

# Privacy Policy

Jyve Technologies, Inc. ("**Jyve**") has created this application to provide an online platform for bands, venues, promoters and other music professionals. The terms "**Jyve**", "**we**" and "**us**" refer to Jyve Technologies, Inc., a Delaware corporation with principal offices at 2007 Cherry Hill Lane, Suite B Charleston, SC 29405.

Jyve is committed to maintaining your privacy. This privacy policy and agreement ( "**Privacy Policy**") covers how we collect, use, and treat personal information that you may provide through our Application (the "**Application**" or the "**App**") or while participating in the services we offer via the Application (the "**Services**") in addition to information Jyve may collect from third party sources. The terms "**you**" and "**your**" refer to any user of the Application, including (i) bands and other music professionals who use the App to promote and showcase their works, (ii) band affiliates such as managers, agents or other similar roles ("**Representatives**") who use the App on behalf of the bands and other music professionals whom they represent, and (iii) venues, promoters, licensors, music supervisors and anyone else engaged in booking or licensing music. Bands, other music professionals, agents, venues, promoters, and venue managers who are registered with our App are collectively referred to as Registered Members ( "**Registered Members**").

1. Your Consent  
Please read this Privacy Policy carefully; once you consent to this Policy's terms, it creates legal obligations on you and on Jyve. Representatives must receive consent from the professionals whom they represent on the App.

If you select to join as a Registered Member of the App, you will be prompted to click to accept this Policy during the registration process. Accepting confirms your agreement to be bound by this Privacy Policy.

## 2. The Types of Information You May Provide

Information you may provide while visiting our App or while participating in our Services falls into two broad categories: (i) personally identifiable information, and (ii) aggregate information. We use the term "**Personally Identifiable Information**" to mean any information that could reasonably be used to identify you, including your name, address, e-mail address, birth date, financial information, photograph, telephone number or any combination of information that could be used to identify you. "**Anonymous Information**" is information that does not identify you, and may include statistical information concerning, for example, your use of our Services, your access to works by our Registered Members, or the pages in our App that you visit most frequently. These two categories of information can be further divided into (iii) information that we collect and that you provide us ("**App-Directed Information**"), and (iv) information you intend to provide or make available to App Visitors other Members on our App ("**Registered Member-Directed Information**").

Our Privacy Policy governs all App-Directed Information – whether this information is personally identifiable information or anonymous information – and does not govern Member-Directed Information, as we have no direct control over the collection or use of Registered Member-Directed Information shared, for example, through our proprietary or other messaging services. Jyve is not responsible for Registered Member-Directed Information shared by a Representative on behalf of the music professionals they represent or purport to represent.

### 3. Personally Identifiable Information and Anonymous Information; Our Uses of This Information

We will only share App-Directed Personally Identifiable Information you choose to provide or grant us access to with third parties as disclosed on our App. We will not share that information in any other way.

We collect additional information from App Visitors and Registered Members, including App-Directed Personally Identifiable Information or Registered-Member Directed Information, at different points on our Application and through our Services, and use this information as detailed below.

#### 3.1 Registration Information; User Names

In order to participate in our App's Services as a Registered Member, we require that you complete a registration form. Our registration forms will specify the information which you must provide in order to enjoy the particular feature to which you desire access, which may include such information such as (i) name; and (ii) email address. Our registration forms may additionally request information which you may, at your option, choose to provide or withhold. During the registration process, Registered Members will set a password, which allow them to gain access to the Application and Services to which they have subscribed. They may, at their discretion, authenticate with a sign on (SSO) process through another platform that provides such a service, such as Facebook.

#### 3.2 App-Directed Personally Identifiable Information

As a Registered Member, you may wish to register just yourself and/or a band for which you act as a Representative. Information you submit as part of your profile is public information and is not treated as Personally Identifiable Information under this Privacy Policy. As a Registered Member you bear the responsibility of using personal discretion in selecting what information to provide as part of your public profile. In addition, any information or data you provide us or to which you provide us access (e.g. via third party platform permissions and contents) or any information that is already publicly available

through Apps such as Facebook is not treated as Personally Identifiable Information under this Privacy Policy. By providing us access to your own information, your band's information or information regarding individuals you represent, directly and/or via third-party platforms that are publicly available, you grant us the right to use those data to provide functionality on our App that may take the form of metrics on band followership, assigned demographic information and information on band popularity, etc. In addition, you grant us the right to provide those data to Registered Members and other third party platforms with whom we partner.

### 3.3 Registered Member-Directed Information

Our Privacy Policy does not govern Registered Member-Directed Information, as we have no direct control over the collection or use of Registered Member-Directed Information shared, for example, through our proprietary or other messaging services. Jyve is not responsible for Registered Member-Directed Information shared by a Representative on behalf of the music professionals they represent or purport to represent.

### 3.4 Other Personally Identifiable Information and Anonymous Information

In order to access and use our Services, we may periodically obtain both Personally Identifiable Information and Anonymous Information about you from affiliated entities, business partners and other independent third party information sources (e.g. via third party platform permissions and consents, etc.) and add it to other information about you. Anonymous Information includes aggregated data that are not associated with Personally Identifiable Information you have provided as part of your Jyve account. For example, if you visit our App by "clicking through" from a App operated by one of our business partners, and you have registered with that partner, then Personally Identifiable Information about you that you have provided that partner, such as contact information and demographic information, may be shared with us per the terms agreed upon with that third-party information source. As another example, if you access third party services such as certain social media services through our Application or before coming to our Application, we may collect Anonymous Information such as your username or ID or other information made available to us through those third party services. We will work with our existing partners and future partners to improve and personalize your use of our Application in accordance with the practices outlined in this section and Privacy Policy.

### 3.4 Where do we process data?

We process data at our registered offices at (Address) and (under contract) at the sites of data processors and third parties appointed by us.

## 4. Automatic Information Collection

When you access and/or use the App or its Services, we may automatically collect certain information, such as unique device identifiers, your internet protocol address, physical and App location data, and information provided by third parties, information about the way that you use the App, etc. and treat these data as App-Directed Information, Member-Directed Information and/or Anonymous Information. We use these data to tailor your own and Members' App experiences, including through potentially targeting certain advertisements based on the Anonymous Information we collect.

In addition, the App may use "cookies," "pixels" or other tracking mechanisms. These tracking mechanisms may be used to provide you with a tailored user experience and to make it easier for you to use a Application upon a future visit based on historical information for content access, search history, access times and other information relevant to tailoring a customized user App Visitor experience. We may associate the information collected by tracking mechanism with your App-Directed and Member-Directed Personally Identifiable Information.

We may embed identifiers in our App and use them to recognize you when you return to our App. These may be cleared by un-authenticating from the App ("signing out"). By using the App and its Services you consent to the use of tracking mechanism and use of resulting information whether used in isolation or linked with your Member-Directed and App-Directed Personally Identifiable Information by Jyve under the provisions of this Policy.

## 5. Any Information Linked With Your Personally Identifiable Information Is Protected As "Personally Identifiable Information"

To enable us to better understand the characteristics of our Customers and/or to provide services tailored to your needs, we may link (a) the personally identifiable information you have provided; with (b) Anonymous Information. If we combine or link any Anonymous Information or other information with your personally identifiable information, the resulting combination will be treated and protected as personally identifiable information under this Privacy Policy. Accordingly, no unrelated third parties will have access to this information, and any of our service providers who are granted access to this information will be bound to protect it in accordance with this Policy.

## 6. We Do Not Disclose App-Directed, Personally Identifiable Information to Unaffiliated Third Parties; Limited Exceptions

We will not disclose your personally identifiable information to unaffiliated third parties without your express consent, except in the following limited circumstances:

### 6.1. App Vendors

We may employ other companies to perform functions on our behalf, such as maintaining the Application, providing services related to the App, collecting information, responding to and sending electronic mail, or other functions necessary to our business. We may need to share your personally identifiable information with these companies (collectively, "**App Vendors**"). We will provide App Vendors with only that information necessary to perform their functions, and we will not allow them to use your personally identifiable information for any other purpose.

### 6.2. Question of Harm

We may reveal your personally identifiable information to attorneys, private investigator organizations or law enforcement agencies if we believe (a) that you are in risk of harm from another, or (b) that you are harming or interfering (or will harm or interfere) with others or violating (either intentionally or unintentionally) our Terms and Conditions of Use or otherwise violating legal rights.

### 6.3. Legal

Jyve will reveal your personally identifiable information, to the extent we reasonably believe we are required to do so by law. If we receive legal process calling for the disclosure of your personally identifiable information we will attempt to notify you via the email address you supplied during registration within a reasonable amount of time before we respond to the request, unless such notification is not permitted.

### 6.4. Transfer of App

Jyve shall be entitled to transfer to a third party information it collects, including any personally identifiable information, in connection with a sale of all or substantially all of the assets of the business entity responsible for the information under this Policy, provided the acquiring third party has agreed to safeguard your personally identifiable information with protections that in all material respects are the same as or more protective than those set out in this Privacy Policy.

## 7. Changing or Removing Information; Opting Out

### 7.1. Discretionary Account Information

To allow appropriate control over personally identifiable information, you can access your account (after supplying your email address and password) to change or update discretionary information that you have previously submitted.

### 7.2. Opt-Out

If we choose to send to you bulletins, updates, or other unsolicited communications that are marketing-related materials, we will provide you with the ability to decline — or "opt-out of" — receiving such communications. Instructions for opting-out will be provided if and when we determine to send you such a communication. Please understand that you will not be allowed to "opt-out" of formal notices concerning operation of this Application, and legal and other related notices concerning your relationship to the App.

### 7.3. Deleting Information

Finally, if you request, we will remove your name and all other personally identifiable information from our databases. Please understand, however, that it may be impossible to remove this information completely, due to backups and records of deletions, or legal obligations to maintain this data. In addition, please understand that, if you request deletion of your information, you will be unable to utilize associated features of the Application and any associated Services. You may not remove de-identified, anonymous, or aggregate data from our databases.

### 7.4. Parental Review

A parent of a Registered Member who is under the age of majority is entitled to review the information that we have collected from or concerning their child (or ward), withdraw their consent to our further use of such information, or direct the deletion of such information by contacting us in accordance with Contact Us section of this policy.

## 8. Security

We have put in place security systems designed to prevent unauthorized access to or disclosure of personally identifiable App-Directed Information you provide to us, and we take all reasonable steps to secure and safeguard this Information. Our App's password-protected section requires users to give us unique identifiers such as their email address and password. Jyve employees (and employees of our affiliates and App Vendors) are required to acknowledge that they understand and will abide by our

policies with respect to the confidentiality of personally identifiable information. Moreover, we provide access to our databases containing personally identifiable information on a need-to-know basis only. Our security systems are therefore structured to deter and prevent hackers and others from accessing information you provide to us. Please understand, though, that this information should not be construed in any way as giving business, legal, or other advice, or warranting as fail proof, the security of information provided by or submitted to Jyve. Due to the nature of Internet communications and evolving technologies, we cannot provide, and disclaim, assurance that the information you provide us will remain free from loss, misuse, or alteration by third parties who, despite our efforts, obtain unauthorized access.

## 9. Notice of Security Incident

If we detect, despite the safeguards set out above, an intrusion or other unauthorized access to or use of personally identifiable information (an **"Intrusion"**), we will (i) notify affected users of the Intrusion if the information at issue is sensitive, to the extent applicable law requires, in our discretion, (ii) deliver this notice by the means we deem most efficient under the circumstances (such as, for example, first class mail or email); (iii) use contact information for each affected user that is current in our files; and (iv) use commercially reasonable efforts to accomplish these steps and effect this notice in a timely manner. To the extent applicable law requires steps in addition to those specified above, we will under all circumstances comply with applicable law.

## 10. Privacy Policy regarding children under 13 years-of-age

Nothing on <https://jyve.io> or the Application is directed to children under 13 years-of-age. Jyve does not knowingly collect or maintain personally identifiable information on this Application from children under 13 years-of-age. If Jyve learns that personally identifiable information from children under 13 years-of-age has been collected and/or is maintained on this Application without verifiable parental consent, Jyve will take appropriate steps to delete such data. If you are a parent or guardian and find out that your child under 13 years-of-age has registered with the App and has provided personally identifiable information on this Application, you may inform Jyve at [support@jyve.io](mailto:support@jyve.io) and request that Jyve delete your child's personally identifiable information from its systems. After notice, Jyve will delete all such information.

Please feel free to send an email to [support@jyve.io](mailto:support@jyve.io) should you wish to share any comments, questions or advice regarding these privacy guidelines.

## 11. Notification of Changes

From time to time, Jyve may change its Privacy Policy. If we make any changes regarding disclosure of personally identifiable information to third parties, we will attempt to contact Registered Members prior to the date the modified policy is scheduled to take effect. We will post the new Policy from the privacy link on our Application and on our website.

## 12. Our Affiliates

We may choose to rely on and share information with companies closely related to us – our "**Affiliates**" — for certain purposes under this Privacy Policy. By "Affiliate," we mean an entity that controls, is controlled by, or is under common control with Jyve, whether the control results from equity ownership, contract, overlapping management or otherwise. In this context, "control" means the ability to replace the officers or directors or otherwise materially influence or control management decisions. You agree that Jyve Affiliates will be entitled to enjoy our rights under this Policy and, in exchange, we agree that we will be responsible for our Affiliate's conduct under this Policy, if our Affiliate fails to comply with any resulting obligations. In any event, we ensure that our Affiliates agree to protect personally identifiable information in a manner no less protective of your interests than the protections set out in this Policy.

## 13. Relationship to Terms of Use and Other Contracts

This Privacy Policy must be read in conjunction with our Terms and Conditions of Use, and the provisions of our Terms and Conditions of Use are incorporated herein. To the extent the Terms and Conditions of Use conflict with the terms of this Privacy Policy, the terms of this Privacy Policy will control.

## 14. Further Resources

If you wish further information concerning privacy policies in general, concerning online social networking and safety, and concerning the Children's Online Privacy Protection Act, you should visit the following websites:

<http://www.safeteens.com/>

<http://www.ftc.gov/privacy/index.html>

[http://www.ftc.gov/privacy/privacyinitiatives/childrens\\_educ.html](http://www.ftc.gov/privacy/privacyinitiatives/childrens_educ.html)

<http://www.ftc.gov/bcp/online/edcams/kidzprivacy/index.html>

<http://www.wiredsafety.org/internet101/blogs.html>

<http://www.netsmartz.org/netteens.htm>

[http://www.isafe.org/channels/sub.php?ch=op&sub\\_id=media\\_tips](http://www.isafe.org/channels/sub.php?ch=op&sub_id=media_tips)

## 15. Contact Us

If you have any questions about this Privacy Policy, the practices of this App, or your dealings with this Application, please contact us at: You may contact us, for any reason, by filling out the web form at [support@jyve.io](mailto:support@jyve.io).

You may contact us by mail as follows:

Jyve Technologies, Inc., Suite B  
2007 Cherry Hill Lane  
Charleston, SC 29405

## 16. Effective Date

The effective date of this Privacy Policy is May 25th, 2018.