

TUNEBAT PRIVACY POLICY

Last Updated: 8/18/2021

Effective Date: 5/5/2021

Tunebat LLC (“**Tunebat**,” “**us**,” or “**we**”) is committed to providing you with the best possible user experience. Maintaining your privacy is a large part of this commitment. When you use the Tunebat Platform, you’ll share some information with us, so we want to be upfront about the information we collect, how we use it, whom we share it with, and the choices we give you to control, access, and update your information. As such, this Privacy Policy (“**Privacy Policy**”) is a binding legal agreement between you and Tunebat. All Registered Users of the Tunebat Platform are required to review and be bound by this Privacy Policy. You agree to this Privacy Policy by installing, accessing, or in any way using the Tunebat Platform. IF YOU DISAGREE WITH ANY PORTION OF THIS PRIVACY POLICY, YOUR SOLE REMEDY IS TO IMMEDIATELY DISCONTINUE YOUR ACCESS TO OR USE OF THE TUNEBAT PLATFORM. Further, all capitalized terms herein, unless otherwise noted, have the same definition ascribed to them in our Terms of Service.

- I. **INFORMATION WE COLLECT OR RECEIVE.** In the course of operating the Tunebat Platform, we will collect and/or receive the following types of information (collectively, “**User Information**”) and retain it indefinitely. You authorize us to collect and/or receive such information.
 - a. **Personal Information.** We only receive or collect information that identifies you personally if you choose to provide such personally identifiable information to us via email or other means. When you sign up to become a Registered User or contact us, you will be required to provide us with personal information about yourself (collectively, the “**Personal Information**”). Such Personal Information may include your name and e-mail address. We do not collect any Personal Information from you when you use the Tunebat Platform unless you provide us with the Personal Information voluntarily.
 - b. **Personal Preferences.** In order to use the Tunebat Platform, you may be required to provide us with information about your personal preferences or interests on audio/visual styles and categories (collectively, the “**Personal Preferences**”). These Personal Preferences will assist us in providing you with the most relevant and up-to-date Services.
 - c. **Geolocational Information.** Certain features and functionalities of the Tunebat Platform may be based on your location. In order to provide these features and functionalities while you are using your mobile device, we automatically collect geolocational information from your mobile device or wireless carrier and/or certain third-party service providers (collectively, “**Geolocational Information**”). Collection of such Geolocational Information occurs only when the Tunebat Platform is running on your device. You may decline to allow us to collect such Geolocational Information, in which case we will not be able to provide certain features or functionalities to you.
 - d. **Payment Information.** If you choose to make a purchase or subscribe to a feature or service ours that requires a fee, you will be required to provide our third-party vendors with your payment information, including, without limitation, bank account numbers, credit card or debit card numbers, account details, ACH information, and similar data (collectively, “**Payment Information**”). Such Payment Information will be collected and processed by our third-party payment vendors pursuant to the terms and conditions of

their privacy policies and terms of use, and we do not obtain access to any Payment Information in connection with such purchases or subscriptions.

- e. **Third-Party Analytics.** We and the third-party technology providers, ad exchanges, ad networks, advertisers, agencies, and ad servers with which we work use third-party analytics services to evaluate your use of the Tunebat Platform, compile reports on activity, collect demographic data, analyze performance metrics, and collect and evaluate other information relating to the Tunebat Platform and mobile and Internet usage. These include Google Analytics, Azure, Cloudflare, Primis, and Next Millennium. These third parties use cookies and other technologies to help analyze and provide us the data. You consent to the processing of data about you by these analytics providers in the manner and for the purposes set out in this Privacy Policy. If you are located within the European Union (EU) and your location is flagged as being in such location, the analytics services will not be initiated unless consented to, or when data collected is anonymized and not personally identifiable. Please be advised that if you opt out of any such service, you may not be able to use the full functionality of the Tunebat Platform.
- f. **Other Information.** In addition to the Personal Information, Personal Preferences, Geolocational Information, and Payment Information, we may automatically collect or receive additional information regarding you and your use of the Tunebat Platform; your interactions with us and our advertising; your interactions with other Registered Users; and information regarding your computer and mobile devices used to access the Tunebat Platform (collectively, the “**Other Information**”). Such Other Information may include:
 - i. **From You.** Additional information about yourself that you voluntarily provide to us, such as your gender and your product and service preferences. Additionally, certain functions and features our Services and the Tunebat Platform require us to collect images and other information from your device’s camera and photos.
 - ii. **From Your Activity.** We may collect or receive information regarding:
 1. IP address, which may consist of a static or dynamic IP address and will sometimes point to a specific identifiable computer or mobile device;
 2. browser type and language;
 3. referring and exit pages and URLs;
 4. date and time;
 5. details regarding your activity on the Tunebat Platform, such as search queries and other performance and usage data; and
 6. Whatever information you send through the Tunebat Platform of our Services, such as messages and chats to other Registered Users.
 - iii. **About Your Mobile Device.** We may collect or receive information regarding:
 1. type of mobile device;
 2. advertising identifier (“IDFA” or “AdID”);
 3. operating system and version (e.g., iOS, Android or Windows);
 4. carrier; and
 5. network type (WiFi, 3G, 4G, LTE).
 - iv. **From Cookies.** We may use both session cookies, which expire once you close the Tunebat Platform, and persistent cookies, which stay on your mobile device until you delete them and other technologies to help us collect data and to enhance

your experience with the Tunebat Platform. Cookies are small text files we can use to recognize a repeat visitor to the Tunebat Platform. If you do not want us to deploy cookies in the Tunebat Platform, you can opt out by setting your device to reject cookies. You can still use the Tunebat Platform if you choose to disable cookies, although your ability to use some of the features may be affected. We may use cookies for various purposes, including to:

1. recognize the type of mobile device;
2. personalize your experience;
3. analyze which portions of the Tunebat Platform are visited and used most frequently; and
4. measure and optimize advertising and promotional effectiveness.

II. INFORMATION COLLECTED BY OR THROUGH THIRD-PARTY ADVERTISING COMPANIES.

- a. We may share User Information with third parties for ad distribution and ad optimization (defined as the tailoring, targeting of ads). These third parties may use cookies, pixel tags (also called web beacons or clear gifs), and/or other technologies to collect Other Information for such purposes. Pixel tags enable us and these third-party advertising companies to recognize a browser's cookie when a browser visits the site on which the pixel tag is located in order to learn which advertisement brings a user to a given site. In addition, we may receive Other Information from advertisers and/or their service providers such as advertising identifiers, IP addresses, and post-conversion data.
- b. If you wish to opt out of third-party interest-based advertising, please visit <http://www.networkadvertising.org> and <http://www.aboutads.info/choices> for details on how to do so. Additionally, users of mobile Devices can follow the below instructions:
 - i. **Android Users.** For Android devices with OS 2.2 and up and Google Play Services version 4.0 and up: Open your Google Settings Tunebat Platform > Ads > Enable "Opt out of interest-based advertising."
 - ii. **iOS Users.**
 1. **iOS 7 or Higher:** Go to your Settings > Select Privacy > Select Advertising > Enable the "Limit Ad Tracking" setting.
 2. **iOS 6:** Go to your Settings > Select General > Select About > Select Advertising > Enable the "Limit Ads Tracking" setting.

III. HOW INFORMATION IS USED AND SHARED.

- a. You authorize us to use the Personal Information, Personal Preferences, Geolocational Information, Payment Information, and the Other Information (collectively, the "Information") to:
 - i. provide and improve the Tunebat Platform;
 - ii. provide our Services;
 - iii. administer our promotional programs;
 - iv. solicit your feedback; and
 - v. inform you about our products and Services.
- b. In order to provide our Services, provide the Tunebat Platform, and administer our promotional programs, we may share the Information with our third-party promotional

and marketing partners, including, without limitation, businesses participating in our various programs.

- c. In order to provide our Services and the Tunebat Platform, we may share the following information with other Registered Users:
 - i. information about you, such as your username and city of location;
 - ii. any additional information you have consented for us to share; and
 - iii. certain content you post or send through the Tunebat Platform.
- d. We engage third-party companies and individuals to perform functions on our behalf. Examples may include providing technical assistance, customer service, marketing assistance, and administration of promotional programs. These other companies will have access to the Information only as necessary to perform their functions and to the extent permitted by law.
- e. In an ongoing effort to better understand our users, the Tunebat Platform, and our products and Services, we may analyze certain Information in anonymized and aggregate form to operate, maintain, manage, and improve the Tunebat Platform and/or such products and services. This aggregate information does not identify you personally. We may share and/or license this aggregate data to our affiliates, agents, business and promotional partners, and other third parties. We may also disclose aggregated user statistics to describe the Tunebat Platform and these products and services to current and prospective business partners and investors and to other third parties for other lawful purposes.
- f. We may share some or all of your Information with any of our parent companies, subsidiaries, joint ventures, or other companies under common control with us.
- g. As we develop our businesses, we might sell or buy businesses or assets. In the event of a corporate sale, merger, reorganization, sale of assets, dissolution, or similar event, the Information may be part of the transferred assets.
- h. To the extent permitted by law, we may also disclose the Information:
 - i. when required by law, court order, or other government or law enforcement authority or regulatory agency; or
 - ii. whenever we believe that disclosing such Information is necessary or advisable, for example, to protect the rights, property, or safety of us or others, including you.
- i. Please keep in mind that Registered Users you send messages, chats, or any other Registered User Content to can always save that content or copy it outside the Tunebat Platform. So, the same common sense that applies to the internet at large applies to the Tunebat Platform as well: Don't send messages or share content that you wouldn't want someone to save or share.
- j. To request that we delete your Information, you may email us at help@tunebat.com with your request.

IV. ACCESSING AND MODIFYING INFORMATION AND COMMUNICATION PREFERENCES. If you have provided us any Personal Information or Personal Preferences, you may access, remove, review, and/or make changes to the same by accessing your Tunebat account and settings. In addition, you may manage your receipt of marketing and non-transactional communications by clicking on the "unsubscribe" link located on the bottom of any of our marketing e-mails. We will use commercially reasonable efforts to process such requests in a timely manner. You should be aware, however, that it is not always possible to completely remove or modify information in our subscription databases. You may not be able to opt out of receiving

transactional emails related to the Tunebat Platform (e.g., requests for support). We may also deliver notifications to your mobile device (e.g., push notifications). You can disable these notifications by deleting the relevant service or by changing the settings on your mobile device.

- V. HOW WE PROTECT YOUR INFORMATION.** We take commercially reasonable steps to protect the Information from loss, misuse, and unauthorized access, disclosure, alteration, or destruction. Please understand, however, that no security system is impenetrable. We cannot guarantee the security of our databases or the databases of the third parties with which we may share such Information, nor can we guarantee that the Information you supply will not be intercepted while being transmitted over the Internet. In particular, e-mail sent to us may not be secure, and you should therefore take special care in deciding what information you send to us via e-mail.
- VI. EXTERNAL WEBSITES.** The Tunebat Platform may contain links to third-party websites. We have no control over the privacy practices or the content of these websites. As such, we are not responsible for the content or the privacy policies of those third-party websites. You should check the applicable third-party privacy policy and terms of use when visiting any other websites.
- VII. CHILDREN.** The Tunebat Platform is not directed to children under the age of 13. We adhere to the Children’s Online Privacy Protection Act (COPPA) and will not knowingly collect User Information from any child under the age of 13. We ask that minors (under the age of 13) not use the Tunebat Platform. If a child under the age of 13 has provided us with User Information, a parent or guardian of that child may contact us and request that such information be deleted from our records.
- VIII. CHANGES TO THIS PRIVACY POLICY.** This Privacy Policy is effective as of the date stated at the top of this Privacy Policy. We may change this Privacy Policy from time to time. Any such changes will be posted on the Tunebat Platform and we will notify you of such changes within a reasonable time prior to their effectiveness. By accessing, installing, or in any way using the Tunebat Platform after we make any such changes to this Privacy Policy, you are deemed to have accepted such changes. Please be aware that, to the extent permitted by applicable law, our use of the Information is governed by the Privacy Policy in effect at the time we collect the Information. Please refer back to this Privacy Policy on a regular basis.
- IX. HOW TO CONTACT US.** If you have questions about this Privacy Policy, please e-mail us at help@tunebat.com.