

# PRIVACY POLICY

Effective as of 5/29/2019

This “**Privacy Policy**” describes the privacy practices of eyecandylab Corp. and our subsidiaries and affiliates (collectively, “**eyecandylab**”, “**we**”, “**us**”, or “**our**”) in connection with the www.augmen.tv website and any other website or mobile application that we own or control and which posts or links to this Privacy Policy, the augmen.tv Platform and the Developer SDK (collectively, the “**Service**”), and the rights and choices available to individuals with respect to their information. eyecandylab may provide additional or supplemental privacy policies to individuals for specific products or services that we offer at the time we collect personal information. These supplemental privacy policies will govern how we may process the information in the context of the specific product or service.

We provide important information for individuals located in the European Union, European Economic Area, and United Kingdom (collectively, “**Europe**” or “**European**”) [below](#).

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## Personal Information We Collect

**Information you provide to us.** Personal information you provide to us through the Service or otherwise includes:

- **Business and personal contact information**, such as your first and last name, email and mailing addresses, phone number, professional title and company name.
- **Content you choose to upload to the Service**, such as augmented reality content and pre-recorded or streaming audiovisual content or simulation, along with the metadata associated with the content you upload.
- **Account information**, such as your username, password, company name and first and last name that you may set to establish your account with us.
- **Feedback or correspondence**, such as information you provide when you contact us with questions, feedback, or otherwise correspond with us online.
- **Financial information**, such as your payment card information and billing address.
- **Transaction information**, such as information about payments to and from you and other details of products or services you have purchased from us.
- **Usage information**, such as information about how you use the Service and interact with us, including information associated with any content you upload to the Service or otherwise submit to us, and information you provide when you use any interactive features of the Service.
- **Marketing information**, such as your preferences for receiving communications about our activities, events, and publications, and details about how you engage with our communications
- **Other information** that we may collect which is not specifically listed here, but which we will use in accordance with this Privacy Policy or as otherwise disclosed at the time of collection.

## Cookies and Other Information Collected by Automated Means

We, our service providers, and our business partners may automatically log information about you, your computer or mobile device, and activity occurring on or through the Service. The information that may be collected automatically includes your computer or mobile device operating system type and version number, manufacturer and model, device identifier (such as the Google Advertising ID or Apple ID for Advertising), browser type, screen resolution, IP address, general location information such as city, state or geographic area; and information about your use of and actions

on the Service, such as pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and length of access. Our service providers and business partners may collect this type of information over time and across third-party websites and mobile applications.

On our webpages, this information is collected using cookies, browser web storage (also known as locally stored objects, or “LSOs”), Flash-based LSOs (also known as “Flash cookies”), web beacons, and similar technologies, and our emails may also contain web beacons.

See our [Cookie Policy](#) for more information.

## Referrals

Users of the Service may have the opportunity to refer friends or other contacts to us. If you are an existing user, you may only submit a referral if you have permission to provide the referral’s contact information to us so that we may contact them.

## How We Use Your Personal Information

We use your personal information for the following purposes and as otherwise described in this Privacy Policy or at the time of collection:

**To operate the Service.** We use your personal information to:

- provide, operate and improve the Service
- provide information about our products and services
- establish and maintain your user account on the Service
- enable security features of the Service, such as by sending you security codes via email or SMS, and remembering devices from which you have previously logged in
- communicate with you about the Service, including by sending you announcements, updates, security alerts, and support and administrative messages
- understand your needs and interests, and personalize your experience with the Service and our communications
- provide support and maintenance for the Service
- to respond to your requests, questions and feedback

**For research and development.** We analyze your use of the Service to improve the Service and to develop new products and services, including by studying user demographics and use of the Service.

**To send you marketing and promotional communications.** We may send you eyecandylab-related marketing communications as permitted by law. You will have the ability to opt-out of our marketing and promotional communications as described in the [Opt out of marketing](#) section below.

**To comply with law.** We use your personal information as we believe necessary or appropriate to comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

**For compliance, fraud prevention, and safety.** We may use your personal information and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) protect our, your or others’ rights, privacy, safety or property (including by making and defending legal claims); (b) enforce the terms and conditions that govern the Service; and (c) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

**With your consent.** In some cases we may specifically ask for your consent to collect, use or share your personal information, such as when required by law.

**To create anonymous, aggregated or de-identified data.** We may create anonymous, aggregated or de-identified data from your personal information and other individuals whose personal information we collect. We make personal information into anonymous, aggregated or de-identified data by removing or not utilizing information that makes the data personally identifiable to you. We may use this anonymous, aggregated or de-identified data and share it with third parties for our lawful business purposes, including to analyze and improve the Service and promote our business.

## How We Share your Personal Information

We do not share your personal information with third parties without your consent, except in the following circumstances or as described in this Privacy Policy:

**Affiliates.** We may share your personal information with our corporate parent, subsidiaries, and affiliates, for purposes consistent with this Privacy Policy.

**Service providers.** We may share your personal information with third party companies and individuals that provide services on our behalf or help us operate the Service (such as customer support, hosting, analytics, email delivery, customer relationship management, marketing, and database management services). These third parties may use your personal information only as directed or authorized by us and in a manner consistent with this Privacy Policy, and are prohibited from using or disclosing your information for any other purpose.

**Third-party platforms.** If you have enabled features or functionality that connect the Service to a third-party platform (such as by providing your API key or similar access token for the Service to a third-party, or otherwise linking your account with the Service to a third-party’s services), we may disclose the personal information that you authorized us to share. We do not control the third party’s use of your personal information.

**Professional advisors.** We may disclose your personal information to professional advisors, such as lawyers, bankers, auditors and insurers, where necessary in the course of the professional services that they render to us.

**For compliance, fraud prevention and safety.** We may share your personal information for the compliance, fraud prevention and safety purposes [described above](#).

**Business transfers.** We may sell, transfer or otherwise share some or all of our business or assets, including your personal information, in connection with a business transaction (or potential business transaction) such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.

## Your Choices

In this section, we describe the rights and choices available to all users. Users who are located within European can find additional information about their rights [below](#).

**Opt out of marketing communications.** You may opt out of marketing-related emails by following the opt-out or unsubscribe instructions at the bottom of the email or by contacting us at [operations@eyecandy.com](mailto:operations@eyecandy.com). You may continue to receive service-related and other non-marketing emails.

**Cookies & Browser Web Storage.** We may allow service providers and other third parties to use cookies and similar technologies to track your browsing activity over time and across the Service and third party websites. For more details, see our [Cookie Policy](#).

**Targeted online advertising.** Some of the business partners that collect information about users' activities on or through the Service may be members of organizations or programs that provide choices to individuals regarding the use of their browsing behavior or mobile application usage for purposes of targeted advertising.

Users may opt out of receiving targeted advertising on websites through members of the Network Advertising Initiative by clicking [here](#) or the Digital Advertising Alliance by clicking [here](#). European users may opt out of receiving targeted advertising on websites through members of the European Interactive Digital Advertising Alliance by clicking [here](#), selecting the user's country, and then clicking "Choices" (or similarly titled link). Please note that we also may work with companies that offer their own opt-out mechanisms and may not participate in the opt-out mechanisms that we linked above.

In addition, your mobile device settings may provide functionality to limit our, or our partners', ability to engage in ad tracking or targeted advertising using the Google Advertising ID or Apple ID for Advertising associated with your mobile device.

If you choose to opt-out of targeted advertisements, you will still see advertisements online but they may not be relevant to you. Even if you do choose to opt out, not all companies that serve online behavioral advertising are included in this list, so you may still receive some cookies and tailored advertisements from companies that are not listed.

**Do Not Track.** Some Internet browsers may be configured to send "Do Not Track" signals to the online services that you visit. We currently do not respond to "Do Not Track" or similar signals. To find out more about "Do Not Track," please visit <http://www.allaboutdnt.com>.

**Choosing not to share your personal information.** Where we are required by law to collect your personal information, or where we need your personal information in order to provide the Service to you, if you do not provide this information when requested (or you later ask to delete it), we may not be able to provide you with our services. We will tell you what information you must provide to receive the Service by designating it as required at the time of collection or through other appropriate means.

## Other sites, mobile applications and services

*The Service may contain links to other websites, mobile applications, and other online services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our content may be included on web pages or in mobile applications or online services that are not associated with us. We do not control third party websites, mobile applications or online services, and we are not responsible for their actions. Other websites and services follow different rules regarding the collection, use and sharing of your personal information. We encourage you to read the privacy policies of the other websites and mobile applications and online services you use.*

## Security practices

*The security of your personal information is important to us. We employ a number of organizational, technical and physical safeguards designed to protect the personal information we collect. However, security risk is inherent in all internet and information technologies and we cannot guarantee the security of your personal information.*

## International data transfers

*We are headquartered in the United States and have service providers in other countries, and your personal information may be transferred to the United States or other locations outside of your state, province, or country where privacy laws may not be as protective as those in your state, province, or country.*

European Union users should read the important information provided [below](#) about transfer of personal information outside of the European Union.

## Children

The Service is not directed to, and we do not knowingly collect personal information from, anyone under the age of 18. If a parent or guardian becomes aware that his or her child has provided us with information without their consent, he or she should contact us. We will delete such information from our files as soon as reasonably practicable. We encourage parents with concerns to contact us.

## Changes to this Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the Service. We may, and if required by law will, also provide notification of changes in another way that we believe is reasonably likely to reach you, such as via e-mail (if you have an account where we have your contact information) or another manner through the Service.

Any modifications to this Privacy Policy will be effective upon our posting the new terms and/or upon implementation of the new changes on the Service (or as otherwise indicated at the time of posting). In all cases, your continued use of the Service after the posting of any modified Privacy Policy indicates your acceptance of the terms of the modified Privacy Policy.

## How to Contact Us

Please direct any questions or comments about this Policy or privacy practices to [operations@eyecandy.com](mailto:operations@eyecandy.com). You may also write to us via postal mail at:

eyecandy.com Corp.  
Attn: Legal – Privacy  
925 N La Brea Ave, #4<sup>th</sup> floor  
Los Angeles, CA 90038

## Notice to European Users

**Personal information.** References to “personal information” in this Privacy Policy are equivalent to “personal data” governed by European data protection legislation.

**Controller.** eyecandy.com Corp. is the controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation.

**Legal bases for processing.** We use your personal information only as permitted by law. Our legal bases for processing the personal information described in this Privacy Policy are described in the table below.

Processing purpose (click link for details)	Legal basis
<i>Details regarding each processing purpose listed below are provided in the section above titled “How we use your personal information”.</i>	
<b>To operate the Service</b>	Processing is necessary to perform the contract governing our provision of the Service or to take steps that you request prior to signing up for the Service. If we have not entered into a contract with you, we process your personal information based on our legitimate interest in providing the Service you access and request.
<ul style="list-style-type: none"><li>• <b>For research and development</b></li><li>• <b>To send you marketing and promotional communications</b></li><li>• <b>For compliance, fraud prevention and safety</b></li><li>• <b>To create anonymous data</b></li></ul>	These activities constitute our legitimate interests. We do not use your personal information for these activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
<b>To comply with law</b>	Processing is necessary to comply with our legal obligations.
<b>With your consent</b>	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the Service.

**Use for new purposes.** We may use your personal information for reasons not described in this Privacy Policy where permitted by law and the reason is compatible with the purpose for which we collected it. If we need to use your personal information for an unrelated purpose, we will notify you and explain the applicable legal basis.

**Sensitive personal information.** We ask that you not provide us with any sensitive personal information (e.g., information related to racial or ethnic origin, political opinions, religion or other beliefs, health, biometrics or genetic characteristics, criminal background or trade union membership) on or through the Service, or otherwise to us. If you provide us with any sensitive personal information to us when you use the Service, you must consent to our processing and use of such sensitive personal information in accordance with this Privacy Policy. If you do not

consent to our processing and use of such sensitive personal information, you must not submit such sensitive personal information through our Service.

### Retention

We retain personal information for as long as necessary to fulfill the purposes for which we collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, to establish or defend legal claims, or for fraud prevention purposes.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorized use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

When we no longer require the personal information we have collected about you, we will either delete or anonymize it or, if this is not possible (for example, because your personal information has been stored in backup archives), then we will securely store your personal information and isolate it from any further processing until deletion is possible. If we anonymize your personal information (so that it can no longer be associated with you), we may use this information indefinitely without further notice to you.

### Your rights

European data protection laws give you certain rights regarding your personal information. If you are located within the European Union, you may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to [operations@eyecandy.com](mailto:operations@eyecandy.com) or our postal address provided [above](#). We may request specific information from you to help us confirm your identity and process your request. Applicable law may require or permit us to decline your request. If we decline your request, we will tell you why, subject to legal restrictions. If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may [contact us](#) or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

### Cross-Border Data Transfer

If we transfer your personal information from Europe to a country not deemed by the European Commission to provide an adequate level of personal information protection, the transfer will be performed:

- Pursuant to the recipient's compliance with standard contractual clauses, EU-US Privacy Shield (or Swiss-US Privacy Shield, as applicable), or Binding Corporate Rules;
- Pursuant to the consent of the individual to whom the personal information pertains; or
- As otherwise permitted by applicable European requirements.

You may contact us if you want further information on the specific mechanism used by us when transferring your personal information out of Europe.

