

## EARBUDS PRIVACY POLICY

Last modified: November 30, 2018

Earbuds Inc. (“**Earbuds**”) operates the Earbuds mobile application (“**App**”), the Earbuds.com website (“**Site**”), and the music streaming and syncing services offered through our platform (together with the App and the Site, the “**Services**”). The Services allow End Users to share their music playlists live through the Earbuds App.

Earbuds respects and protects the privacy of the users that use our Services. We maintain strict policies to ensure the privacy of those who use our Services (“**End Users**”) or those who may just be visiting our Site (“**Visitors**”). This policy (“**Privacy Policy**”) describes the types of information we may collect from you and our practices for how we collect, use, maintain, protect, and disclose such information. The way that we collect and use your information depends on the way you access the Services (whether by Site or by App). This Privacy Policy also includes a description of certain rights that you may have over information that we may collect from you.

By using the Services, you agree to this Privacy Policy. If you do not agree with our policies and practices, your choice is to not use our Services.

<b>Information that Earbuds Collects</b>	
<b>Types of Information Collected</b>	<p>Personal Data:</p> <p>“Personal Data” is information by which you may be personally identified. Earbuds may collect the following Personal Data from you:</p> <ul style="list-style-type: none"> <li>• Name,</li> <li>• Email,</li> <li>• Profile Photo,</li> <li>• IP address.</li> <li>• Information on your device model and operating system.</li> <li>• Your premium music service provider.</li> </ul>
	<p>Non-Personal Data</p> <p>Non-personal data includes any data that cannot be used on its own to identify, trace, or identify a person.</p> <p>We may combine non-Personal Data you give to us with Personal Data we collect about you. When combined, this will be treated as Personal Data and we will only use it in accordance with this Privacy Policy.</p>
<b>How we collect information.</b>	<p>We collect your Personal Data when you affirmatively give it to us through interactions with Earbuds, including:</p> <ul style="list-style-type: none"> <li>• During sign up to use Earbuds;</li> <li>• Through service requests or customer support;</li> <li>• Through survey forms;</li> <li>• When you choose to post information on public areas of the Services;</li> <li>• Through general use of the Earbuds app or accompanying services.</li> </ul> <p>We may collect non-Personal Data via automatic means including through cookies or through our third-party service providers listed below.</p>

<p><b>Why we collect and how we use your information. (Legal Basis)</b></p>	<p>In general, we collect and use your Personal Data for the following reasons:</p> <ul style="list-style-type: none"> <li>• when it is necessary for the general functioning of the Services, including when you choose to share your listening activity with other uses;</li> <li>• when it is necessary in connection with any contract you have entered into with us (including our terms of service for when we are offering services), or to take steps prior to entering into a contract with us;</li> <li>• when we have obtained your prior consent to the use (this legal basis is only used in relation to uses that are entirely voluntary – it is not used for information processing that is necessary or obligatory in any way);</li> <li>• when we have a legitimate interest in processing your information for the purpose of providing or improving our Services;</li> <li>• when we have a legitimate interest in using the information for the purpose of contacting you, subject to compliance with applicable law; or</li> <li>• when we have a legitimate interest in using the information for the purpose of detecting, and protecting against, breaches of our policies and applicable laws.</li> </ul> <p>We may use aggregated (anonymized) information about our End Users, and information that does not identify any individual, without restriction.</p>	
<p><b>Accessing Your Information</b></p>	<p>Earbuds acknowledges the individual’s right to access their Personal Data. An individual who seeks access, or who seeks to correct, amend, or delete inaccurate data, should contact us at <a href="mailto:support@EarbudsMusic.com">support@EarbudsMusic.com</a>. If requested to remove data, we will respond within a reasonable timeframe.</p>	
<p><b>How Long do we Store Personal Data?</b></p>	<p>We will only retain your Personal Data for as long as is necessary to fulfil the purposes for which it is collected. This length of time may vary according to the nature of your relationship with us.</p> <p>If you delete user contributions from the Site or App, copies of user contributions may remain viewable in cached and archived pages or might have been copied or stored by other End Users.</p>	
<p><b>Automated Data Collection Methods</b></p>	<p><b>Cookies</b></p>	<p>A cookie is a small file placed on the hard drive of your computer. We use cookies to help us manage and report on your interaction with the Site. Through cookies, we are able to collect information that we use to improve the Services, keep count of return visits to our website, keep track of click-stream data, collect and report on aggregate statistical information, authenticate your login credentials, or manage multiple instances of the Site in a single browser. We may also collect other data such as the date and time you visited the Site, and your current IP address. Refusing cookies through your browser may cause you to be unable to access certain parts of our Services or the functions of the Site may be impaired.</p> <p>Advertisers and third-parties that deliver ads to you on the Site may place or recognize a unique cookie on your hard drive. These types of non-Earbuds cookies are known as "third-party cookies." Third-party cookies may be used by third parties in order to collect information about you. The use of third-party cookies is not covered by this privacy policy. We do not have access to or control over cookies placed by advertisers and other third parties.</p>
	<p><b>Log Files and Web Beacons</b></p>	<p>Pages of the Site and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or opened an email and for other related statistics. Occasionally, we connect Personal Data to information gathered in our log files as necessary to improve our Services.</p>

<b>Users under the age of 16</b>	Our Services are not intended for children under 16 years of age and we do not knowingly collect Personal Data from children under 16. If you are under 16, do not use or register on the Services, make any purchases, use any of the interactive or public comment features, or provide any information about yourself to us. If we learn we have collected or received Personal Data from a child under 16 without verification of parental consent, we will delete that information. If you believe we might have any information from or about a child under 16, please contact us at the email address listed below.
<b>Do Not Track Settings</b>	We do not track our Users over time and across third party websites to provide targeted advertising and do not specifically respond to Do Not Track (“DNT”) signals.

**Who We Share Data With**

We may use aggregated (anonymized) information about our End Users, and information that does not identify any individual, without restriction.

Other Users	Because it is a core aspect of our Services, we may share your listening activity and profile information with other End Users.
-------------	---

Affiliates	We may, for our legitimate interests, share your information with entities under common ownership or control with us who will process your information in a manner consistent with this Privacy Policy and subject to appropriate safeguards.
------------	---

Successors in Interest.	We may, for our legitimate interests, share your information with a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Earbuds’ assets, in which Personal Data held by Earbuds about our End Users is among the assets transferred. You will be notified of any such change by a prominent notice displayed on our Services or by e-mail. Any successor in interest to this Privacy Policy will be bound to the Privacy Policy at the time of transfer.
-------------------------	--

Compliance with law and protection of people and property.	We may share your information when we believe in good faith that such sharing is reasonably necessary to investigate, prevent, or take action regarding possible illegal activities or to comply with legal process. This may involve the sharing of your information with law enforcement, government agencies, courts, and/or other organizations.
--	--

Service providers and partners.	We may, for our legitimate interests, share your information with contractors, service providers, third party authenticators, and other third parties we use to support our business and who are bound by contractual obligations to keep Personal Data confidential and use it only for the purposes for which we disclose it to them. These service providers may be located in the EEA, US or in other locations. A list of some of our service providers and partners is provided below.
---------------------------------	--

Service Provider/ Partner	Why we Share	Privacy Practices
Apple Music	We share information with Apple Music to allow proper functioning of our Services and to sync your account.	<a href="https://support.apple.com/en-us/HT204881">https://support.apple.com/en-us/HT204881</a>
Spotify	We share information with Spotify to allow proper functioning of our Services and to sync your account.	<a href="https://support.spotify.com/us/article/spotify-privacy-settings/plain">https://support.spotify.com/us/article/spotify-privacy-settings/plain</a>

Google Analytics	We use Google Analytics for Site analytics. Google will use information on our behalf to evaluate the use of our online products and services by End Users, to compile reports on the activities within these online products and services and to provide us with further services associated with the use of these online products and services.	<a href="http://www.google.com/privacy.html">http://www.google.com/privacy.html</a>
Facebook	Earbuds uses the “visitor action pixels” from Facebook on our Site. This allows Visitor and End User behavior to be tracked after they have been redirected to the provider’s website by clicking on a Facebook ad. This enables us to measure the effectiveness of Facebook ads. The data collected in this way is anonymous to us, i.e. we do not see the Personal Data of individual users. However, this data is stored and processed by Facebook, which is why we are informing you.	<a href="https://www.facebook.com/about/privacy/">https://www.facebook.com/about/privacy/</a>
Amazon AWS	We use AWS to service our back-end solution and power our App.	<a href="https://aws.amazon.com/privacy/?nc1=f_pr">https://aws.amazon.com/privacy/?nc1=f_pr</a>

**Third-Party Services and Websites**

When you connect to other platforms or content providers (like Spotify or Apple Music), such providers allow us and our service providers to have access to and store additional information about your interaction with those providers as it relates to use of the Services. If you do not wish to have this information shared, do not initiate these connections. These service partners may have their own data collection, use, and sharing practices that may also be applicable to your Personal Data, and that are not covered by this Privacy Policy. You acknowledge and agree that you are solely responsible for your use of those third-party service providers and that it is your responsibility to review the terms of use and privacy policies of the third-party service providers and the methods they use for changing the privacy or sharing settings on such services. If you would like to remove the connection between Earbuds and your third-party service account, please log in to such account and make the required changes to your account. We will then no longer have the right to use information from your third-party service account.

Earbuds is not responsible for the privacy policies or other practices employed by websites linked to, or from, our Site or App nor the information or content contained therein, and we encourage you to read the privacy statements of any linked third party.

**Data Storage and How Earbuds Protects Your Information**

Earbuds stores Personal Data about End Users and Visitors within the United States. If you are using the Services from the EEA or other regions with laws governing data collection and use, please note that you are agreeing to the transfer of your Personal Data to the United States. The United States may have laws which are different, and potentially not as protective, as the laws of your own country. By providing your Personal Data, you consent to any transfer and processing in accordance with this Privacy Policy.

Earbuds employs industry standard physical, electronic and managerial control procedures to safeguard and help prevent unauthorized access to your information. We choose these safeguards based on the sensitivity of the information that we collect, process and store and the current state of technology. Our outsourced service providers who support our operations are also vetted to ensure that they too have the appropriate organizational and technical measures in place to protect your information

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your Personal Data, we cannot guarantee the security of your information transmitted to the Services. Any transmission of information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Services. In the event that there is breach in the information that we hold, we shall notify of such breach via email or via notice on the Services.

#### EEA Specific Rights for Personal Data

For the purposes of data collection under the GDPR, Earbuds shall be the data controller.

With respect to Personal Data collected from individuals from the EEA, our legal basis for data collection and storage is your consent, within the meaning of Art. 6 paragraph 1 sentence 1 letter a GDPR. For any additional data collection beyond what is disclosed in this Privacy Policy our legal basis will depend on the Personal Data concerned and the specific context in which we collect it. Earbuds will normally collect Personal Data only where: (a) we have specific consent to do so, (b) where we need the Personal Data to fulfil a contract with a Visitor or End User, or (c) where the processing is in our or a third party's legitimate interests (and not overridden by your data protection interests or fundamental rights and freedoms).

If you are an individual resident in EEA, you have the following data protection rights regarding Personal Data:

- You have the right to access, correct, update or request deletion of your Personal Data. You can do so at any time by contacting us.
- You have the right to object to processing of your Personal Data, to ask us to restrict processing of your Personal Data, or to request portability of your Personal Data. Again, you can exercise these rights by contacting us.
- You have the right to opt-out of marketing communications we send you at any time. You can exercise this right by clicking on the "unsubscribe" or "opt-out" link in the marketing e-mails we send you. To opt-out of other forms of marketing (such as postal marketing or telemarketing), please contact us.
- You have that right to revoke consent that was previously given. If we have collected and process your Personal Data with your consent, then you can withdraw your consent at any time. Withdrawing your consent will not affect the lawfulness of any processing we conducted prior to your withdrawal, nor will it affect processing of your Personal Data conducted in reliance on lawful processing grounds other than consent.
- You have the right to complain to a data protection authority about our collection and use of your Personal Data. For more information, please contact your local data protection authority.

If you would like to exercise any of the above rights, please contact our support team or contact us at [support@EarbudsMusic.com](mailto:support@EarbudsMusic.com) [or through our Data Protection Officer at [CONTACT INFO]].

#### California and Vermont Specific Rights

**California:** If your Earbuds account has a California mailing address, we will not share Personal Data we collect about you except to the extent permitted under California law. California residents are permitted to request a full list of Personal Data stored by Earbuds, which may be subject to a reasonable fee. To make such a request, please send an email to the email address listed below.

If you are a California resident under the age of 18, and a registered user of our Services, California Business and Professions Code Section 22581 permits you to request and obtain removal of content or information you have publicly posted. To make such a request, please send an e-mail with a detailed description of the specific content or information to the email address listed below.

**Vermont:** If your Earbuds account has a Vermont mailing address, we will not share Personal Data we collect about you with non-affiliates unless the law allows or you provide authorization.

#### Changes to the Privacy Policy

It is our policy to post any changes we make to our Privacy Policy on this page. If we make material changes to how we treat our End Users' Personal Data, we will notify you by email to the primary email address specified in your account or through a prominent notice on the Site or App. Such changes will be effective when posted. The date the Privacy Policy was last revised is identified at the top of the page. Your continued use of our Services following the posting of any modification to this Privacy Policy shall constitute your acceptance of the amendments to this Privacy Policy. You can choose to discontinue use of the Service if you do not accept any modified version of this Privacy Policy.

#### Questions and Comments

If you have any questions about this Privacy Policy, please contact us by email at [Support@EarbudsMusic.com](mailto:Support@EarbudsMusic.com).