

XUMO PRIVACY POLICY



Updated: [May 1, 2019]

XUMO, LLC (“XUMO,” “we,” “us,” “our”), offers a streaming television service that you can watch on the web, through a mobile app, or through your smart TV, such as when our service is integrated into your TV or is an app on your TV or other streaming device. We refer to our television service, features, widgets, plug-ins, applications, content, downloads and/or other services as the “Services” in this Privacy Policy.

This Privacy Policy is designed to tell you what personal information XUMO collects, how we use, store and share it, and your rights and choices concerning the information we collect from you. This Privacy Policy applies to all personal information that we collect related to the Services that link to this Privacy Policy, whether you are accessing or using our Services directly, or you are otherwise interacting with us, such as by contacting user support.

In addition to this Privacy Policy, please review the Service’s [Terms of Service](#), which governs your use of the Service, and includes among other things limits on our liability and your remedies, mandatory arbitration, and waiver of jury trial and class actions. By using our Service, you agree to our Terms of Service (which grants us rights from you, limits our liability to you and limits your remedies) and consent to our collection, use and sharing of your information and data, and other activities, as described below.

We will change this Privacy Policy from time to time. When we make changes, we will revise the date at the top of the policy and, in some cases, will notify you through the Services, such as via our homepage, email, or other communication.

Personal Information We Collect

In this section, we explain what personal information we collect about you and how we collect it.

Information You Provide

You can use most of our Services without actively submitting any information about yourself, but you may choose to provide us with personal information through the Services, and when you do this, we will collect the personal information you provide. In particular:

- If you provide your phone number to download our app, we will collect your phone number
- If you desire localized content, we will collect your postal code
- If you contact us about opportunities to partner with XUMO, we will collect your name and contact information

- If you contact us through user support, we will collect your email address, mailing address, phone number, and any other information you provide
- If you sign up for our mailing lists, we will collect your email address



Information About Your Use of the Services

We collect information about your use of the Services, such as the time of your visit and the content you view. For example, we track what channels and content individual users view and how long a user watches those channels and content.

We also receive and collect technical information about your device and software, as applicable, including the type of device, operating system and version, network information, IP address (a unique number used to identify a device on the internet), mobile device advertising identifier (a resettable identifier that is assigned to your mobile device by your operating system provider, such as Apple or Google), connected TV application device identifier (such as your Roku advertising identifier), connected TV identifier, the page you visited before visiting our website, and crash data.

We may use cookies, which are small text files that help store user preferences and activity, and similar technologies such as web beacons, pixels, and ad tags to recognize you when you visit our Services, and to collect information such as the number of visits, which features or pages are popular, measurements about an advertising campaign's success, and other information about your browsing activities. We may also use recognition technologies, including application of statistical probability to data sets, which attempt to recognize or make assumptions about users and devices (e.g., that a user of multiple devices in the same user).

Information from Third Parties

In some jurisdictions, we may collect information about your device or household from third parties. We will use this information to customize the content and advertisements that are shown to you.

Advertising and Analytics Services Provided By Others

We may allow others to provide analytics services and serve advertisements in our Services and across the web and in mobile applications. These entities may use cookies, web beacons, device identifiers and other technologies to collect information about your use of the Services and other websites and applications, including your IP address, web browser, mobile network information, pages viewed, time spent on pages or in apps, links clicked, and conversion information. This information may be used by XUMO and others to, among other things, analyze and track data, determine the popularity of certain content, deliver advertising and content targeted to your interests on our Services and other websites,

and better understand your online activity. For more information about interest-based ads, or to opt out of having your web browsing information used for behavioral advertising purposes, please visit www.aboutads.info/choices. Your mobile device may also include a feature (“Limit Ad Tracking” on iOS or “Opt Out of Interest-Based Ads” on Android) that allows you to opt out of having certain information collected through mobile apps used for behavioral advertising purposes. Finally, your connected TV or streaming device may offer you the ability to opt out of using information about your viewing information for purposes of showing ads that are targeted to your interests. You should check with the manufacturer of your device for more information.



The Services interact with Nielsen’s proprietary measurement, which will allow you to contribute to market research. By clicking on <http://www.nielsen.com/digitalprivacy>, users can access more information about the measurement software and learn about their choices with regard to Nielsen’s measurement.

Use of Information

We use the personal information we collect to analyze traffic and user activities on our Services, identify popular areas or features, and optimize and personalize the Services. This includes linking information gathered across through various methods to provide you with a consistent experience on our Services. For example, we may suggest content or titles that may be of interest, organize your guide to show the most relevant channels or titles, and customize notifications or advertisements or other marketing communications on our Services or third-party sites and services.

We may also use the information we collect for the following purposes:

- Respond to customer service requests
- Provide, maintain, and improve our Services, as well as to develop new content and features
- Protect the rights and property of XUMO and others, including to detect, investigate, and prevent fraud and other illegal activities and to enforce our agreements
- For marketing and advertising

Disclosure of Your Personal Information

We will not disclose your personal information to any unrelated third parties unless we have your consent to do so, with the exceptions we mention here:

- With service providers who provide services to us under a contract and are required to keep the personal information confidential
- If reasonably necessary to comply with a law, regulation, or compulsory process (for example, to respond to a subpoena)

- If we conclude your actions violate our user agreements or policies, or to protect the rights, property or safety of XUMO or others
- In connection with a merger, sale of company assets, financing or acquisition of all or a portion of our business, provided that the receiving party agrees to protect personal information in accordance with the commitments of this policy and applicable law
- With our parent, subsidiaries and affiliates
- As noted above, we share personal information that does not directly identify you but that identifies your device, such as cookie identifiers, device identifiers, and IP addresses, through third-party cookies and similar technologies on our Services, to enable those third parties to provide us with analytics and advertising services.



We may share information that cannot be linked back to you or your device (such as aggregated data), which is not considered personal information under this Policy, with third parties.

Data Storage

We store the personal information we collect for as long as is necessary for the purpose(s) for which we originally collected it. We may also retain personal information as required by law.

Individuals in the EEA and Switzerland

Legal Basis for Processing

If you are in the European Economic Area, the United Kingdom, or Switzerland, we will only collect, store, or otherwise process your personal information in the following situations:

- When we have your consent to do so. For example, if you opt in to receive promotional emails. You can withdraw your consent at any time as described below or directly through the Services.
- We need to use your personal information to perform our responsibilities under our contract with you (e.g., providing the products or services you have requested).
- We have a legitimate interest in processing your personal information. For example, we may process your personal information to communicate with you about our Services; and to provide, secure, and improve our Services.
- We are required by law to process the information.

Your Rights and Choices

If you are in the EEA, the United Kingdom, or Switzerland, you have the right to access the personal information we hold about you and to ask us to correct, erase, or, in some situations, transfer it to another provider. You may also have the right to withdraw your consent to processing, object to, or request that

we limit or restrict certain processing of your personal information as described in the “Choices” section below. You may exercise these rights by using the controls discussed below or by contacting us at privacy@xumo.com with the subject line “Privacy Rights.” When necessary to identify you, we will request that you give proof of your identity or require more information from you that is necessary to handle your request.



Data Transfers

We and our service providers transfer your personal information to, or store or access it in, other countries where the laws may not provide levels of protection for your personal information that are equivalent to the protection provided by the laws of your home country. When we do this, we take steps to ensure that your personal information receives an appropriate level of protection through contractual requirements imposed on the recipient of the information.

Children’s Privacy

We do not knowingly collect personal information from children under the age of thirteen (13). If you are a parent or guardian and you believe that your child under the age of thirteen (13) has provided us with personal information without COPPA-required consent, please contact us at the email address listed in the Contact Us section below.

Choices

Promotional Emails

You can opt out of receiving promotional emails by following the instructions in those messages. If you opt out of receiving promotional emails from us, we may still send you non-promotional emails.

Mobile Push Notifications

When you consent, we may send promotional and non-promotional push notifications or alerts to your mobile device. You can deactivate these messages at any time by changing the notification settings on your mobile device.

Cookies and Similar Technologies

Most web browsers are set to accept cookies by default. If you prefer, you can usually choose to set your browser to remove or reject browser cookies.

Questions or complaints



If you have a question about our Privacy Policy, data practices or the choices available to you, please contact us using the information below. If we are not able to address your concern and you are a resident of the EEA, you have the right to lodge a complaint with the Data Protection Authority where you live, work, or where the issue took place. For contact details of your local Data Protection Authority, please see http://ec.europa.eu/justice/data-protection/article-29/structure/data-protection-authorities/index_en.htm.

Contact Us

If you have any questions or concerns regarding our privacy policies, please send a detailed message to our support team, and we will try to resolve your concerns, or you may contact our Privacy Officer at privacy@xumo.com or via mail at XUMO, 4 Park Plaza, Suite 1500, Irvine, CA 92614 (Attn: Legal Department).