



Privacy Policy

Last Updated Date: December 31, 2019

To view our full Privacy Policy online, [click here](#). To view our full Terms of Service [click here](#). To receive copies of all three documents, e-mail privacy@xumo.com. To review the full Privacy Policy, keep reading.

If you are a California resident, please be sure to review the section "[Additional Information for California Residents](#)" below for important information, as required by California privacy laws, about the categories of personal information we collect and disclose and your rights under California privacy laws.

Introduction and Overview

XUMO, LLC (“XUMO” or “we,” “our” or “us”) 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, 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.



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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.

1. Personal Information We Collect

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

i. 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 desire localized content, we will collect your postal code
- If you contact us about opportunities to partner with XUMO, we will collect information about you through our contact form, including your full name and email address. We may also collect information you choose to provide to us in connection with such inquiry.
- If you contact us through our user support channels, we will collect information about you including your full name, email address, and – optionally – information about your streaming device. We may also collect additional contact information, such as your mailing address, phone number, or any other information you provide to us.
- If you sign up for our mailing lists, we will collect your email address.

ii. Information About Your Use of the Services

We automatically 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



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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).

iii. 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.

2. Advertising and Analytics Services Provided By Others



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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 <http://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.

3. 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



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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

4. 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



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- 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.

5. 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.

6. Individuals in the EEA and Switzerland

(a) 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:



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- 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.

(b) 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.

7. 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.



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8. 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.

9. Choices

(a) 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.

(b) 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.

(c) 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.

10. Questions or Complaints



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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.

11. Additional Information for California Residents

In this section, we provide information, as required under California privacy laws, including the California Consumer Privacy Act (“CCPA”), which requires that we provide California residents certain specific information about how we handle their personal information, whether collected online or offline. This section does not address or apply to our handling of publicly available information made lawfully available by state or federal governments or other personal information that is subject to an exemption under Section 1798.145(c) – (f) of the CCPA.

Categories of personal information that we collect and disclose. Our collection, use and disclosure of personal information about a California resident will vary depending upon the circumstances and nature of our interactions or relationship with such resident. The table below sets out generally the categories of personal information (as defined by the CCPA) about California residents that we collect, sell, and disclose to others for a business purpose. We collect these categories of personal information from the sources and for the purposes described above.

Categories of personal information collected	Do we collect?	Do we disclose
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		for business purposes?
Name, contact info and other identifiers such as a , online identifier and Internet Protocol address.	<i>Yes</i>	<i>Yes</i>
Purchase history and tendencies such as products or services purchased, obtained, or considered, or use histories or tendencies.	<i>No</i>	<i>No</i>
Usage data such as internet or other electronic network activity information, including, but not limited to, browsing history, clickstream data, search history, and information regarding a resident’s interaction with an internet website, application, or advertisement.	<i>Yes</i>	<i>Yes</i>
Audio, video and other electronic data: audio, electronic, visual, or similar information such as call recordings.	<i>No</i>	<i>No</i>
Profiles and Inferences such as inferences drawn from personal information to create a profile reflecting a resident’s preferences, characteristics, psychological trends, predispositions, behavior, attitudes, or intelligence.	<i>Yes</i>	<i>Yes</i>

Categories of Personal Information Sold. The CCPA defines a “sale” very broadly as disclosing or making available to a third party personal information in exchange for monetary or other valuable consideration. While we do not disclose personal information to third parties in exchange for monetary compensation from such third parties, we do disclose or make available personal information to third parties, in order to receive certain services or benefits from them, such as when we allow third party tags to collect information such as browsing history on our Sites, in order to



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improve and measure our ad campaigns. The categories of Personal Information that we may “sell” within this broad definition in the CCPA includes:

- Name, contact information and other identifiers
- Usage Data
- Profiles and inferences

California Residents’ Rights. California law grants California residents certain rights and imposes restrictions on particular business practices as set forth below.

Do-Not-Sell. California residents have the right to opt-out of our sale of their personal information. You may submit a Request to Opt-Out of the Sale of your Personal Information by visiting www.xumo.com/ccpa

Initial Notice: We are required to notify California residents, at or before the point of collection of their personal information, the categories of personal information collected and the purposes for which such information is used. You can find this Notice at the top of this Policy.

Verifiable Requests to Delete and Requests to Know. Subject to certain exceptions, California residents have the right to make the following requests, at no charge:

Request to Delete: California residents have the right to request deletion of their personal information that we have collected about them and to have such personal information deleted, except where an exemption applies.

Request to Know: California residents have the right to request and, subject to certain exemptions, receive a copy of the specific pieces of personal information that we have collected about them in the prior 12 months and to have this delivered, free of charge, either (a) by mail or (b) electronically in a portable and, to the extent technically feasible, readily useable format that allows the individual to transmit this information to another entity without hindrance. California residents also have the right to request



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that we provide them certain information about how we have handled their personal information in the prior 12 months, including the:

- categories of personal information collected;
- categories of sources of personal information;
- business and/or commercial purposes for collecting and selling their personal information;
- categories of third parties/with whom we have disclosed or shared their personal information;
- categories of personal information that we have disclosed or shared with a third party for a business purpose; and
- categories of third parties to whom the residents' personal information has been sold and the specific categories of personal information sold to each category of third party.

California residents may make a Request to Know up to twice every twelve (12) months.

Submitting Requests. *Under the California Consumer Privacy Act (CCPA), California Residents (Consumers) have the right to submit A Request to Know, Request to Delete, or Request to Opt-Out of the Sale of their Personal Information. However, the CCPA also requires XUMO to reasonably verify each Request to Know or Request to Delete before responding.*

You may submit a Request to Opt-Out of the Sale of your Personal Information by going to www.xumo.com/ccpa. However, XUMO currently has no way to reasonably verify a consumer's identity and we are therefore not able to fulfill Request to Know or Request to Delete. We will respond to verifiable requests received from California residents as required by law.

Right to Non-Discrimination. The CCPA prohibits “discrimination” against California residents for exercising their rights under the CCPA. The CCPA definition of Discrimination may occur where a business denies or provides a different level or



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quality of goods or services, or charges (or suggests that it will charge) different prices, rates, or penalties on residents who exercise their CCPA rights, unless doing so is reasonably related to the value provided to the business by the residents' data.

Financial Incentives. A business may offer financial incentives for the collection, sale or deletion of California residents' personal information, provided the incentive is not unjust, unreasonable, coercive or usurious, and is made available in compliance with applicable transparency, informed consent, and opt-out requirements. California residents have the right to be notified of any financial incentives offers and their material terms, the right to opt-out of such incentives at any time, and may not be included in such incentives without their prior informed opt-in consent.

Your Rights Under California's Shine-the-Light Law. Under California's "Shine the Light" law (Cal. Civ. Code § 1798.83), California residents who provide us their personal information are entitled to request and obtain from us, free of charge, information about the personal information (if any) we have shared with third parties for their own direct marketing use; such requests may be made once per calendar year for information about any relevant third party sharing in the prior calendar year (so, requests submitted in 2020 would be applicable to relevant disclosures (if any) in 2019). If you are a California resident and would like to make such a request, please submit your request in writing by emailing us at privacy@xumo.com, using the subject line "**Request for California Privacy Information.**" In your request, please attest to the fact that you are a California resident and provide a current California address. We will reply to valid requests by sending a response to the email address from which you submitted your request. Please note that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing and the relevant details required by the Shine the Light law will be included in our response.

For more information about our privacy practices, you may contact us as set forth in the Contact Us section below.



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12. 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, 3347 Michelson Dr, Suite 150, Irvine, CA 92614 (Attn: Legal Department).

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