

LiquidSky

Privacy Policy

Last Updated: July 25, 2017

LiquidSky Software, Inc. provides this privacy policy (“**Privacy Policy**”) because we know that you care about how your information is collected, used, shared and retained. This Privacy Policy applies to information collected when you visit our websites at <https://community.liquidsky.tv>, and <https://liquidsky.com/> (collectively, the “**Website**”), access our mobile application (“**App**”), or purchase and/or use our online services via the Website or App including, but not limited to, SkyComputer and Sky Accelerated Web Browsing (the “**Services**”).

By visiting our Website, accessing our App, or purchasing and/or using our Services, you are agreeing to this Privacy Policy and the Terms of Use posted on the Website. Capitalized terms not otherwise defined in this Privacy Policy will have the meanings set forth in the Terms of Use.

What Information We Collect; the Purpose of Collection and Use

We collect the following categories of information.

Registration Information. When you register you will be asked to provide certain information including your first and last name, date of birth (M/D/Y), gender and email address. This information is used to create your account, provide the requested Services, contact you regarding your account, and directly market our products and services. We may request your mobile number and, with your consent, send SMS notifications regarding your account and the Services. You may revoke your consent at any time by changing the App settings on your mobile device. We also use Registration Information to respond to requests for additional information regarding our products/services, and to provide support services.

Biographical Information. You may voluntarily provide additional information to create a biography associated with your account (“**Bio**”). You may include your photo, links to your social media profiles, information about the games you are playing and when you play, your forum posts, a friends list, a character that you would like to use as your avatar, and other information. We use this information to create your account profile.

Billing Information. We collect certain billing and payment information such as billing address, responsible party(ies), and any additional contact information. When payment is made by credit card, we use third party credit card processors to collect and process the credit card number, expiration date, billing zip code, activation code, and similar information. The billing information collected by LiquidSky is used to prepare and send invoices, record receipts and manage accounts.

Geolocation Information. We collect your IP address, and use it to assign you to an appropriate LiquidSky data center for provision of the Services. You may voluntarily provide your country, city or other information regarding your geographic location when using our support services, but we only use this additional geolocation information to provide the requested services.

Activity Information. We collect certain information regarding the activity of visitors to our Website and registered users when they purchase/use our Services. This information includes IP addresses, ISPs, user name, device type, referring and exit pages and URLs, date and time, sections/pages of the Website visited and the amount of time spent there, various information regarding mobile devices including mobile operation system version, phone carrier and manufacturer, and unique device identifiers, and your interactions with our Services including but not limited to, the games and apps installed on your SkyComputer, games played, content viewed, time spent playing games and interacting with other content, user generated content and communications (including your communications with other users and our customer support team), digital purchases, the dates and times of your visits, the feedback that you submit about your experience, your country location, your LiquidSky data center, and your ping to our servers (collectively, the “**Activity Information**”). We use Activity Information to monitor and improve the performance quality and functionality of the Website, and as set forth in this Privacy Policy.

Cookies. We collect Activity Information by using cookies, pixels and similar technologies. Cookies are pieces of information that are stored by your browser on the hard drive or memory of your computer or other Internet access device. Cookies enable us to personalize your experience on the Services, maintain a persistent session, passively collect demographic information about your computer, and monitor advertisements and other activities. If you do not want us to place a cookie on your hard drive, you may be able to turn that feature off on your computer or mobile device. Please consult your Internet browser’s documentation for information on how to do this and how to delete persistent cookies. However, if you decide not to accept cookies from us, the Website, the App and the Services may not function properly. For more information on how we use cookies, please read our cookie policy available at <https://cdn.liquidsky.com/assets/cookie.pdf>.

Third Party Analytics. We use one or more third-party analytics services (such as Google Analytics) to evaluate your use of the Website, the App, and the Services, compile reports on activity, analyze performance metrics and conduct remarketing. These third parties use cookies and similar technologies to collect, analyze and provide us the data. By accessing and using the Website, the App, and/or the Services, you consent to the collection and processing of data about you by these analytics providers in the manner and for the purposes set out in this Privacy Policy. For more information on these third parties, including how to opt out from certain data collection, please visit the sites below. Please be advised that if you opt out of any service, you may not be able to use the full functionality of the Website, the App, or the Services.

Google Adwords: <https://www.google.com/policies/privacy/>

Adroll: <https://www.adroll.com/about/privacy>

Google Analytics: <https://www.google.com/analytics>

Freewheel: <http://freewheel.tv/privacypolicy/?>

[doing_wp_cron=1493230084.9269120693206787109375](http://freewheel.tv/privacypolicy/?doing_wp_cron=1493230084.9269120693206787109375)

Pollfish: <https://www.pollfish.com/terms/publisher>

True[x]: <http://www.truex.com/privacy.html>

Facebook: https://www.facebook.com/legal/FB_Work_Privacy

Intercom: <https://www.intercom.com/privacy>

Appboy: <https://www.appboy.com/legal/>

Segment: <https://segment.com/docs/legal/privacy/>

Mixpanel: <https://mixpanel.com/privacy/>

Third Party Plug-ins. Our App enables third party plug-ins that offer you the opportunity to participate in surveys, enroll in various programs and/or view content that may interest you. We may provide these third parties with your DOB and gender basis for this purpose. If you elect to participate and/or view content through third party plug-ins, any personal information or data that you submit will no longer be subject to this Privacy Policy. You should review the privacy policy and terms of use for each plug-in before participating or providing any information. As an example, we may enable you to participate voluntarily in surveys provided through Pollfish (respondent terms at <https://www.pollfish.com/terms/respondent>), but you may disable Pollfish operations at any time by using the Pollfish “opt out section” available on Pollfish website (<https://www.pollfish.com/>), or by disabling “third party cookies” from your browser’s settings.

Information Collected by or Through Third Party Advertisers and Third Party marketers.

We work with third party advertising companies, marketing organizations and brands to show ads that we think may interest you. We may share your DOB and gender on an anonymized basis for this purpose. These third parties also collect information from you when you visit our Site, use our App, or our Services. For our advertising partners who are members of the Network Advertising Initiative (NAI) or the Digital Advertising Alliance (DAA), you may opt out of receiving personalized ads by using the NAI Tool at <http://optout.networkadvertising.org/#/>, or the DAA Tool at <http://optout.aboutads.info/#/>. European Union residents may opt-out at <http://www.youronlinechoices.com>. Please note that even if you choose to remove your information (opt-out), you will stop receiving personalized ads but you will still receive other advertisements. Additionally, many network advertising programs allow you to view and manage the interest categories they have compiled from your online browsing activities. These interest categories help determine the types of targeted advertisements you may receive.

Information Collected Through the Website, the App and the Services that is Not Covered by this Privacy Policy.

LiquidSky Community, Blogs, Forums, and Similar Features. You may voluntarily post and share information including, but not limited to gameplay videos, screenshots and commentary

through the LiquidSky Community, or blogs, forums and other similar features available from time to time through the Website, the App, and the Services. NONE of the information you provide to the LiquidSky Community or through use of these features is protected by this Privacy Policy including any personal information. THIS PRIVACY POLICY DOES NOT APPLY TO ANY INFORMATION (INCLUDING PERSONAL INFORMATION) THAT YOU PROVIDE USING ANY SUCH FEATURES. ALL SUCH INFORMATION IS PUBLIC INFORMATION AND MAY BE VIEWED, COLLECTED, USED, MODIFIED AND/OR DISCLOSED FOR ANY PURPOSE BY LIQUIDSKY, ITS AFFILIATES AND SUBSIDIARIES, ANY USER OF THE WEBSITE, THE APP OR THE SERVICES, AND THE PUBLIC.

Your Bio. Your Bio is freely available for viewing by any user of the Services. If you elect to participate in the LiquidSky Community, then any information you post will be available to other participants and the general public. If you post any comments for the LiquidSky Community, then your user name and avatar will automatically be published alongside your commentary. With your prior consent, we will also publish your Bio on the LiquidSky Community site, and your Bio will also automatically appear when you provide commentary.

Aggregate Data. We may analyze your information in aggregate form to operate, maintain, manage, and improve the Website, the App, and the Services. This aggregate information does not identify you personally. We may share this aggregate data with our affiliates, agents, and business partners. We may also disclose aggregated user statistics in order to describe our Services, the App, and the Website to current and prospective business partners and to other third parties for lawful purposes. In addition, we may share anonymous and aggregated reports and information on user demographics and traffic patterns with third parties.

Additional Uses. We use your information collected pursuant to this Privacy Policy to provide, support and improve our Website, the App, and the Services, analyze how you use the Services, manage our network, and better tailor content, advertisements and features. We also use your information to communicate with you. For example, we may send email to the email address you provide to us to verify your account and for informational and operational purposes, such as account management, customer service, or system maintenance.

Onward Transfer. Like many businesses, we hire other companies to perform certain businessrelated services. We may disclose personal information to our affiliates and subsidiaries that assist in providing the Services or supporting our Website and App. We may also disclose personal information to certain types of third party companies but only to the extent needed to enable them to provide such services. The types of companies that may receive personal information and their functions are: marketing/remarketing assistance, advertising, bill processing services, customer service, data storage, hosting services, IT support services, and sales and customer support companies. All such third parties function as our agents, performing services at our instruction and on our behalf pursuant to contracts which require they provide at least the same level of privacy protection as is required by this privacy policy and implemented by LiquidSky.

We may also disclose your information, including any personal information, to our affiliates and subsidiaries in order to support marketing, sale and delivery of our Services. With regard to the Principle of Accountability for Onward Transfer, we remain liable if our agent processes such personal information in a manner inconsistent with the Privacy Shield Principles, unless we prove that we are not responsible for the event giving rise to the damage.

Opt-In to Certain Onward Transfers. We will not transfer your personal information to a third party controller without first providing you with information regarding the identity of such controller or the nature of such controller’s business, and obtaining your opt-in consent. You may grant such consent by contacting us at privacy@liquidsky.com.

We will not disclose your sensitive personal information to any third party without first obtaining your opt-in consent. You may grant such consent by contacting us at privacy@liquidsky.com. In each instance, please allow us a reasonable time to process your response.

Business Transfers. In the event of a merger, reorganization, dissolution or similar corporate event, or the sale of all or substantially all of our assets, we expect that the information that we have collected, including personal information, would be transferred to the surviving entity in a merger or the acquiring entity. All such transfers shall be subject to our commitments with respect to the privacy and confidentiality of such personal information as set forth in this privacy policy.

Disclosure to Public Authorities. We may be required to disclose personal information in response to lawful requests by public authorities, including for the purpose of meeting national security or law enforcement requirements. We may also disclose personal information to other third parties when compelled to do so by government authorities or required by law or regulation including, but not limited to, in response to court orders and subpoenas.

Disclosure to other Users. Your user name and avatar are available to other registered users. If you use the Services to play games, additional information about your use of the Services is accessible to other users of the Services (such as through leaderboards or multi-player gameplay). For example, other users may view your username, profile photo or avatar, and Bio, games played, and hours logged playing. You may customize other information in your profile for availability to other users by adjusting the privacy settings on your account, and/or consent to publication of your Bio in the LiquidSky Community.

Third Party Applications. We may enable you to share information from our Services with third party applications, services or social media platform (“**Third Party Applications**”). You understand and agree that a Third Party Application’s use, disclosure and transfer of information collected from you (or as authorized by you) is governed by the Third Party Application’s privacy policies and your account settings on the relevant service.

Access to Personal Information. Upon request to privacy@liquidsky.com, we will provide you with confirmation as to whether we are processing your personal information, and have the data

communicated to you within a reasonable time. You have the right to correct, amend or delete your personal information where it is inaccurate or has been processed in violation of this privacy policy. We may require payment of a non-excessive fee to defray our expenses in this regard. Please allow us a reasonable time to respond to your inquiries and requests.

Opt-Out for Direct Marketing; Email Management. You may opt out at any time from the use of your personal information for direct marketing purposes by contacting us at privacy@liquidsky.com. Please allow us a reasonable time to process your request. You may manage your receipt of marketing and non-transactional communications by clicking on the “Manage Email Preferences” link located on the bottom of any LiquidSky marketing email and following the instructions found on the page to which the link takes you or by contacting us directly at the contact information listed below. You cannot opt out of receiving transactional emails related to your account or purchase orders.

Retention of Personal Information. We will retain your personal information in a form that identifies you only for as long as it serves the purpose(s) for which it was initially collected as stated in this Privacy Policy, or subsequently authorized. We may continue processing your personal information for longer periods, but only for the time and to the extent such processing reasonably serves the purposes of archiving in the public interest, journalism, literature and art, scientific or historical research and statistical analysis, and subject to the protection of this Privacy Policy. After such time periods have expired, we may either delete your personal information or retain it in a form such that it does not identify you personally.

How We Protect Your Information. We maintain commercially reasonable administrative, technical, and physical safeguards designed to protect the information you provide or we collect against accidental, unlawful, or unauthorized destruction, loss, alteration, access, disclosure, or use, taking into account the risks involved in processing and the nature of such data, and compliance with applicable laws and regulations. Unfortunately, the Internet cannot be guaranteed to be 100% secure, and we cannot ensure or warrant the security of any information you provide to us. Moreover, we are not responsible for the security of information you transmit to the Services over networks that we do not control, including the Internet and wireless networks.

Children’s Privacy. LiquidSky is not intended for children under the age of 13 and we do not knowingly collect personal information from children under the age of 13 through the Website, the App, or the Services. If you are under 13, please do not give us any personal information. We encourage parents and legal guardians to monitor their children’s Internet usage and to help enforce our Privacy Policy by instructing their children to never provide personal information through the Website, the App or the Services without their permission. If LiquidSky becomes aware that any person submitting personal information through the Website, the App or the Services is under the age of 13, we will promptly take steps to delete or anonymize the information and terminate the user account. If you become aware that your child or any child under your care has provided us with information without your consent, please contact us at the contact information listed below, and we will endeavor to delete that information from our databases.

Important Notice to Non-US Residents. Our servers are located in the US. If you are located outside of the US, please be aware that any information provided to us, including personal information, will be transferred from your country of origin to the US. Except in the case of data transfers under the EU-US Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework, your decision to provide such data to us, or allow us to collect such data through our Website, App or Services, constitutes your consent to this data transfer.

Important Notice for Residents of the European Economic Area and Switzerland. LiquidSky complies with the EU-US Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the US Department of Commerce regarding the collection, use, and retention of personal information from the European Union member countries (including Iceland, Liechtenstein and Norway) and Switzerland to the United States, respectively. LiquidSky has certified that it adheres to the Privacy Shield principles of Notice, Choice, Accountability for Onward Transfer, Security, Data Integrity and Purpose Limitation, Access, Recourse, Enforcement and Liability (the “Privacy Shield Principles”). If there is a conflict between this privacy policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification page, please visit <https://www.privacyshield.gov/>.

LiquidSky is subject to the investigatory and enforcement powers of the Federal Trade Commission.

In compliance with the EU-US and the Swiss-U.S. Privacy Shield Principles, LiquidSky commits to resolve complaints about your privacy and our collection or use of your personal information. European Union or Swiss individuals with inquiries or complaints regarding this Privacy Policy should first contact LiquidSky at privacy@liquidsky.com. LiquidSky has further committed to refer unresolved privacy complaints under the EU-US and the Swiss-U.S. Privacy Shield Principles to BBB EU PRIVACY SHIELD, a non-profit alternative dispute resolution provider located in the United States and operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed by LiquidSky, please visit <http://www.bbb.org/EU-privacy-shield/for-euconsumers/> for more information and to file a complaint. If these processes do not result in a resolution, you may also contact your local data protection authority, the US Department of Commerce, and/or the Federal Trade Commission for assistance. Please note that if your complaint is not resolved through these channels, under limited circumstances, a binding arbitration option may be available before a Privacy Shield Panel.

California Privacy Rights. Pursuant to Section 1798.83 of the California Civil Code, residents of California have the right to obtain certain information about the types of personal information that companies with whom they have an established business relationship (and that are not otherwise exempt) have shared with third parties for direct marketing purposes during the preceding calendar year, including the names and addresses of those third parties, and examples of

the types of services or products marketed by those third parties. If you wish to submit a request pursuant to Section 1798.83, please contact LiquidSky via email at privacy@liquidsky.com.

In addition, LiquidSky does not monitor, recognize, or honor any opt-out or do not track mechanisms, including general web browser “Do Not Track” settings and/or signals.

External Websites. The Website, the App and the Services may contain links to third-party websites. LiquidSky has no control over the privacy practices or the content of any of these external websites. As such, we are not responsible for their content or privacy policies. You should check the applicable third-party privacy policy and terms of service when visiting any other websites, and before providing any personal information to such external websites.

Changes to Our Privacy Policy and Practices. This Privacy Policy may be updated periodically and without prior notice to you to reflect changes in our information practices or relevant laws. To inform you of any change, we will post the updated Privacy Policy on the Website and the App and indicate at the top of the Privacy Policy when it was updated. If you visit our Website or App or use our Services after changes are posted, then you will be deemed to have accepted the revised Privacy Policy.

How to Contact Us. If you have any questions or comments about this Privacy Policy, our privacy practices or if you would like to exercise your rights and choices, please contact us by using our support ticket system (additional information about submitting a request can be found at: [http://\(i\)/blog.liquidsky.tv/support/](http://(i)/blog.liquidsky.tv/support/), by sending an email to privacy@liquidsky.com, or by writing to us at the below address. Please use the subject line PRIVACY and allow us a reasonable time to respond.

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