

# Privacy Policy

**WAKIVA GAMES** (Wakiva Games is part of Wakiva, LLC) (Wakiva Games is collectively known herein as “WAKIVA,” “we,” “us” and “our”), is a developer, publisher and marketer of interactive games entertainment. This Privacy Policy explains our data practices for the products, services, and websites (collectively the “Services”) that we offer to consumers.

## **SCOPE OF THIS POLICY AND WHO WE ARE**

This Privacy Policy applies to all WAKIVA Services. Please read this Privacy Policy carefully. The Services also are subject to our End-User License Agreement (“EULA”), Terms of Service, and any other policies and/or agreements concerning our Services. This Privacy Policy supplements privacy disclosures including, without limitation, provided with your software products (e.g., operating system), from your console manufacturer, hosting platform.

## **INFORMATION WE COLLECT AND OUR LAWFUL BASES FOR PROCESSING**

You provide us with information directly, such as when you set up an account directly with us, or if you set up an account indirectly with us (e.g., when you create an account on a third-party hosting service that shares some of your registration information with us, such as Valve Corporation’s Steam platform <https://store.steampowered.com/>). We also may collect information about you and your activity when you use our Services – whether through computers, mobile devices, gaming consoles, in-game applications, software platforms, third party social or gaming networks. We may use online tracking, such as cookies and similar technology, to collect information, when you share in-game content with friends, or connect to our Services, and we may collect information from third parties (such as advertising networks and external business partners).

The types of information that we collect depend on how you use the Services and interact with us. You can control the personal information we collect from you unless we need it for the requested activity (e.g., to provide the Services you’ve requested or purchased, to confirm who you are, or for you to participate in an event). We will let you know when information is necessary.

## **COOKIES AND SIMILAR TECHNOLOGY**

Cookies are very small text files that companies place on your device when you visit or use some sites, applications, or other web-based services to help identify a computer, browser, or device. We use cookies, web beacons, Internet log files, and similar tracking technologies (ours and from third-party providers) to allow our Services to function, maintain your preferences and settings, provide enhanced features, analyze how users use our Services, combat fraud, prevent violations of our EULA and policies, and to provide you with targeted advertising based on your interests. If you choose to provide us with information, it may be linked to the information collected by cookies and similar technologies including advertising cookies. Our system may not respond to Do Not Track requests or headers from some or all browsers. The Manage Your Account, Communications, and Data section below provides additional information about our use of cookies and similar technologies and your ability to manage cookies. You may also use the cookie preference tool, where available, or visit the cookie policy if posted on the Service for more information.

## **HOW WE USE INFORMATION**

We use the information we collect from and about you within WAKIVA for a variety of business purposes including to: provide the Services, fulfill orders and requests, analyze and improve our Services and our business, communicate with you, respond to questions or technical problems, develop internal marketing and demographic studies, provide support and security for our products, legal compliance, and as more fully described in this Privacy Policy.

We also use your information within WAKIVA for commercial purposes, including: sending you and similar consumers direct marketing and online / social media advertising from WAKIVA and our business partners, including use of demographic information; for other purposes identified when you provide your information; or otherwise with your permission. We may further use your information as permitted by law.

If WAKIVA chooses to provide (subject to their Terms of Service), and you participate in, third party open communities, such as online gaming sessions and social networking services, we automatically post certain information such as your user's name or ID and gameplay statistics within the game, on social networking services, on our Services, or on specialized game sites. If you participate in tournaments, contests, or other online game events, we must publicly post your information. We also use automated means to monitor gameplay to ensure that you and others use our Services in accordance with applicable policies, including our EULA and Terms of Service. If we find that you have breached our Terms of Service or other applicable policies, this could lead to your temporary or permanent exclusion from the Services.

## **WHEN WE SHARE INFORMATION**

As detailed in this Privacy Policy, we share your information with our vendors that perform support and other services in connection with the Services; advertising service providers and advertising partners that enable us to conduct and display advertising on the Services and third-party sites, mobile applications, or social media services; and with third parties for collaborative offerings, legal and safety purposes, in connection with the sale or transfer of a business or asset, for use in aggregate or anonymous form, and for other purposes with your permission.

## **MANAGE YOUR ACCOUNT, COMMUNICATIONS, AND DATA**

We or our third-party streaming services providers provide several options for you to manage your Services account, communications you receive from us, and how we use your information. These include through the settings in your Services account; utilizing email unsubscribe and deletion tools; opting out of interest-based ads; and, depending on your location, making a data request or exercising your right to object to our use of your personal information. This can include, in some countries, a right to object to our use of your data. Additional information about California user rights is available in the Your California Privacy Rights section below.

## **DATA RETENTION**

We retain your information while your account is active, as needed to provide you Services, or to administer our Services. If you wish to cancel your account or request that we no longer use your personal information to provide Services to you, contact us as identified in the Manage Your Account, Communications, and Data section above, or as identified in the Contact Us section

below. If your account is inactive, we will maintain your account for the length of time for which we reasonably expect you to reengage with our Services. After such period, we will delete personal information, including your email address and log-in credentials, and you may no longer be able to access your account. We may, in our sole discretion, notify you before we delete your account information so that you have the opportunity to keep your account active. We may still retain some of your personal information in our files for a reasonable period of time to resolve disputes, enforce our EULA or Terms of Service, administer our services, comply with technical and legal requirements, and/or other constraints related to the security, integrity, and operation of our Services, after which we will take steps to delete or archive your personal information.

### **DATA SECURITY**

We follow generally accepted industry standards and maintain appropriate safeguards to help protect the security, integrity, and privacy of the information we collect about you. These security measures are designed to protect against the accidental or unlawful destruction, loss, misuse, alteration, and unauthorized disclosure of, or access to, the information under our control. However, no system can be 100% secure. We therefore cannot guarantee absolute security of your data, and we are not responsible for processes and networks that we do not control and for unauthorized access to information by those who have gained access through illegal means. If you become aware of any weakness in our security, we encourage you to promptly let us know by contacting us (see, Contact Us section below). This will help better protect your information and the WAKIVA user community.

### **OTHER WAKIVA TERMS, THIRD-PARTY TERMS, AND LINKS TO OTHER SITES**

Use of our services and products may be subject to other terms and disclosures provided by us, console manufacturers, streaming services, other partners, and/or third-party vendors, including: (i) the EULA that accompanied your purchase; (ii) our Terms of Service; (iii) other terms and disclosures made available to you by us or third parties. We are not responsible for the privacy practices employed by third parties, nor are we responsible for the information or content their products and services contain. This Privacy Statement applies solely to information collected by us. We encourage you to read the privacy policies of any third parties before proceeding to use their websites, products, or services. We are not responsible for practices or policies on third-party sites that may be linked to the Services.

### **PUBLIC POSTINGS**

If you choose to share personal information, post an image or video, or provide other content in public forums such as on a message board, chat room, comment field, or profile page, then you and acknowledge that other people can view, collect, and use that information. If your user's name or ID contains your real name, then you acknowledge that your name will be made publicly available on leaderboards and elsewhere as described in this Privacy Policy. Users of such public forums may be able to identify you, use the information to send you messages, or copy any of the images, video or content you have shared. There is no expectation of privacy or confidentiality on any of these public forums. You are strongly encouraged not to share your personal information in public forums or in your user's name or ID. You are responsible for any information or content you publicly post using our Services.

## CHILDREN’S PRIVACY

We do not knowingly collect, use, or disclose information from children under the age of 16. If we learn that we have collected the personal information of a child under the age of 16—or the equivalent minimum age depending on the jurisdiction, such as 13 in the United States—we will take steps to delete the information as soon as possible. Please immediately contact us if you become aware that a child under the age of 16 has provided us with personal information.

We may direct certain Services to an audience of all ages—including children. For these Services, we may restrict the collection of personal information on the Services from anyone, apply an age gate allowing children to use the Services while restricting the collection of personal information on the Services from children, or get a parent’s permission to collect personal information from children. If we become aware that a child has provided personal information without a parent’s permission, we will promptly delete this information. We encourage parents to instruct their children that when using the Internet to never give out their real names, addresses, or phone numbers, without specific permission from their parents (or legal guardian). Information about children and computer security is available from the Federal Trade Commission (e.g., “Kids and Computer Security” presently available at <https://www.consumer.ftc.gov/articles/0017-kids-and-computer-security>, and “Talk to Your Kids” presently available at <https://www.consumer.ftc.gov/articles/0006-talk-your-kids>).

## YOUR CALIFORNIA PRIVACY RIGHTS

This section provides information for California residents. WAKIVA may require proof of California residency before responding to requests made under this section in connection with the California Consumer Privacy Act (“CCPA”).

- **Do Not Sell My Personal Information.** If you are a California resident, the CCPA gives you the right to tell us not to “sell” your personal information. When you choose to access our Services through third-parties (e.g., streaming services), then your access is subject to the privacy policies of those third-party providers. The only “sales” we make (as defined by California law) are to collect (and allow our advertising providers to collect) and share certain information to enable us and/or those advertisers to provide personalized ads to you and others like you on our sites, apps, and on other sites that you visit.
- You can disable this targeted advertising by us or our advertising providers by using our existing privacy controls, which may include:
  - Opting out of interest-based targeted advertising from participating advertising providers by visiting the, Network Advertising Initiative, Digital Advertising Alliance, or Your Online Choices (EU).
  - Adjusting your privacy and advertising settings on your mobile device to control whether you receive interest-based targeted advertising.

- Managing the cookies on your browser using the cookie preference tool (where available) or your browser settings based on the cookie policy posted on the site.
- If you opt out, an “opt-out” cookie will be stored in your web browser indicating that you do not want to receive targeted advertisements. If you delete cookies generally or use a different browser or device, you will need to opt out again.

If you are a California resident under the age of 18, and you are a registered user of our Services, California law permits you to request and obtain removal of content or information you have publicly posted. To make such a request, please Contact Us with specific information about where the content or information is posted and attesting that you posted it. We will then make reasonable, good faith efforts to remove the post from prospective public view, or anonymize it so you cannot be individually identified, to the extent required by applicable law. Please be aware that such a request does not ensure complete or comprehensive removal of the content or information you have posted and that there may be circumstances in which the law does not require or allow removal even if requested.

### **INTERNATIONAL TRANSFERS**

We and our vendors may process, transfer, and store information about you in connection with the Services in the United States and other countries that may not have data protection laws equivalent to the country where you reside. We take steps to apply appropriate safeguards when we transfer that information. You acknowledge that other countries may not have data protection laws equivalent to the United States and that you are responsible for your choice to use third-party vendors to interact with our Services. WAKIVA shall not be responsible for third-party vendors inside or outside of the United States that you choose to make your information available to including, without limitation, any third-party platform providers (e.g., Valve Corporation’s Steam platform <https://store.steampowered.com/>).

### **CONTACT US**

If you have questions or concerns about this Privacy Policy or our practices, contact our Privacy Policy Administrator via email at [privacy@wakivagames.com](mailto:privacy@wakivagames.com). If you are located outside of the United States (e.g., in the UK, EU, EEA or Switzerland), please indicate that in your email, letter, or phone call; you may also have the right to complain to a data protection authority. We do not respond to support requests or other non-privacy related correspondence at this point of contact.

### **CHANGES TO PRIVACY POLICY**

We reserve the right to make changes to this Privacy Policy. Please check back from time to time to ensure that you are aware of these changes. If we change this Privacy Policy in a material way, we will attempt to provide appropriate notice to you (at the e-mail address you provide to us) and, as appropriate, provide additional choices regarding such change. However, as permitted by applicable law, your continued use of the Services means that you accept these changes. Thus, you are encouraged to check back from time to time to ensure you are aware of our current Privacy Policy.

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