy Act (CCPA) categories: identifiers, commercial information, Internet or other electronic network activity information, geolocation data, and visual information.

#### **14. Contact Information**

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If you have any questions about this Privacy Policy, please contact Navigation Media at Navigation Media, Inc., 8033 Sunset Blvd #1026, Hollywood CA 90046.