

AUDIO TEST KITCHEN, INC.

PRIVACY POLICY

EFFECTIVE DATE: August 5, 2019

This Privacy Policy (“**Privacy Policy**”) describes how **AUDIO TEST KITCHEN, INC.**, a Delaware corporation (“**ATK**”, “we,” “us,” or “our”), collects, uses, and discloses the information that we obtain about visitors to our website, audiotestkitchen.com, app.audiotestkitchen.com and related domains and subdomains (collectively, the “**Site**”), and subscribers to our mailing list (“**Mailing List**”), and the information and services available through our Site and mailing list communications (collectively, the “**Services**”).

By visiting the Site, or using any of our Services, you agree that your personal information will be handled as described in this Privacy Policy. Your use of our Site or Services, and any dispute over privacy, is subject to this Privacy Policy and the Audio Test Kitchen, Inc. Website Terms of Use (including its applicable limitations on damages and the resolution of disputes) (“**Terms of Use**”), a copy of which can be found here: https://app.audiotestkitchen.com/assets/terms/terms_and_conditions_normal.pdf. The Terms of Use are incorporated by reference into this Privacy Policy.

The Information We Collect About You

We collect information about you directly from you and from third parties, and automatically through your use of our Site or Services.

Information We Collect Directly From You

The information we collect from you depends on how you use our Services. To create an account, you must provide your Name, email and passcode. To sign up for the Mailing List, you must either opt-in when you create an account, or provide us with your email via another channel in which you expressly sign-up to the Mailing List.

Information We Collect Automatically

We automatically collect information about your use of our Site and Apps through cookies, web beacons, and other technologies, including technologies designed for mobile apps. To the extent permitted by applicable law, we combine this information with other information we collect about you, including your personal information. Please see the section “Cookies and Other Tracking Mechanisms” below for more information.

Site:

- domain name;
- your browser type and operating system;
- web pages you view on the Site; links you click on the Site; your IP address;
- the length of time you visit our Site and or use our Services;
- the referring URL, or the webpage that led you to our Site.

App:

- device name and model; operating system type, name, and version;
- language information;
- activities within the App;

How We Use Your Information

We use your information, including your personal information, for the following purposes:

- To provide our Services to you.

- To communicate with you about your use of our Services, to respond to your inquiries, and for other customer service purposes.
- To tailor the content and information that we may send or display to you, to offer location customization, and personalized help and instructions, and to otherwise personalize your experiences while using the Services.
- To send you email marketing about our products and services (Mailing List subscribers only).
- To send you news and newsletters (Mailing List subscribers only).
- To send you email marketing about products and services of our affiliated entities (Mailing List subscribers only).
- To send you email marketing about products and services of other entities that we think may be of interest to you (Mailing List subscribers only).
- To assist us in advertising on third party websites, mobile apps, and other online services, and to evaluate the success of our advertising campaigns through third party channels (including our online targeted advertising and offline promotional campaigns).
- To better understand how users access and use our Services, both on an aggregated and individualized basis. For example, we will evaluate which features of our Site and App are more (or least) used by users, and we will use this information.
- For research and analytics purposes.
- To administer our customer loyalty program.
- To administer surveys and questionnaires, such as for market research or member satisfaction purposes.
- To comply with legal obligations, as part of our general business operations, and for other business administration purposes.
- Where we believe necessary to investigate, prevent or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person or violations of our Terms of Use or this Privacy Policy.

How We Share Your Information

We may share your information, including personal information, as follows:

- ***Service Providers.*** We disclose the information we collect from you to service providers, contractors or agents who perform functions on our behalf.
- ***Affiliates.*** We disclose the information we collect from you to our affiliates or subsidiaries.
- ***Facebook Users.*** Your username and profile picture will be visible to all other ATK users, regardless of whether they are your Facebook friends. In addition, when you join ATK, if you grant us permission to post on your Wall, a notification will be visible on your Facebook page telling your friends that you have started using ATK. The ATK Application also will be visible on your Facebook page under “applications.”
- ***ATK Users.*** Your user name and any information that you post to our Site, including, without limitation, reviews, comments, and text will be available to, and searchable by, all users of the Site and Services.

We also disclose information in the following circumstances:

- ***Business Transfers.*** If (i) we or our affiliates are or may be acquired by, merged with, or invested in by another company, or (ii) if any of our assets are or may be transferred to another company, whether as part of a bankruptcy or insolvency proceeding or otherwise, we may transfer the information we have collected from you to the other company. As part of the business transfer process, we may share certain of your personal information with lenders, auditors, and third-party advisors, including attorneys and consultants.
- ***In Response to Legal Process.*** We disclose your information to comply with the law, a judicial proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
- ***To Protect Us and Others.*** We disclose your information when we believe it is appropriate to do so to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential

threats to the safety of any person, violations of our Terms of Use or this Privacy Policy, or as evidence in litigation in which we are involved.

- ***Aggregate and De-Identified Information.*** We share aggregate, anonymized, or de-identified information about users with third parties for marketing, advertising, research or similar purposes.

Our Use of Cookies and Other Tracking Mechanisms

We and our third-party service providers may use cookies and other tracking mechanisms to track information about your use of our Site or Services. We may combine this information with other personal information we collect from you (and our third-party service providers may do so on our behalf).

Cookies. Cookies are alphanumeric identifiers that we transfer to your device's hard drive through your web browser for record-keeping purposes. Some cookies allow us to make it easier for you to navigate our Site and Services, while others are used to enable a faster log-in process or to allow us to track your activities at our Site and Service. There are two types of cookies: session and persistent cookies.

- **Session Cookies.** Session cookies exist only during an online session. They disappear from your device when you close your browser or turn off your device. We use session cookies to allow our systems to uniquely identify you during a session or while you are logged into the Site and Services. This allows us to process your online transactions and requests and verify your identity, after you have logged in, as you move through our Site and Services.
- **Persistent Cookies.** Persistent cookies remain on your device after you have closed your browser or turned off your device. We use persistent cookies to track aggregate and statistical information about user activity.

Disabling Cookies. Most web browsers automatically accept cookies, but if you prefer, you can edit your browser options to block them in the future. The Help portion of the toolbar on most browsers will tell you how to prevent your computer from accepting new cookies, how to have the browser notify you when you receive a new cookie, or how to disable cookies altogether. Visitors to our Site and Services who disable cookies will be able to browse certain areas of the Site, but some features may not function.

Flash Local Storage Objects. We may use Flash Local Storage Objects ("*Flash LSOs*") to store your Site preferences and to personalize your visit. Flash LSOs are different from browser cookies because of the amount and type of data stored. Typically, you cannot control, delete, or disable the acceptance of Flash LSOs through your web browser. For more information on Flash LSOs, or to learn how to manage your settings for Flash LSOs, go to the Adobe Flash Player Help Page, choose "Global Storage Settings Panel" and follow the instructions. To see the Flash LSOs currently on your computer, choose "Website Storage Settings Panel" and follow the instructions to review and, if you choose, to delete any specific Flash LSO.

Clear Gifs, Pixel Tags and Other Technologies. Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer's hard drive, clear GIFs are embedded invisibly on web and app pages. We may use clear GIFs (a.k.a. web beacons, web bugs or pixel tags), in connection with our Site and Services to, among other things, track the activities of Site visitors and app users, help us manage content, and compile statistics about Site usage. We and our third party service providers also use clear GIFs in HTML e-mails to our customers, to help us track e-mail response rates, identify when our e-mails are viewed, and track whether our e-mails are forwarded.

Third Party Analytics. We use automated devices and applications, such as Google Analytics, to evaluate usage of our Site, and to the extent permitted, our Apps. We also may use other analytic means to evaluate our Site and Apps. We use these tools to help us improve our Site's and Apps' performance and user experiences. These entities may use cookies and other tracking technologies, such as web beacons or local storage objects (LSOs), to perform their services. To learn more about Google's privacy practices, please review the Google Privacy Policy at <https://www.google.com/policies/privacy/>. You can also download the Google Analytics Opt-out Browser Add-on to prevent their data from being used by Google Analytics at <https://tools.google.com/dlpage/gaoptout>.

Do-Not-Track. Currently, our systems do not recognize browser “do-not-track” requests. You may, however, disable certain tracking as discussed in this section (e.g., by disabling cookies); you also may opt-out of targeted advertising by following the instructions in the Third-Party Ad Network section.

Third-Party Ad Networks

We may use third parties such as network advertisers to help serve advertisements on our Site, App, and on third-party websites or other media (e.g., social networking platforms). This enables us and these third parties to target advertisements to you for products and services in which you might be interested. Third-party ad network providers, advertisers, sponsors and/or traffic measurement services may use cookies, JavaScript, web beacons (including clear GIFs), Flash LSOs and other tracking technologies to measure the effectiveness of their ads and to personalize advertising content to you. These third-party cookies and other technologies are governed by each third party's specific privacy policy, not this one. We may provide these third-party advertisers with information, including personal information, about you.

Users in the United States may opt out of many third-party ad networks. For example, you may go to the Digital Advertising Alliance ("**DAA**") [Consumer Choice Page](#) for information about opting out of interest-based advertising and their choices regarding having information used by [DAA companies](#). You may also go to the Network Advertising Initiative ("**NAI**") [Consumer Opt-Out Page](#) for information about opting out of interest-based advertising and their choices regarding having information used by [NAI members](#).

Opting out from one or more companies listed on the DAA [Consumer Choice Page](#) or the NAI [Consumer Opt-Out Page](#) will opt you out from those companies' delivery of interest-based content or ads to you, but it does not mean you will no longer receive any advertising through our Site, Services, or on other websites. You may continue to receive advertisements, for example, based on the particular website that you are viewing (i.e., contextually based ads). Also, if your browsers are configured to reject cookies when you opt out on the DAA or NAI websites, your opt out may not be effective. Additional information is available on the DAA's website at www.aboutads.info or the NAI's website at www.networkadvertising.org.

Third-Party Links

Our Site and Services may contain links to third-party websites. Any access to and use of such linked websites is not governed by this Privacy Policy, but instead is governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites.

Security of My Personal Information

We have implemented reasonable precautions to protect the information that we collect from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Please be aware that despite our best efforts, no data security measures can guarantee security.

You should take steps to protect against unauthorized access to your password, phone, and computer by, among other things, signing off after using a shared computer, choosing a robust password that nobody else knows or can easily guess, and keeping your log-in and password private. We are not responsible for any lost, stolen, or compromised passwords or for any activity on your account via unauthorized password activity.

Access To My Personal Information

You may modify personal information that you have submitted by logging into your account and updating your profile information. Please note that copies of information that you have updated, modified or deleted may remain viewable in cached and archived pages of the Site for a period of time.

What Choices Do I Have Regarding Use of My Personal Information?

In accordance with applicable law, we may send periodic promotional emails to you if you are a Mailing List Subscriber. You may opt-out of promotional emails by following the opt-out instructions contained in the email. Please

note that it may take up to 10 business days for us to process opt-out requests. If you opt-out of receiving promotional emails, we may still send you emails about your account or any services you have requested or received from us.

Children Under 13

Our Services are not designed for children under 13. If we discover that a child under 13 has provided us with personal information, we will delete such information from our systems.

Special Information for California Consumers

California residents may request a list of certain third parties to which we have disclosed personally identifiable information about you for their own direct marketing purposes. You may make one request per calendar year. In your request, please attest to the fact that you are a California resident and provide a current California address for your response. You may request this information in writing by contacting us at: privacy@audiotestkitchen.com. Please allow up to thirty (30) days for a response.

Contact Us

If you have questions about the privacy aspects of our Services or would like to make a complaint, please contact us at privacy@audiotestkitchen.com.

Changes to this Privacy Policy

This Privacy Policy is current as of the Effective Date set forth above. We may change this Privacy Policy from time to time, so please be sure to check back periodically. We will post any changes to this Privacy Policy on our Site and Application. If we make any changes to this Privacy Policy that materially affect our practices with regard to the personal information we have previously collected from you, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Site and Application.

Additional Information for EU Individuals

The information we collect through the Services is controlled by ATK which is headquartered in the United States at 4365 Elenda Street, Culver City, CA 90230.

The Legal Bases for Using Your Personal Information. We collect your information as a data controller when we have a legal basis to do so. The following legal bases pertain to our collection of data:

- Our use of your personal information is in our legitimate interest as a commercial organization (for example in order to make improvements to our products and services and to provide you with information you request); you have a right to object to processing as explained in the section below entitled Your Legal Rights;
- Our use of your personal information is necessary to perform our agreement with you or take steps to enter into an agreement with you (for example, to facilitate your use of the site or receipt of the Mailing List, where we use your personal information to respond to your customer service requests, to provide our services through our Site or Apps); and/or
- Our use of your personal information is necessary to comply with a relevant legal or regulatory obligation that we have (for example, where we are required to disclose personal information to a court or tax authority);
- Our use of your personal information is in accordance with your consent (for example, when you consent to sharing your personal information with a third party for their own marketing); and/or
- Our use is necessary to protect your vital interests (for example, to notify you of the occurrence of a data breach).

If you would like to find out more about the legal bases on which we process personal information, please contact us using the details below.

Retention of Your Personal Information. We retain your personal information for as long as necessary to provide our services to you, to fulfil the purposes described in this Privacy Policy and/or our business purposes, or as required by law, regulation, or internal policy.

Processing of Information from Children Between the Ages of 14 and 17. Where a child in the EU between the ages of 14 and 17 provides us with personal information through the Services and our processing is based on consent as a legal basis, we will obtain the consent of the child's respective parent or guardian. The parent or guardian has the right to withdraw such consent provided on behalf of their child at any time.

Your Legal Rights. Subject to certain exemptions, and in some cases dependent upon the processing activity we are undertaking, when ATK acts as a data controller, European Union individuals have certain rights in relation to their personal information:

Right to Access, Correct, and Delete your Personal Information: You have the right to request access to the personal information that we hold about you and: (a) the source of your personal information; (b) the purposes, legal basis and methods of processing; (c) the data controller's identity; and (d) the entities or categories of entities to whom your personal information may be transferred.

You also have the right to request that we delete your information.

We are not required to comply with your request to erase personal information if the processing of your personal information is necessary for compliance with a legal obligation or for the establishment, exercise, or defense of legal claims.

Right to restrict the processing of your personal information: You have the right to restrict the use of your personal information when (i) you contest the accuracy of the data; (ii) the use is unlawful but you do not want us to erase the data; (iii) we no longer need the personal information for the relevant purposes, but we require it for the establishment, exercise, or defense of legal claims; or (iv) you have objected to our personal information use where such use is justified on our legitimate interests and we must verify as to whether we have a compelling interest to continue to use your data.

We can continue to use your personal information following a request for restriction, where:

- we have your consent; or
- to establish, exercise or defend legal claims; or
- to protect the rights of another natural or legal person.

Right to data portability: To the extent that we process your information (i) based on your consent or under a contract; and (ii) through automated means, you have the right to receive such personal information in a structured, commonly used, machine-readable format, or you can ask to have it transferred directly to another data controller.

Right to object to the processing of your personal information: You can object to any processing of your personal information which has our legitimate interests as its legal basis, if you believe your fundamental rights and freedoms outweigh our legitimate interests. If you raise an objection, we have an opportunity to demonstrate that we have compelling legitimate interests which override your rights and freedoms.

Right to obtain a copy of personal information safeguards used for transfers outside your jurisdiction: You can ask to obtain a copy of, or reference to, the safeguards under which your personal information is transferred outside of the EEA.

Right to lodge a complaint with your local supervisory authority: You have a right to lodge a complaint with your local supervisory authority if you have concerns about how we are processing your personal information.

We ask that you please attempt to resolve any issues with us first, although you have a right to contact your supervisory authority at any time.

How to Exercise Your Rights: If you would like to exercise any of the rights described above, please send us a request at privacy@audiotestkitchen.com. In your message, please indicate the right you would like to exercise and the information that you would like to access, review, correct, or delete.

We may ask you for additional information to confirm your identity and for security purposes before disclosing the personal information requested to you. We reserve the right to charge a fee where permitted by law, for instance if your request is manifestly unfounded or excessive.

We may not always be able to fully address your request, for example if it would affect the duty of confidentiality we owe to others or if we are legally entitled to deal with the request in a different way.

Cross-border Transfer of Information. We generally maintain servers and systems in the United States hosted by third party service providers. As a result, where the personal information that we collect through or in connection with the Site, App, or our services, or is provided to us by our franchisees, is transferred to and processed in the United States or anywhere else outside the European Economic Area (EEA) for the purposes described above, we will take steps to ensure that the information receives the same level of protection as if it remained within the EEA, including entering into data transfer agreements, or using the EU Commission approved Standard Contractual Clauses. You may have a right to details of the mechanisms under which your data is transferred outside the EEA.

We comply with the E.U. – U.S. and Swiss – U.S. Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information obtained from European Union member countries and Switzerland and transferred to the United States. For information on how we process personal information transferred from the European Union and Switzerland, under the Privacy Shield Principles, please see our Privacy Shield Notice or visit the Privacy Shield website at <https://www.privacyshield.gov/>.

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