

# Encore Music Technologies, Inc.

## Privacy Policy

**EFFECTIVE DATE:** January 20, 2021

### 1. INTRODUCTION

Encore (also referred to as “our,” “us,” or “we”) is dedicated to protecting the privacy rights of its users. This Privacy Policy is designed to clearly inform you of the policies that govern how we collect, store, use, and disclose your personal information. The Privacy Policy applies to the personal information you provide to us in your use of: (1) our applications for mobile devices; (2) our web applications accessible on third party social networking services such as Facebook (“SNS”); and (3) our website(s) (collectively, “Sites”). Our mobile and web applications and Sites are collectively referred to herein as the “Service.”

This Privacy Policy describes:

- What information we collect and why we collect it
- How we use information
- Who we share information with
- Your Choices - how to access, update or remove your information

By accepting our Privacy Policy and Terms of Service in registration or installation, or by otherwise accessing or using the Service, you consent to our collection, storage, use, and disclosure of your personal information as outlined in this Privacy Policy.

If you do not agree to this Privacy Policy and the applicable User Agreement, please exit, and do not access or use the Service.

### 2. INFORMATION WE COLLECT

#### **Information About You Received From an SNS**

When you use any Encore application on an SNS such as Facebook, you allow Encore to access certain information from your profile for that site. The information you allow Encore to access varies by application and SNS, and it is affected by the privacy settings you establish at the SNS.

You can modify and learn more about these settings at the SNS on which you access the Service. For example, Encore may access and store some or all of the following information, as allowed by you, the SNS, and your preferences:

- your first and last name, profile picture or its URL, the login e-mail you provided to that SNS during registration, your physical location and that of your access devices, your

gender, your birthday, your user ID number (which is linked to publicly available information such as name and profile photo), the user ID numbers of your friends who are also connected to our application(s)

By using an Encore application through an SNS, you are authorizing Encore to collect, store, and use in accordance with this Privacy Policy any and all information that you agreed the SNS could provide to Encore through the SNS Application Programming Interface ("API").

Your agreement takes place when you accept or allow one of our applications to access this information on an SNS.

### **Registration Information**

We offer a direct registration process that may require you to provide an e-mail address, username, password, and other information to help us confirm your identity when accessing your account.

We may also offer you the option to create a user profile that is visible to other users of the Service. Your user profile may include: one or more username(s), your gender, biographic details that you provide, links to your profiles on various social media platforms, and a user ID number that is created by Encore and used to identify your profile.

### **Information We Receive or Collect When You Access the Service on a Mobile Device**

When you use the Service on your mobile telephone or other mobile device, in addition to the information described above, you are authorize us to collect the following information (as applicable):

- unique mobile device identifier (UDID), IP Address, device name, device type, telephone number, and any other information you choose to provide, such as username or e-mail address.

We may occasionally email you with offers, promotions, and/or information of interest.

### **Payment Information**

Encore does not process any in-app purchases. Instead, in-app purchases are purchased from and billed by Apple and Google. Any in-app purchases are subject to the terms and conditions of Apple and Google. Encore may collect the billing and payment information, including purchase amounts, emails, and names, that you provide when your purchase is processed by another party, such as Google or Apple. Our Terms of Service explain our policies and terms relevant to our charges and billing practices.

### **Customer Support Correspondence**

When you contact us in connection with customer service or support, we will collect and store the contact information you provide (generally your name and e-mail address), information about your activity on the Service, and your user ID number. We will also store the correspondence and any information contained within.

### **Technical and Usage Information**

When you use the Service, we collect and store certain technical information about your mobile device or computer system such as:

- IP Address, mobile device ID, and usage statistics about your interactions with the Service.

This information is typically collected through the use of server log files or web log files, mobile device software development kits, and tracking technologies like browser cookies to collect and analyze certain types of technical information. Some of the cookies the Service places on your computer are linked to your user ID number(s).

We may also share aggregated and/or anonymized information from the messages you send to users, Encore, and artists through the service.

### **3. HOW WE COLLECT INFORMATION**

When you access the Service, we collect and store information that you actively provide directly to us or through an SNS. In order to better understand how users experience our products, we also automatically collect and store certain technical information about your usage of the Service. We may collect this information using the following means:

#### **Cookies**

Cookies are small data files that are transferred from web servers onto your computer's hard drive. They are used to quickly identify a user's computer and to track general information about his or her use of the Service, such as username, pages viewed, and time spent on each page. We may use cookies to gather non-personal information about your browser activities for statistical and market research purposes.

#### **Log Files**

When you use the Service, we collect information about your interaction with other users and the Service. This data is stored in log files, which are files on our web servers that record actions taken on our applications and web sites. These log files store data such as:

- your computer or mobile device's IP Address, browser type, browser language, Internet service provider, date/time stamp, and user activity.

We use this server log data to analyze trends, administer the Service, provide product and service improvements, and in marketing and advertising services.

Although we would like to honor browsers set with a “Do Not Track” signal, the Service does not currently respond to a DNT or similar signal as it awaits the result of efforts by the policy and legal community to determine the meaning of DNT and the proper way to respond.

#### **4. HOW WE USE THE INFORMATION WE COLLECT**

We use the information we collect to better understand the needs and wants of our customers and to continually improve the experience of using the Service. We may use information collected from you for many purposes, including, but not limited to:

- to allow users to create an account to use our products and services
- to enable and facilitate user-to-user communications
- to provide customer support and address user inquiries
- for market research purposes
- to prevent fraud or potentially illegal activities
- to enforce our Terms of Service
- to notify users of updates
- to solicit input and feedback to improve the Service
- to personalize the user experience
- to inform users about new products or promotional offers
- to allow artists and their managers to connect with their fans

#### **5. SHARING OF YOUR INFORMATION**

We will share your information (in some cases, personal information) with third parties, that is, parties other than Encore, in the following circumstances:

##### **Third Party Partners and Service Providers**

We generally do not sell or trade any personal information about our users to any third parties. We will, however, provide your information to third party companies as necessary to perform services on our behalf, including payment processing, data analysis, e-mail delivery, hosting services, artist/fan connections and customer service. We direct all such third party partners and service providers to protect the confidentiality of the information we disclose to them and to not use your information for any purposes other than those stated by us when we disclosed that information to them.

##### **Advertisers**

We use your information to show you customized advertising on the Services and on third-party websites and services.

We allow third parties such as advertising networks and advertising service providers to use your information to display advertisements on our Services and elsewhere online across different websites and services tailored to your interests. You can prevent the sharing of your information.

You can control and opt-out of having your information shared with third parties. However, opting-out of information sharing may affect your ability to use the Service. If you would like to opt-out, please see section 'Your Privacy Choices' below.

### **Friends and Other Users of the Service**

The Service supports various forms of interaction between users. While using the Encore mobile application, friends and other users will be able to see your user profile, which may include your username and other information voluntarily provided by you. Access to your SNS User ID may allow others to view the public information associated with your related SNS or Encore account.

### **Business Transfers**

We may choose to buy or sell assets. In these types of transactions, customer information is typically one of the business assets that is transferred. Also, if we (or substantially all of our assets) are acquired, or if we go out of business or enter bankruptcy, Personal Information would be one of the assets transferred to or acquired by a third party.

### **Safety, Security, and Legally Required Disclosures**

Your information and any communications you make within the Service (including without limitation IP Addresses, personal payment information, and messages through the mobile application, website, or through an SNS messaging service) may be accessed and disclosed in the following cases: (1) when we have a good faith belief that there is an emergency that poses a threat to the safety or health of you or another person; (2) when we have a good faith belief that such action is necessary to comply with an applicable law or regulation or with a legal process served on us (such as a court order, search warrant, or subpoena); (3) when we have a good faith belief that such information is relevant to a crime that is being or has been committed in connection with the Service; and (4) when necessary to protect our rights or property, or to enforce our Terms of Service.

### **Performing Artists**

We may share the information you provide to us with performing artists using our platform (or their representatives), if you have watched one or more of such artist's performances, so that such artists, or their representatives, can include you on their fan list.

We may also provide artists aggregated and/or anonymized information from the messages you send through the service.

### **With Your Consent**

Except as set forth above, you will be notified when your personal information may be shared with third parties, and will be able to prevent the sharing of this information.

## **6. YOUR PRIVACY CHOICES**

### **Cookies**

You may disable cookies or limit the types of cookies you allow at any time through your web browser's settings, although this may prevent you from accessing or using certain features of the Service. Each web browser is different, please consult the instructions provided by your web browser.

### **Email & Push Notifications**

To opt out of emails from us, please follow the unsubscribe instructions contained in the relevant emails. Our applications may also deliver notifications to your phone. You can disable these notifications in your phone's settings or by deleting the relevant application.

### **Advertising**

You can opt-out of certain Behavioral Advertising although it is not possible to turn off all advertising. You can opt out of receiving interest-based ads from companies that participate in self-regulatory programs such as the Network Advertising Initiative (US) and the Digital Advertising Alliance (US), EDAA (EU), and DAAC (Canada) by following the instructions provided on their websites. If you are using a mobile app, you also may need to opt out of interest-based advertising on your mobile device or through the mobile application. For more information, check your device and mobile app settings. Please note that your opt-out choice will apply only to the browser and device you are using when you opt out.

### **Information Access, Rectification, Deletion and Portability**

You have certain rights with respect to your Personal Data, and we want to help you review and update your information to ensure it is accurate and up-to-date. We may limit or reject your request in certain cases, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, if it is not required by law, or if the burden or expense of providing access would be disproportionate to the risks to your privacy in the case in question. In some cases, we may also need you to provide us with additional information, which may include Personal Data, to verify your identity and the nature of your request. We will take reasonable steps to respond

to all requests within 30 days. If you would like to access, review, change, rectify, delete, copy or port your information, please email us at [privacy@clapforencore.com](mailto:privacy@clapforencore.com). You have the right to:

- Review the information we have stored about you.
- Rectify your information if you believe it is incorrect.
- Receive a copy of your information in an electronic format.
- Request that we transmit the data where technology is feasibly.
- Request that we delete all or some of your information. Your Encore account is considered active until we receive a user request to delete it. If you wish to prevent any further use of the information connected to your account, you may send us an email at [privacy@clapforencore.com](mailto:privacy@clapforencore.com) with the subject line, "Delete My Account," along with your username, email address, and password. By deleting all or some of this information, your account may be deactivated and you may lose some functionality.

### **Withdrawal of Consent**

You have the right to withdraw your consent at any time. If you withdraw your consent, we will stop processing your data immediately going forward. Please note that exercising your right may result in your account being deactivated or deleted. Please send us an email at [privacy@clapforencore.com](mailto:privacy@clapforencore.com) if you would like to withdraw your consent.

### **Data Processing**

You can ask us to stop processing your information. Please note that this request may result in your account being deactivated or deleted. Please send us an email at [privacy@clapforencore.com](mailto:privacy@clapforencore.com) if you would like us to stop processing your information.

### **SNS**

Once Encore receives your information from an SNS, that information is stored and used in accordance with this Privacy Policy. To manage the personal information we receive about you from an SNS, you may update the relevant information in your profile and change your privacy settings for that SNS. If you delete this information or deactivate your account on the SNS, your Encore account may lose some functionality.

However, we reserve the right to deny access to any user if there is any question about your identity or if doing so would compromise the legitimate rights of others. We may also retain an archived copy of your information in our files as required by law or for legitimate business purposes, including dispute resolution or to enforce our Terms of Service.

## **7. SECURITY OF YOUR INFORMATION**

We are committed to the protection of customer information. To this end, we employ reasonable security measures to protect the security of your information both online and

offline. Information associated with your Encore account is protected by the password each member uses to access their online account. It is important that you immediately notify us of any unauthorized use of your account. In addition to password protection, we encrypt your transmission of sensitive information to us (such as account passwords and payment information for purchasing virtual currency) using secure socket layer technology (“SSL”). Although we take reasonable precautions against possible security breaches of our Service, equipment, and records, we cannot guarantee that unauthorized access, hacking, data loss, or other breaches will never occur.

If you have questions about the security of our websites, please send us an email at [security@clapforencore.com](mailto:security@clapforencore.com).

Unfortunately, the transmission of information over the Internet is not completely secure. Although we strive to protect your personal data, we cannot guarantee the security of your data while it is being transmitted to our site; any transmission is at your own risk. Once we have received your information, we have procedures and security features in place to try to prevent unauthorized access.

## **8. OUR POLICIES REGARDING CHILDREN**

Our Service is not intended for children under the age of 13, and we do not knowingly collect any personal information from such children. Children under the age of 13 should not use any part of our Service at any time. If we become aware that we have inadvertently gathered personal information from children under the age of 13 without verification of parental consent, we will take reasonable measures to rectify the situation, including erasing such information from our records.

## **9. THIRD-PARTY DATA COLLECTION AND USE OF END-USER INFORMATION**

When you use or connect to an Encore website or download an Encore mobile application by or through a Third Party Platform you allow us to access and/or collect certain information from your Third Party Platform profile/account. You additionally allow us to access information contained in cookies placed on your device by the Third Party Platform as permitted by the terms of your agreement and privacy settings with the Third Party Platform. We may share this information with the Third Party Platform for their use as permitted by the terms of your agreement and privacy settings with the Third Party Platform.

We will share some of the information we collect from you with vendors and other service providers who work with us to support the internal operations of our website and/or mobile application. For example, we use a third-party service for ad tracking and to help us prepare website and mobile application analytics.

Our third-party ad tracking and analytics company never sends emails, notifications, or other communications to our end users. If you would like to opt out of third-party ad tracking and

analytics, please see section 'Your Privacy Choices' above. Your choice to opt out of ad tracking and analytics services does not limit our ability to email you or collect other information from you for other vendors, subject to the terms of this privacy policy.

## **10. CHANGES TO THIS PRIVACY POLICY**

We reserve the right to modify the terms of this Privacy Policy at any time. If we make material changes to the Privacy Policy, we will post those changes in our Service or on applicable web sites. We may also send an email to the address you provided with your account.

You should periodically check this Privacy Policy for updates. By continuing to access or use the Service after we have posted an updated Privacy Policy and made reasonable efforts to notify our users, you are agreeing to be bound by the modified Privacy Policy. If you do not agree with the modified Privacy Policy, your only recourse is to stop using the Service.

## **11. STORAGE, PROCESSING, & INTERNATIONAL DATA TRANSFERRING**

Your information collected through the Service may be stored and processed in the United States or any other country in which we or our subsidiaries, affiliates or service providers maintain facilities. We may transfer information that we collect about you, including personal information, to affiliated entities, or to other third parties across borders and from your country or jurisdiction to other countries or jurisdictions around the world. If you are located in the European Union or other regions with laws governing data collection and use that may differ from U.S. law, please note that we may transfer information, including personal information, to a country and jurisdiction that does not have the same data protection laws as your jurisdiction, and you consent to the transfer of information to the U.S. or any other country in which we or our parent, subsidiaries, affiliates or service providers maintain facilities and the use and disclosure of information about you as described in this Privacy Policy.

## **12. LINKS TO OTHER WEBSITES**

We are not responsible for the practices employed by websites or services linked to or from the Service, including the information or content contained therein. Please remember that when you use a link to go from the Service to another website, our Privacy Policy does not apply to third-party websites or services. Your browsing and interaction on any third-party website or service, including those that have a link or advertisement on our website, are subject to that third party's own rules and policies. We encourage you to familiarize yourself with the privacy statements of all websites that you visit and interact with.

## **13. CALIFORNIA PRIVACY RIGHTS**

If you are a California resident, you may request and obtain from us once a year, free of charge, certain information about the personal information, if any, we disclosed to third parties for direct marketing purposes in the preceding calendar year. If applicable, this information would

include a list of the categories of personal information that was shared and the names and addresses of all third parties with which we shared information in the immediately preceding calendar year. If you are a California resident and would like to make such a request, please submit your request in writing to [privacy@clapforencore.com](mailto:privacy@clapforencore.com).

#### **14. EUROPEAN PRIVACY RIGHTS**

If you reside in the European Economic Area, you may have the right to exercise certain privacy rights available to you under applicable laws. We will process your request in accordance with applicable data protection laws. We may need to retain certain information for record-keeping purposes or to complete transactions that you began prior to requesting any deletion.

- Right not to provide consent or to withdraw consent. We may seek to rely on your consent in order to process certain personal data. Where we do so, you have the right not to provide your consent or to withdraw your consent at any time. This does not affect the lawfulness of the processing based on consent before its withdrawal.
- Right of access and/or portability. You may have the right to access the personal data that we hold about you and, in some limited circumstances, have that data provided to you so that you can provide or “port” that data to another provider.
- Right of erasure. In certain circumstances, you may have the right to the erasure of personal data that we hold about you (for example if it is no longer necessary for the purposes for which it was originally collected).
- Right to object to processing. You may have the right to request that we stop processing your personal data and/or to stop sending you marketing communications.
- Right to rectification. You may have the right to require us to correct any inaccurate or incomplete personal information.
- Right to restrict processing. You may have the right to request that we restrict processing of your personal data in certain circumstances (for example, where you believe that the personal data we hold about you is not accurate or lawfully held).
- Right to lodge a complaint to your local Data Protection Authority. If you are an EEA resident, you have the right to complain to a data protection authority about our collection and use of your personal data.

#### **14. CONTACT US**

If you have any questions, comments, or concerns regarding our Privacy Policy and/or practices, please contact us at: [privacy@clapforencore.com](mailto:privacy@clapforencore.com).