

Privacy Policy

Updated and Effective as of: February 24, 2017

We are concerned about privacy issues and want you to be familiar with how we collect, use and disclose Personal Information (as defined below). This Privacy Policy (“Policy”) describes our practices in connection with privacy and the Personal Information that we collect through this website (<http://www.whistlesports.com>), our pages and channels on third-party social media platforms and selected other domains (collectively, the “Site”) and the services related to or offered on the Site (hereinafter, the “Services”). Our Services may include, without limitation, tools, applications, email services, bulletin and message boards, chat areas, news groups, forums, communities, calendars, and downloadable mobile applications related to the Site or provided through the Site. Except as indicated, this Privacy Policy does not address the collection, use or disclosure of information by us or by third parties on any websites other than the Site. As used in this Privacy Policy, “Whistle Sports,” “we,” “us,” and “our” shall mean Whistle Sports, Inc.

The use of the phrase “Personal Information” in this Policy means information that identifies a specific person such as a person’s full name, address, and e-mail address. The phrase “Anonymous Information” in this Policy means non-personal information that cannot reasonably be used to identify individual persons (e.g., interests, demographics and anonymous usage data).

By visiting this Site or using the Services, you are accepting the policies and practices described in this Policy. Each time you visit the Site or use the Services, you agree and expressly consent to our collection, use and disclosure of the information that you provide as described in this Policy.

Your Personal Information will be processed by Whistle Sports in the United States.

In addition to this general Policy, each Service may have additional privacy provisions that are specific to the particular Service. Any such supplemental disclosures are made adjacent to the particular Service at the time we collect the information.

In general, you can use the Site and/or Service without telling us who you are or revealing any Personal Information about yourself. However, if you do not provide us with certain requested information, we may not be able to provide you with certain services and features that may be contained on the Site and/or Service.

1. INFORMATION WE COLLECT

We collect information about you in the following ways:

A. Information you voluntarily provide us.

We collect and maintain information that you voluntarily submit to us during your use of the Site and Services. For example:

- When you register for the Site, certain provided information to us may be required such as your name and email address;
- When you post comments and/or content on the Site and/or Service information about you that accompanies those posts or content, which may include a name, user name, likes, status, profile

information and/or picture. This information is always public, which means it is available to everyone and may be displayed in search results on external search engines;

- If you sign up to enter a contest or sweepstakes or receive a newsletter, if any, you may provide us contact information (e.g., email or physical address);
- If you access or log-in to the Site and/or Services through a social media or other service or connect the Site and/or Services to a social media or other service, the information we collect may also include your user ID and/or user name associated with that social media service, any information or content you have permitted the social media service to share with us, such as your profile picture, email address or friends lists, and any information you have made public in connection with that social media service. When you access the Site and/or Services through social media services or when you connect the Site and/or Service to social media services, you are authorizing us to collect, store, and use such information and in accordance with this Policy;
- If you purchase a product or service, you may provide us your credit card information; and
- You may provide us with Personal Information in the course of email, customer support interactions and surveys.

B. Information we collect through your use of the Site.

As you use the Site and Services, certain information may also be passively collected. Through cookies, pixels, beacons, log files and other technologies, we may collect information about how you use the Site and the Services. For example, we may determine through an IP address that a particular computer or device is located in Los Angeles and Whistle Sports may use this information to deliver advertisements promoting Los Angeles-based businesses. This information allows us to deliver more helpful information, programs, tools and advertisements.

We may also combine online and/or offline information received from our third party service providers (“Third Parties”) with the information we have already collected from you via our Site and/or Services. The third party information is used for a variety of purposes including verifying other information about you and to enhance the content and advertising we provide to you.

2. HOW WE USE YOUR INFORMATION

We may use your Personal Information in the ways described below or described at the time that the information is collected.

In general, Whistle Sports and Third Parties use your Personal Information as necessary or appropriate for purposes including, without limitation, the following:

- to administer your account;
- to register you and provide you access to the Site and/or Services;
- to respond to inquiries or requests in connection with the Site;
- to fulfill your requests for products or services;
- to send communications and administrative emails about the Site and/or Services;
- to personalize and better tailor the features, performance and support of the Site and Services for your use;
- to send you Site and/or Service-related communications, including any notices required by law, in lieu of communication by postal mail (you may not opt out of Service-related e-mails);
- to send you newsletters and other messages, including changes to features of the Site and/or Service and special offers that you may opt out of by clicking “unsubscribe” in the email. Opting out may prevent you from receiving email messages regarding updates, improvements, or offers;

- to send you promotional/marketing information, offers or other information regarding opportunities and functionality that Whistle Sports thinks would be of particular interest to you;
- to improve the quality of the Site and the Services; and
- to analyze, benchmark and conduct research on user data and user interactions with the Site and Services.

3. COOKIES AND TARGETED ADVERTISING

A. Tracking Technologies (e.g., Cookies)

We and/or Third Parties may use tracking technologies to provide you with a more personal and interactive experience with the Site and Services. These technologies may also be used to collect and store information about your usage of the Services, such as pages you have visited, the video and other content you have viewed, search queries you have run and advertisements you have seen. For contests or sweepstakes, if any, we may also use cookies in order to track your progress and the number of entries in some promotions. For polls, we may use cookies to help ensure that an individual can't vote more than once on a particular question or issue. We do not store Personal Information in any cookies on your computer.

Cookies can be removed by following your Internet browser's directions within the help tab. In order to use certain Services offered through the Site, your web browser must accept cookies. If you choose to disable cookies, some aspects of the Site or Service may not work properly, and you may not be able to access the Site and/or Services.

We may also use cookies, pixels, web beacons (which are usually small, transparent graphic images), operating system and device information and navigational data like Uniform Resource Locators (URL) to gather information regarding the date and time of your visit, the features and information for which you searched and viewed, the email you opened, or on which advertisements you clicked.

An "Internet protocol address" or "IP Address" is a number that is automatically assigned to your computer when you use the Internet. Whistle Sports, its partners or their respective service providers, may use your IP Address when you access the Site or Services or use other means to assist with delivering geographically targeted advertisements.

B. Targeted Advertising

Because your Anonymous Information does not personally identify you, we and our third party service providers may use such information for any purpose. For example, we may work with third parties for the purpose of advertisement delivery on the Site, including online behavioral advertising and multi-site advertising. The Anonymous Information collected about your visits to the Site may be used by third parties in order to provide advertisements about goods and services of interest to you. These third parties may also set cookies or web beacons to assist with advertisement delivery services. If you would like to obtain more information about these practices, or if you would like to opt out of targeted advertising from participating advertisers, please visit <http://www.networkadvertising.org/choices/> or <http://www.aboutads.info/choices/>.

4. HOW WE DISCLOSE INFORMATION TO THIRD PARTIES

We may share your information with our parent companies, affiliates, and/or subsidiaries and with third parties under the circumstances described below. If you do not want us to use or disclose information collected about you in the ways identified in this Policy, you should not use the Site or Services.

A. Government Agencies

We may disclose and release your Personal Information to government representatives: (a) to comply with valid legal requirements such as a law, regulation, search warrant, subpoena or court order; or (b) in special cases, such as a physical threat to you or others, a threat to homeland security, a threat to our system or network, or in any cases in which we believe it is reasonably necessary to investigate or prevent harm, fraud, abuse, illegal conduct or a violation or alleged violation of this Policy or other agreement we may have with you.

B. Service Providers

We may provide your Personal Information to Third Parties. Examples of such Third Parties include vendors and suppliers that provide us with technology, services, and/or content for sending email, analyzing data, research, providing advertising and marketing assistance, processing payments (including credit card payments), and providing customer service. Access to your Personal Information by these Third Parties is limited to the information reasonably necessary to perform its limited function.

C. Third Parties

We may share aggregated Anonymous Information about you with the third party data and research partners. Aggregated information is your Anonymous Information that is combined with the Anonymous Information of other users.

D. Promotional Partners

Some or all of the information collected during promotions, contest, polls, or sweepstakes (collectively, “Promotions”) may be disclosed publicly. It may also be shared with other third parties as disclosed at the time of collection or in the Promotion rules. These third parties may include providers of prizes in order to update you of your status of your prize if any, or other fulfillment needs or a co-sponsor who may use your Personal Information to administer the Promotion or for their marketing purposes, but only in conformance with their privacy policy as made available to you at the time of collection. Whistle Sports is not responsible for their privacy policy or practices. When you participate in a Promotion, you are subject to any official rules for that Promotion, which may contain additional information about the specific privacy practices associated with the Promotion.

E. Affiliated Companies

We may share your Personal Information and/or any other information collected hereunder with our subsidiaries and affiliated companies. Additionally, in the event we go through a business transition such as a merger, acquisition by another company, or sale of all or a portion of its assets, your Personal Information may be among the assets transferred. You acknowledge that such transfers may occur and are permitted by this Policy.

F. Public

We and Third Parties may make available through the Site certain features (for example, message boards, chat functionality, “profile pages” and blogs) to which you may be able to post information and materials. Please note that any information you provide in connection with such features may become public, and may be available to visitors to the Site and to the general public. We urge you to exercise discretion and caution when deciding to disclose your Personal Information, and/or any other information and/or

materials, on the Site. NEITHER WE, NOR ANY OF OUR THIRD PARTY SERVICE PROVIDERS, NOR ANY OTHER PERSON OR ENTITY DULY AUTHORIZED BY US AND/OR BY OUR THIRD PARTY SERVICE PROVIDERS, IS OR SHALL BE RESPONSIBLE FOR ANY USE BY ANY UNAUTHORIZED PERSON OR ENTITY OF ANY PERSONAL INFORMATION YOU DISCLOSE THROUGH THE SITE.

5. ACCESS AND CONTROL

Some browsers allow you to indicate that you would not like your online activities tracked, using “Do Not Track” indicators; however we are not obligated to respond to these indicators, and we are not currently set up to respond to them. This means that we may use latent information about your online activities to improve your use of the Site and Services consistent with this policy.

The Site and Services are not directed or intended for children under 13 years of age. We do not knowingly collect Personal Information from individuals under 13 years of age. If you are under 13 years of age, you should not register or provide Personal Information on the Site or through the Services.

If you are the parent or guardian of a child whom you believe has disclosed Personal Information to us, please contact us at agent@thewhistle.com so that Whistle Sports may delete and remove such child’s information from our systems.

You may, of course, decline to submit Personal Information through the Site and/or Service, in which case the Site and/or Service may not be able to provide certain services to you. You may update or correct your account information and email preferences at any time by logging in to your account.

We offer you choices regarding the collection, use, and sharing of your Personal Information. When you receive promotional communications from us, you will have the opportunity to “opt-out” by following the unsubscribe instructions provided in the promotional e-mail you receive. If you would like assistance disabling your account please us at agent@thewhistle.com.

Keep in mind, however, that even if you delete information from your account and/or profile, we may retain your Personal Information in accordance with our data retention policy and Personal Information may remain within our databases, access logs, and other records. In addition, we are not responsible for updating or removing your Personal Information contained in the lists or databases of third parties who have been provided information as permitted by this Policy.

6. OTHER IMPORTANT INFORMATION

California Privacy Rights. If you are a user of the Site and a California resident, California’s “Shine the Light” law (California Civil Code § 1798.83) permits you to request and obtain from us once a year, free of charge, information regarding our disclosure of your Personal Information (if any) to third parties for direct marketing purposes. If this law applies to you and you would like to make such a request, please submit your request in writing to: Attn: Legal/Shine the Light Disclosure Request, Whistle Sports, Inc., 79 Madison Avenue, 9th Floor, New York, NY 10016.

The Site and Services may contain links to the sites of our affiliates, and to sites that are owned and operated by third parties. These other sites may have their own privacy policies and are not be governed by this Privacy Policy. We are not responsible for the privacy practices or the content of sites owned and operated by third parties. Other sites may collect and treat information collected differently, so we encourage you to carefully read and review the privacy policy for each site you visit.

We place a priority on the security of Personal Information, and we undertake reasonable security measures to help protect the data that resides on its servers. We also use secure server software (SSL) to process all financial transactions that may occur on the Site. SSL technology can encrypt Personal Information transmitted over the Internet. However, no security system is impenetrable. We do not warrant the security of our servers, nor do we warrant that your information, including Personal Information, will be completely secure or not be intercepted while being transmitted over the Internet.

We reserve the right to change, modify, add or remove portions of this Policy at any time and without prior notice, and any changes will become effective immediately upon being posted unless Whistle Sports advises you otherwise. Your continued use of the Site or Services after this Policy has been amended shall be deemed to be your continued acceptance of the terms and conditions of the Policy, as amended. We encourage you to bookmark this Site and review this Policy regularly.