

## HISTORY SPOTS PRIVACY POLICY

Effective Date April 1, 2013

The History Spots mobile applications, software, design, servers, data, user input, content and associated Services (collectively “Software and Services” are owned and operated by History Spots, Inc. (“History Spots”). History Spots has adopted this Privacy Policy (“Privacy Policy”) to inform YOU that it collects non-personal, personal and personally identifiable information when YOU use our Software and Services and to explain how this personal and personally identifiable information is used. History Spots has also adopted this Privacy Policy because it respects YOUR privacy and believes that it should clearly and transparently disclose its privacy practices to the YOU, the user. This Privacy Policy does not apply to third party websites, and YOU visit such third party sites at YOUR own risk, consistent with their privacy policies, if any.

HISTORY SPOTS MAY CHANGE, MODIFY, AMEND, SUSPEND, TERMINATE, OR REPLACE THIS PRIVACY POLICY FROM TIME TO TIME AND WITHIN ITS SOLE AND ABSOLUTE DISCRETION. IN THE EVENT LEGALADVICE CHANGES, MODIFIES, AMENDS, OR REPLACES THIS PRIVACY POLICY, THE EFFECTIVE DATE, LOCATED ABOVE, WILL CHANGE. YOUR CONTINUED USE OF THE SOFTWARE AND SERVICES AFTER A CHANGE IN THE EFFECTIVE DATE OF THIS PRIVACY POLICY CONSTITUTES YOUR MANIFESTATION OF ASSENT TO THE CHANGE, MODIFICATION, AMENDMENT, OR REPLACEMENT CONTAINED WITHIN.

This Agreement is enforced by the Internet lawyers of Traverse Legal, PLC - [www.traverselegal.com](http://www.traverselegal.com)

### **A. History Spots may Collect the Following Personally Identifiable Information (PII) from YOU:**

Personally Identifiable Information (“PII”) is information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual. History Spots collects PII from YOU only when YOU voluntarily provide it to us, as provided herein or in instances in which YOU must provide such information to use features of the Software and Services. History Spots may collect this personal information from YOU through various channels, including, but not limited to, through YOUR voluntary submission of information to the Software and Services, through requests initiated by YOU through the Software and Services, through communication with third parties.

We may share PII with our parent, subsidiaries, divisions, and affiliates or as part of any sale, merger or acquisition. YOUR PII will not be sold to unaffiliated third parties without your approval at the time of collection. YOU agree to inform Owner of any changes to YOUR PII, and protect the security of YOUR username, password and PII.

Our primary goals in collecting information is to provide YOU with the product and services made available through the Story of Where™ App, including, but not limited, to communicate with YOU, and to manage YOUR registered user account, if YOU have one and to improve the Software and Services. Here is the PII that History Spots may collect from YOU:

1. Any information that YOU voluntarily submit/input to the Software and Services, for example,

without limitation, through a YOUR Member or Registration Account such as;

- a. First and last name;
  - b. Email address;
  - c. Social media account logins;
  - d. Contacts;
  - e. Story of Where™ preferences;
  - f. Your mobile device information, including, without limitation, device type, ID, model number, operating system, application, and related information;
  - g. Payment information, including, without limitation, credit/debit card, merchant account, or other payment information; and
  - h. Other required account or other information to utilize the service.
2. By registering or accessing our Software and Services using the Facebook Connect feature, YOU are asking Facebook to send us certain information from YOUR Facebook profile. This includes YOUR full name, profile picture and email address. By doing this, YOU authorize us to collect, store and use in accordance with this Privacy Policy any and all information available to us through the Facebook interface and of course subject to Facebook's Terms of Use and Privacy Agreement.
  3. YOUR MAC and/or IP address.

History Spots may allow advertisers or other third party service providers to collect the same types of PII and acquire the same from such third party service providers.

**B. History Spots May Also Collect the Following Non-PII from YOU:**

YOUR computer, mobile device and browsing activities may also be stored through the use of various third party tools, and through other sources permitted by law.

- 1) YOUR geolocation and that of YOUR access devices;
- 2) YOUR use of the Software and Services, including, without limitation, frequency of use, statistics, functionality utilized, and pages visited;
- 3) Information stored in tracking technology as well as log files;
- 4) Analytic data from third party providers; and
- 5) Any other additional analytic data that YOU voluntarily submit to the Software and Services.

History Spots may allow advertisers or other third party service providers to collect the same types of non-PII information and acquire the same from such third party service providers.

**C. History Spots Uses this PII and Non-PII Information To:**

Provide YOU with the Software and Services, communicate with YOU, identify and fix problems with the Software and Services, update YOU on changes to the Software and Services, communicate with YOU concerning YOUR account, to complete a transaction YOU initiated, process payments, and to update YOU on History Spots' services offered through the Software and Services or the services of third parties. You further authorize the following uses:

1. enable your use of the Software and Services;

2. contact and communicate with you, whether through email, telephone, text messages, push notifications or messages within the Software and Services;
3. customize and/or tailor the Software and Services and your user experience, which may include targeted selection and display of third party advertisements within the Software and Services (i.e. behavioral advertising);
4. display YOUR public Registered username, city, reviews, comments, public photos, public profile information and other content YOU post to the Software and Services which is meant for public consumption.
5. advertise products and services of History Spots;
6. provide you with information or services that may be of interest to you;
7. identify and suggest connections with other users;
8. transmit and process your information and actions within the Software and Services;
9. provide statistical information, and include you in the same, where applicable;
10. provide you with technical service and support, including updates;
11. provide you with information concerning History Spots' benefits or services;
12. store, archive, retrieve, and make copies of your User Generated Content;
13. understand your needs and requests;
14. communicate promotions or other offers;
15. process payments;
16. allow in-app communications and purchases;
17. prevent and detect illegal activities or violations of your EULA;
18. combine your Personal Information with information from other Owner applications and/or services;
19. promote mobile applications Owner develops for other related apps; and
20. facilitate your use of the Software and Services, its upgrades, or its replacements.

This content will be displayed on the Software and Services, and History Spots may further distribute YOUR information it to a wider audience through third party sites and services as long as they comply with or such distribution is consistent with this Privacy Policy.

Advertisements appearing on this Software and Services may be delivered to YOU by History Spots or one of our web advertising partners. This privacy statement only covers the use of cookies by History Spots and does not cover the use of cookies by any of its advertisers.

History Spots may outsource or subcontract some of our technical support, tracking and reporting functions, payment processing functions, and other services to third parties. We may share information from or about YOU with them so that they can perform their services as long as they comply with this Privacy Policy.

History Spots may share or disclose non-private, aggregated or otherwise Non-PII in the aggregate with third parties, such as advertisers, licensees and content distributors.

YOU understand and agree that History Spots will not be held responsible for any third party communications sent by entities that History Spots does not own or control or for any third party links (including advertisements). YOU are encouraged to review any third party privacy policies before utilizing any such third party service.

**D. History Spots stores YOUR PII and Non-PII in the Following Manner:**

If History Spots is using a vendor, all data storage by the vendor is consistent with the vendor's policies. All data storage by History Spots of YOUR PII or Non-PII is stored and processed on computers in the United States and, through YOUR use of the Software and Services, YOU unequivocally consent to the processing and storage of YOUR information within the United States. YOU understand and agree that History Spots may continue to store YOUR information after YOU cease use of the service or disable YOUR Account.

History Spots uses commercially reasonable and standard technology to help prevent against the unauthorized disclosure of YOUR personal or personally identifiable information. Though it undertakes commercially reasonable efforts to protect YOUR personal and personally identifiable information, no Software and Services is completely safe. Accordingly, YOU provide all such personal or personally identifiable information at YOUR own risk.

**E. History Spots May Share YOUR Information with Third Parties in the Following Circumstances:**

Where History Spots has obtained YOUR consent, where sharing or disclosure of YOUR personal or personally identifiable information is necessary to provide YOU with the Software and Services and/or services associated therewith, where sharing or disclosure of YOUR personal or personally identifiable information is necessary to share personal or personally identifiable information with History Spots' parents, subsidiaries, successors, assigns, licensees, affiliates, or business partners, where History Spots has been purchased by a third party, where sharing or disclosure of YOUR personal or personally identifiable information is necessary to respond to requests by government authorities, where YOUR personal or personally identifiable information is demanded by a court order or subpoena, where sharing or disclosure of YOUR personal or personally identifiable information is needed to protect the employees, independent contractors, officers, directors, members, users, or shareholders of History Spots, and where sharing or disclosure of YOUR personal or personally identifiable information is needed to help prevent against fraud or the violation of any applicable law, statute, regulation, ordinance, or treaty. YOU understand and agree that History Spots may specifically share YOUR information with mobile service providers, or search engine providers in order to complete the services offered through the Software and Services.

**F. Newsletter Opt Out**

If, at any time, YOU prefer not to receive our newsletters, simply follow the unsubscribe options at the bottom of each e-mail. We will make commercially reasonable efforts to implement your opt-out requests promptly, but YOU may still receive our emails for up to ten business days as History Spots process your request.

**G. Requests to History Spots Regarding YOUR Information:**

YOU may contact History Spots with any requests regarding YOUR information, but History Spots

reserves the right to act or not act upon such requests.

YOU will not be able to remove your Public Content (e.g., text, photographs, images, videos and other media). However, by deleting your account YOU may be disassociated with any such content at History Spots' sole discretion.

#### **H. California Residents**

California residents have the right to receive information that identifies any third party companies or individuals that History Spots, has shared YOUR Personal Information with in the previous calendar year, as well as a description of the categories of Personal Information disclosed to that third party. YOU may obtain this information once a year and free of charge by contacting History Spots, LLC at the address below.

#### **I. Children's Online Privacy Protection Policy**

The Software and Services are not intended for or directed to users under the age of 18, and History Spots does not knowingly or intentionally collect personally identifiable information from children under the age of 13 or other minors. Where appropriate, History Spots takes reasonable measures to determine that users are adults of legal age and to inform minors not to submit such information to the Software and Services or in response to advertisements. If YOU are concerned that personal information may have been inadvertently provided to or collected by History Spots, please contact us immediately so appropriate steps may be taken to remove such information from History Spots' database.

#### **J. Contact and Notices**

All questions and concerns regarding this Privacy Policy may be submitted to History Spots, Inc., 1911 11th St, Suite 103D Boulder, CO 80302 with a copy sent via email to [Legal@HistorySpots.com](mailto:Legal@HistorySpots.com).