

CANDY DIGITAL
Privacy Policy

Effective as of July 2, 2021

Candy.com is owned and operated by Candy Digital, Inc., a Delaware corporation, and/or its affiliates ("we," "us," or "Candy Digital").

We know you care about what information may be collected from and about you, how such information is used and shared, and the choices you have.

Accordingly, this policy ("Privacy Policy") explains how we collect, use, and disclose your personal and other information through this website, www.candy.com, including the mobile version (collectively, the "Website"), and our mobile application (the "App"), if applicable (collectively, our "Properties"), and through other online and offline interactions. We will treat your information in a manner consistent with this Privacy Policy unless you have consented otherwise. Also, you may opt-out of certain uses and disclosures of your information, as further explained in this Privacy Policy.

Your Consent

By accessing and using the Properties, you consent to the collection, use, and disclosure of your information in accordance with this Privacy Policy and you agree to be legally bound by its terms. IF YOU DO NOT AGREE TO BE BOUND BY THE TERMS OF THIS PRIVACY POLICY, YOU MAY NOT ACCESS OR USE THE PROPERTIES.

1. Sources of Personal Information

We collect personal information about you from the following sources:

- a. **Directly From You.** We may collect personal information during your access or use of the Properties and through other online and offline interactions, such as when you sign up for marketing, make purchases, create an account, contact us for customer service or other assistance, and participate in promotions.
- b. **From Your Friends.** If you consent, your friends and contacts may provide personal information about you in connection with a "friend" referral program and for other purposes. **You should only provide us with information about another person if you have that person's consent.**
- c. **Cookies and Tracking Technologies.** When you access or use the Properties, we may collect data about your device, internet usage, cookies, tracking technologies such as web beacons, location, website activity, and other details of your use of the Properties. For further information on these practices, see Section 5 – "Cookies and Other Tracking Technologies."
- d. **Service Providers.** We may collect personal information from service providers who are assisting us in the supply of our products or services and carrying out our business, such as to provide a platform to sell third party products and services, and provide customer assistance.
- e. **Other Third Parties and Publicly Available Information.** We may collect personal information from other third parties that provide information to us, such as Business Partners, advertising networks, data brokers, government and other public sources, and social media platforms and networks.

We may combine information that we receive from the various sources described in this Privacy Policy, including third-party sources, and use or disclose it for the purposes identified below.

2. Types of Personal Information Collected

We may collect the following types of information about you:

- a. Identifiers, characteristics, and other information you provide, such as your contact information (including your name, email address, postal address, and telephone number), gender and other demographic information, payment method and payment information, authentication information you create (such as account password), birthdays, professional and educational information, and device identifiers (such as advertising IDs, pixel and cookie IDs, IP address, ICCID).
- b. Internet and other electronic activity that is gathered automatically when you visit our Properties or interact with our App or advertisements, such as browsing and search history, browser information, device type, app, and OS version.
- c. Geolocation information, such as IP-based or precise geolocation information. This may be collected automatically (such as through our App) or based on information you provide.
- d. Commercial information and preferences, such as purchase information, favorite teams and players, non-fungible tokens and virtual collectibles (“NFTs”), and other preferences.
- e. Audio, visual, and similar information, such as when you call us or provide pictures or other content.
- f. Inferences drawn from any of the information we collect to create a profile about you reflecting your preferences and characteristics.

3. How We Use Your Personal Information

We may use your personal information for the following purposes:

- a. To provide you with products and services, such as to respond to your inquiries, process transactions and payments, fulfill your order, communicate with you, authenticate users, verify your eligibility for certain programs or benefits, and otherwise facilitate your relationship with us.
- b. For marketing, such as to market Candy Digital goods and services or goods and services of those of our affiliates, Business Partners, and other third parties. You can always unsubscribe to Candy Digital email marketing via a link in the email. We may make additional methods available to you from time to time for you to unsubscribe from marketing. In addition, if you have provided us with a mobile phone number and we have separately obtained your consent to participate in our SMS marketing campaigns on behalf of ourselves or our affiliated entities, we may use such information in accordance with that separately obtained consent.
- c. For insights, such as to identify trends and make inferences about you and your interactions with us or our affiliates and Business Partners, such as to analyze your behavior and preferences, and to evaluate and improve the products and services of our affiliates and Business Partners.
- d. To comply with legal obligations, including keeping records required by law or to evidence our compliance with laws or to provide information to law enforcement.
- e. For internal business and operational purposes, such as:
 - i. For our internal business administration, such as to manage customer accounts, including keeping general records of customers, sales, customer care, and other interactions;
 - ii. Auditing related to our interactions with you;
 - iii. For security purposes, such as to protect genuine customers and our business from fraud, to minimize the risk of false details being used, and to avoid abuse by fraudsters;
 - iv. To manage competitions or other promotions that you have chosen to participate in;
 - v. To comply with contractual obligations;
 - vi. To improve or develop our products and services (including our marketing activity more generally), including operating our Properties and improving or personalizing your experience (such as building profiles about you or how you interact with us); and
 - vii. For internal research and quality assurance.

We may use de-identified, anonymized, or aggregated versions of your personal information for any purpose.

4. How We Share Your Personal Information

We, our affiliates, and Business Partners (as defined below) may share your information with each other. We may also share your personal information with third parties in the ways that are described in this Privacy Policy.

- a. Affiliates: We may share your personal information with our affiliates, parents, and subsidiaries.
- b. Service Providers: We may permit our vendors and subcontractors to access your personal information in connection with performing services for us. For example, in order to process your transactions, we may share your personal information with certain third parties, such as your credit card issuer, a third-party credit verification company, the product handler, the delivery service, and vendors who may ship product to you directly from their warehouse (called drop-ship vendors). Other service provider examples include IT providers, internet service providers, and data analytics providers. We also use service providers to help us anticipate, prevent, and detect fraud. Before personal information is disclosed to such a party, we endeavor to require the party to agree to protect the privacy and confidentiality of your personal information.
- c. With Third Parties to Provide You with Services or Communications: We may disclose your information to third parties to provide you with services or benefits. For example, if you participate in our auction programs, we may share your personal information with Business Partners and other third parties to operate the program.
- d. With others for Legal, Security, or Safety Purposes: We may share your personal information: (i) as required by law or legal process; (ii) to investigate suspected fraud, harassment, or other violations of any law, rule, or regulation; and (iii) to investigate suspected violations of any terms or policies applicable to the Properties or the services provided by us or our third party providers or affiliates.
- e. In Connection with a Corporate Transaction: We also may transfer your personal information in connection with a sale, merger, change of control, bankruptcy, or similar transaction. You will be notified via email (sent to the email address specified in your account) or notified by the posting of an updated Privacy Policy on our Website if such a transaction results in the transfer of control of your personal information to a non-affiliate.
- f. With Business Partners for their Own Purposes: We may share your personal information with third parties for their own purposes ("Business Partners") (or their service providers), such as for marketing purposes. In many cases, such sharing is related to our operation of the Properties, such as sharing your personal information with a Business Partner (or their service providers), when you purchase that Business Partner's products or services (e.g., a brand, sports league, team or university/college/athletic department). Other examples of Business Partners that might receive your information include social networks, partners who work with us on promotional or sponsorship opportunities available on our properties, data analytics companies and other companies that may use the data to help us drive advertising-related revenue (including those who may have registered in California as a "data broker"), and partners who advertise on our sites to measure advertising effectiveness. We do not control how Business Partners use and share your information once they receive it. You will need to contact such Business Partners directly for information about their privacy practices or to exercise rights you may have (including if you would like to opt-out of receiving future emails from a Business Partner).
- g. With other third parties with your consent.

5. Cookies and Other Tracking Technologies

Like many other websites and applications, we may automatically collect certain information regarding our Properties' users. Such information may include, without limitation, the Internet Protocol ("IP") address (which may be used to determine your geographic location) of your computer/internet service provider, your device ID, your zip code, the date and time you access the Properties, the Internet address of a referring website, the operating system you are using, the sections or pages of the Properties that you visit, and the images and content viewed. Some of the ways in which we or the Properties may collect and use such information are further described below.

Clickstream Data. As you use the Internet, a trail of electronic information is left at each website you visit. This information, sometimes referred to as "clickstream data," can be collected and stored by a website's server. For example, clickstream data can tell the type of computer and browsing software you use and the address of the website from which you linked to the Properties. The Properties may collect and use clickstream data for the purposes described in this Privacy Policy and also as a form of aggregate information to anonymously determine how much time visitors spend on each page of our Properties, how visitors navigate throughout the

Properties, and how we may tailor our Properties to better meet the needs of visitors. This information often will be used to improve our Properties and our services.

Cookies, Tracking Pixels, and Similar Technologies. The Properties may use cookies, a type of technology that installs a small amount of information on a user's computer or other device when they visit a website. Cookies permit a website to, for example, recognize future visits using that computer or device. The Properties may use other similar technologies (including, without limitation, tracking pixels, as described further below, and other identifiers) to gather information. The Properties also may use cookies and similar technologies on the Properties to customize your visit, to enable us to enhance our service, or for other purposes. For example, information provided through cookies is used to recognize you as a previous user of the Properties so you do not have to enter your personal information every time and to offer personalized content. We may also use and share such information to personalize marketing (for Candy Digital or for our affiliates, Business Partners, and other third parties, as further described in this policy), including as described in the section below regarding Interest-Based Advertising. You may choose to decline cookies by adjusting your browser preferences, but doing so may affect your use of the Website and your ability to access certain features of the Properties or engage in transactions through the Properties. If you delete your cookies, change browsers or change devices, cookies that the Properties may use (or an opt-out cookie) may no longer work. Cookies and similar technologies also may be used by our affiliates, a tracking utility company, and other parties to, for example, make it easier for you to navigate our Properties and other purposes, or to serve advertisements. We do not have access to or control over these cookies and technologies and we cannot state whether these parties will comply with this Privacy Policy.

Additionally, we may employ, either directly or through trusted third parties, tracking pixels. Tracking pixels are tiny, transparent graphics with a unique identifier, similar in function to cookies, and are used to provide analytical information concerning the user experience as well as to support custom marketing activities for users of the Properties. In contrast to cookies, which are stored on a user's computer hard drive, tracking pixels are embedded invisibly on web pages. The Properties may use tracking pixels to help us better manage content, such as by improving the user interface or improving our marketing programs or the marketing of our affiliates, Business Partners, and other third parties (including for Interest-Based Advertising as described below). The Properties may use information to create aggregate tracking information reports regarding user demographics, traffic patterns and purchases. We may also link tracking information with personal information.

Location Information; Push Notifications. The Properties may be collecting your location, geo-IP, and other similar data. We use this information to help us maintain and enhance the efficiency and usefulness of the Properties and for other purposes described in this Privacy Policy (such as marketing). Additionally, we may also receive location data from other third parties. To the extent our Website has a corresponding App, we may use our App to obtain the user's precise location if the user of the App permits the App to request and collect this information from the applicable mobile device. We also may determine your zip code from the precise location data received from the mobile device of an App user. Users of the Properties also may elect to provide us with their zip code directly. We also may enable our App to offer automatic (or "push") notifications. We will provide push notifications only to those users who permit such notifications. If you would like to opt-out of location-based advertising and push notifications, please see the Choices section below.

Cross Device Matching. We may now or in the future have the ability to match your devices using the data collected, making educated predictions, and, in some cases, using deterministic data (e.g., unique identifiers) or other content across devices. We may then, subject to the limitations otherwise set forth in this Privacy Policy and applicable law, display targeted advertisements to you across your devices unless it is an Opted-Out Device (as defined below) as further described in the Interest-Based Advertising Section below.

How We Use Information. Information collected by cookies and other tracking technologies may be collected and shared for the purposes described in this Privacy Policy, such as for system administration purposes, analytics, and to improve the Properties and our marketing efforts. We may also use the data to build a better picture of the type of offers and products that you might be interested in, for "Interest-Based Advertising" (described below) and push notifications. We also may use general location data, preferences, or other information received from the Properties, including through your mobile device such as through the App, to send you tailored marketing messages, including making product recommendations. Additionally, we may use

information to engage in interactive, real-time discussions with users, which we or the users may initiate. We may also anonymize or aggregate any information collected using cookies and other tracking technologies and may use and share such data for any lawful purpose.

6. Interest-Based Advertising

We may use information we collect (alone or in combination with information provided by third parties and service providers) to deliver targeted advertising (about Candy Digital or other third party products and services) to you when you visit our Properties or other websites. Information about you (such as email address) as well as cookies and other tracking technologies (described above) may be used in this process. For example, if you are searching for information on a particular product, we may use that information to cause an advertisement to appear on other websites you view with information on that product. We may, now or in the future, have the ability to engage in “cross-device matching” to display targeted advertisements to you across browsers and devices (as described in Section 5 above).

To further clarify, we partner with third parties that collect information across various channels, including offline and online, for purposes of delivering more relevant advertising to you or your business. Our partners may place or recognize a cookie on your computer, device, or directly in our emails/communications, and we may share personal information with them if you have submitted such information to us, such as your name, postal address, email address, or device ID. Our partners use this information to recognize you across different channels and platforms, including but not limited to, computers, mobile devices, and Smart TVs, over time for advertising, analytics, attribution, and reporting purposes.

If you would like to opt-out of these interest-based advertisements or “cross-device matching,” please see the Opt-Out Process/Options and Additional Terms below in Section 10.

7. Data Retention

We will retain your personal information for as long as your account is active (as determined by us) and for a reasonable time thereafter, or such other time period as prescribed by law. We also may retain your personal information for a longer period of time as needed to provide you services or as necessary to comply with our legal obligations, to resolve disputes, and to enforce our agreements. Even if we delete some or all of your personal information, we may continue to retain and use aggregate, anonymous data previously collected and/or anonymize and aggregate your personal information.

8. Contests and Promotions

If contests or promotions are made available, the applicable contest or promotion rules may include rules regarding the collection, use, and disclosure of personal information. To the extent that those specific rules conflict with this Privacy Policy, the contest or promotion rules will supersede this Privacy Policy with respect to the conflicting terms and the non-conflicting terms of this Privacy Policy and our [Terms of Use](#) will continue to apply.

9. Third-Party Websites and Social Media Services

Third-Party Websites. The Properties may contain links to other websites or Internet resources. When you click on one of those links, you are contacting another website or Internet resource. We have no responsibility or liability for, or control over, those other websites or resources or their collection, use and disclosure of your information. We suggest that you read the privacy policy and terms of use of each such website.

Social Media, Widgets and Open Forums. Our Properties may allow you to engage with social media services, such as Facebook, Twitter, Pinterest and Instagram (“Social Networks”), and widgets such as the “Share this” button, or interactive mini-programs that run on our Properties or which link from Social Networks to our Properties (“Social Functions”). These Social Functions may access, collect, and integrate with your Social Network accounts and information. For example, these Social Functions may collect your IP address, identify which page you are visiting on our Properties, or set a cookie. Social Functions may also be used to register

you as a Properties user. For example, if you are not currently registered as a Website user and you use certain Social Functions, you will be asked to enter your Social Network credentials and then be given the option to register and join the Website. If you choose to use these Social Functions, you may be sharing certain Social Network profile elements with us, including your name, birthday (month/day), comments, contacts, email address, photos, or favorite teams. This sharing is subject to each Social Network's own privacy policy and terms of use. We do not control those Social Networks or your profiles on those services. Nor do we modify your privacy settings on those services or establish rules about how your personal information on those services will be used. Social Functions are either hosted by a third party or hosted directly on our Properties. Your interactions with them are governed by the privacy policy of the company providing them. Please refer to the privacy settings in your Social Network account to manage the data that is shared with us through your account. Information you include and transmit online in a publicly accessible blog, chat room, or Social Network, or that you share in an open forum such as an in-person panel or survey, may be viewed and used by others without any restrictions. We do not control such uses of your personal information, and by using such services you assume the risk and acknowledge that the personal information provided by you may be viewed and used by us and/or third parties for any number of purposes and that the usage restrictions set forth in this Privacy Policy do not apply to such services.

10. Your Choices

We strive to offer you with choices about how information is used and shared. There are several ways in which you may opt out of the various programs and services we provide. Some of the ways in which you may opt out are described below.

Opting Out of Our Services. If you receive an email from us, you may unsubscribe from all future unsolicited commercial emails from us through a link, typically at the bottom of the e-mail. On most devices, App users may opt out of mobile communications from us via their device settings (mobile browser cookies require a separate opt-out, as explained below). In addition, you may request that we delete your personal information by emailing your request to fans@candy.com and we will process your request within a reasonable time after receipt, subject to our rights under the Data Retention section above.

Direct Marketing Opt-Out. If you do not want your personal information shared with any third party who may use such information for direct marketing purposes, then you may opt-out of such disclosures by sending an email to fans@candy.com. However, we are not responsible for removing your personal information from the lists of any third party who has previously been provided with your information in accordance with this Privacy Policy, and any elections or privacy choices you may make with respect to receipt of certain types of e-mails or marketing communications from us will not apply to any such third parties. You should contact any third parties that send you communications directly with respect to choices that they may make available to you with respect to such communications.

Interest-Based Advertising Opt-Out and Do Not Track Signals. With respect to "do not track" (a/k/a "DNT") signals or similar mechanisms transmitted by web browsers, the Properties do not respond to or honor such signals or mechanisms. This means that third parties, such as ad networks, web analytics companies, and social networking platforms (some of whom are discussed elsewhere in this Privacy Policy), may collect information about your online activities over time and across our Properties and other third-party online properties or services. These companies may use information about your visits to our Properties and other sites, and general geographic information derived from your IP address, in order to provide advertisements about goods and services of interest to you. For more information about third-party advertisers and how to prevent them from using your information, please visit <http://www.networkadvertising.org/choices/>. This is a site offered by the Network Advertising Initiative ("NAI") that includes information on how consumers can opt-out from receiving interest-based advertising from some or all of NAI's members. You can also visit <http://www.aboutads.info/choices>, which is a site offered by the Digital Advertising Alliance ("DAA") that includes information on how consumers can opt-out from receiving internet-based advertising from some or all of DAA's participating companies. Opting out of interest-based advertising does not mean that you will no longer see any advertisements; rather, you will still see advertisements that are general and not tailored to your specific interests and activities. Further, cookie-based opt-outs must be performed on each device and browser that you wish to have opted-out. For example, if you have opted out on your computer browser, that opt-out will

not necessarily be effective on your mobile device. In the event we are performing cross-device matching (as described above), once you have opted out on one device ("Opted-Out Device"), we will not use any new data from the Opted-Out Device to identify you on another device for interest-based advertising purposes and we will not use data from another device for interest-based advertising purposes on the Opted-Out Device.

Mobile Application-Based Opt-Outs. To the extent we have launched an App, cookie-based opt-outs are not effective on mobile applications. You may opt out of certain advertisements on mobile applications or reset advertising identifiers via their device settings. To learn how to limit ad tracking or to reset the advertising identifier on your iOS and Android device, click on the following links:

iOS - <https://support.apple.com/en-us/HT202074>

Android - <https://support.google.com/ads/answer/2662922?hl=en>

Location Data Opt-Out. In some cases, such as when using an App, you may also adjust the settings on your mobile device to allow or restrict the sharing of location information. For example, the "location" permissions on your mobile device may allow you to elect whether to never share location information with us, to share location information only while you are using the Properties or always share location information even if you are not using the Properties. If you elect to not share your location information, you may be unable to access some features of our services that are designed for mobile devices. Also, in the event that you prevent the sharing of location information, we may still estimate your general location based on the IP address you use to access our services.

11. Security of Your Personal Information

When you enter sensitive information, if applicable, we use reasonable security measures to protect the confidentiality of the personal information submitted to us both during transmission and after we receive it.

12. Children's Privacy

We are committed to the preservation of online privacy for all of our visitors, including children. We sell services and products intended for purchase by adults (i.e., those age 18 or older). If you make a purchase on our Properties, you are representing that you are an adult. We will not knowingly collect any personal information from children under the age of 18 without the consent of that child's parent or guardian. If you are a child under the age of 18, you are not authorized to use the Properties without consent from your parent or legal guardian. If we become aware that personal information from a child under 18 has been collected without such child's parent or guardian's consent, we will use all reasonable efforts to delete such information from our database. If any parent, guardian or other responsible adult becomes aware that we have collected personal information from a child under the age of 18, please contact us at fan@candy.com

13. Other Notices and Important Information

Privacy Policy Changes. We have the sole discretion to change, modify, add, or remove portions of this Privacy Policy from time to time. New versions of this Privacy Policy will be posted here. Our collection, use and disclosure of your information will be governed by the version of this Privacy Policy in effect at the time of such collection, use or disclosure. If we materially change the way that we collect, use or disclose your personal information, we will notify you through a notice, updated Privacy Policy on the Properties, or by email (sent to the email address specified in your account), prior to or upon the change(s) becoming effective. Accordingly, when you access or use the Properties, you should check the date of this Privacy Policy and be aware of any changes since the last version. Your continued use of the Properties following the posting of any changes to this Privacy Policy means that you accept such changes.

Servers in the United States of America. Our servers are maintained in the United States of America ("USA"). By using the Properties, you freely and specifically give us your consent to export your personal information to the USA and to store and use it in the USA as specified in this Privacy Policy. You understand that data stored in the USA may be subject to lawful requests by the courts or law enforcement authorities in the USA.

Terms and Conditions. Use of the Properties is governed by, and subject to, the [Terms of Use](#), and this Privacy Policy is incorporated therein. Your use or accessing of the Properties constitutes your agreement to be bound by the [Terms of Use](#).

If you have any questions about this Privacy Policy, you may contact us at:

Candy Digital

180 Madison Avenue,

21st Floor

New York, NY 10016

or by email at

fans@candy.com

To the extent you believe we have not addressed your concerns or otherwise choose to do so, you have the right to lodge a complaint with a supervisory authority. You may contact the US Federal Trade Commission regarding your concerns.