

PRIVACY POLICY

This Policy was last changed on March 31, 2015.

Kids Sports Entertainment, Inc. d/b/a The Whistle (“Whistle Sports”) and its affiliates operate this website, and any and all Whistle Sports owned and/or operated social media accounts, channels and/or platforms, including without limitation, YouTube, Twitter, Instagram, Facebook, Google+, Snapchat and Vine (collectively, the “Site”) and the services related to or offered on the Site (hereinafter, the “Services”). Whistle Sports’ 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.

Whistle Sports provides you this privacy policy (the “Policy”) to help you understand the kinds of information Whistle Sports may gather about you when you visit the Site or use any of Whistle Sports’ Services, and how Whistle Sports may collect, use and disclose the information.

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 Whistle Sports’ 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. These supplemental disclosures are made adjacent to the particular Service at the time Whistle Sports collects the information. These supplemental disclosures also govern the use of your information.

In general you can use the Site and/or Service without telling Whistle Sports who you are or revealing any Personal Information about yourself. However, if you do not provide Whistle Sports 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 GATHERED BY WHISTLE SPORTS

Whistle Sports collects information about you in the following ways:

A. Information you voluntarily provide Whistle Sports.

Whistle Sports collects and maintains information that you voluntarily submit to Whistle Sports during your use of the Site and Services. For example:

- When you register for the Site, certain provided information to Whistle Sports will 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 Whistle Sports 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 Whistle Sports collects 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 Whistle Sports, 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 Whistle Sports to collect, store, and use such information and in accordance with this Policy;
- If you purchase a product or service, you may provide Whistle Sports your credit card information; and
- You may provide Whistle Sports with Personal Information in the course of email, customer support interactions and surveys.

B. Information Whistle Sports collects 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, Whistle Sports may collect information about how you use the Site and the Services. For example Whistle Sports 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 Whistle Sports to deliver more helpful information, programs, tools and advertisements.

Whistle Sports may also combine online and/or offline information received from third parties (“Third Parties”) with the information Whistle Sports has already collected from you via Whistle Sports’ 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 Whistle Sports provides to you.

Whistle Sports and Third Parties may customize the advertisements that you see based upon: (i) the information that you provide Whistle Sports; (ii) data Whistle Sports receives from third parties; or (iii) your visits on the Site or use of Services and other websites or services (commonly referred to as “Behavioral Advertising”). Please see the “Cookies and Targeted

Advertising” section below for more information on the use of tracking technologies and the information collected for Behavioral Advertising, and how you can delete cookies.

2. HOW WHISTLE SPORTS USES YOUR INFORMATION

Whistle Sports 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)

Whistle Sports 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, Whistle Sports may also use cookies in order to track your progress and the number of entries in some promotions. For polls, Whistle Sports may use cookies to help ensure that an individual can’t vote more than once on a particular question or issue. Whistle Sports does 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.

Whistle Sports 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

Whistle Sports works with third party companies (*e.g.*, ad networks) that may use cookies for purposes including, without limitation, understanding Web usage patterns of users who see advertisements on the Site, controlling the sequence of advertisements you see, making sure you don't see the same advertisement too many times, determining your interests and tailoring advertisements and promotions based on those interests. The advertisement may appear when you are visiting a different section of this Site, another Site or any other website on the Internet if the website also has a relationship with Whistle Sports' vendor. You can choose to limit Behavioral Advertising on the Site by clicking <http://www.aboutads.info/choices/> and opting-out of cookies placed by those vendors listed. After you opt-out, you will still see advertisements but the advertising may not be as relevant to your interests. If you change your computer, change your browser, or delete your cookies, you will need to renew your opt-out.

Whistle Sports adheres to the Self-Regulatory Principles for Online Behavioral Advertising of the Digital Advertising Alliance (for more information click here: <http://www.aboutads.info/consumers>).

Advertisers or other third parties on the Site may also engage in Behavioral Advertising and use cookies and web beacons in the manner described above. Whistle Sports does not control these advertisers or other parties' use of cookies or web beacons or what they do with the information they collect. Many third party vendors that engage in Behavioral Advertising participate in the Network Advertising Initiative (NAI) and/or the Digital Advertising Alliance (DAA) and abide by NAI and/or DAA principles. If you wish to opt out of participating in advertising programs conducted by NAI and DAA members or learn more about the NAI and DAA, please go to the NAI OPT-OUT website (<http://www.networkadvertising.org/choices/>) and DAA CHOICE PAGE (<http://www.aboutads.info/choices/>) and follow the instructions. After you opt-out, you will still see advertisements, but the advertising may not be as relevant to your interests. If you

change your computer, change your browser or delete your cookies, you will need to renew your opt-out.

4. HOW WHISTLE SPORTS DISCLOSES INFORMATION TO THIRD PARTIES

Whistle Sports may share your information with its parent companies, affiliates, and/or subsidiaries and with third parties under the circumstances described below. If you do not want Whistle Sports 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

Whistle Sports 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 Whistle Sports' system or network, or in any cases in which Whistle Sports believes 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 Whistle Sports may have with you.

B. Service Providers

Whistle Sports may provide your Personal Information to service providers who work on its behalf or help Whistle Sports to operate Whistle Sports' business, the Site and the Services. Examples of such service providers include vendors and suppliers that provide Whistle Sports 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 service providers is limited to the information reasonably necessary to perform its limited function.

C. Third Parties

Whistle Sports may share aggregated Anonymous Information about you with the Third Parties. 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. Notwithstanding the foregoing, you acknowledge and agree that any voting in connection with the Site and/or Services by you shall not be deemed participation in and/or qualify as a Promotion under New York law and/or for the purposes hereof, and Whistle Sports shall have no obligation and/or liability to you whatsoever in connection therewith, including without limitation, the obligation to award any prizes, gifts, and/or the assurance of any specific outcome or result.

E. Affiliated Companies

Whistle Sports may share your Personal Information and/or any other information collected hereunder with its subsidiaries and affiliated companies. Additionally, in the event Whistle Sports goes 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

Whistle Sports may make message boards, chat rooms, blogs and other interactive forums available as part of the Services. You should be aware that any information that you post to these interactive forums or otherwise choose to make publicly available, including your Personal Information, may be disclosed and available to all users who have access to that portion of the Site or Services. By using these interactive Services, you agree that Whistle Sports is not responsible for any information that you disclose or communicate in such forums, and any disclosures you make are at your own risk.

5. ACCESS AND CONTROL

At this time Whistle Sports does not respond to browser ‘Do Not Track’ signals, as Whistle Sports awaits the work of interested stakeholders and others to develop standards for how such signals should be interpreted.

The Site and Services are not directed or intended for children under 13 years of age. Whistle Sports does 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 Whistle Sports, please contact Whistle Sports at partnerships@thewhistle.com so that Whistle Sports may delete and remove such child’s information from Whistle Sports’ 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.

Whistle Sports offers you choices regarding the collection, use, and sharing of your Personal Information. When you receive promotional communications from Whistle Sports, 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 contact customer service at partnerships@thewhistle.com.

Keep in mind, however, that even if you delete information from your account and/or profile, Whistle Sports may retain your Personal Information in conformance with its data retention policy and Personal Information may remain within Whistle Sports’ databases, access logs, and other records. In addition, Whistle Sports is 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

The Sites may link to websites operated by third parties that Whistle Sports does not control. Whistle Sports does not monitor, control, or endorse the information collection or privacy practices of any third parties. Whistle Sports encourages you to become familiar with the privacy practices of every website and/or social media platform you visit and to contact them if you have any questions about their respective privacy policies and practices. This Policy applies solely to information collected by Whistle Sports through the Site or Services and does not apply to these third party websites. The ability to access information of third parties from the Site or Services, or links to other websites or locations, is for your convenience only and does not signify Whistle Sports’ endorsement of such third parties, their products, services, websites, locations or their content.

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

In addition, Whistle Sports is not responsible for the privacy or data security practices of other organizations, such as YouTube, Facebook, Instagram, Twitter, Vine, Snapchat, Google+, Tumblr, Apple, Google, Microsoft or any other app developer, app provider, social media platform provider, operating system provider, wireless service provider, or device manufacturer, including in connection with any information you disclose to other organizations through or in connection with the Services.

If you have any questions regarding privacy or this Policy, you may contact Whistle Sports at the following email address: partnerships@thewhistle.com.

Whistle Sports reserves 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. Whistle Sports encourages you to bookmark this Web page and review this Policy regularly.