

FanUp Software Platform Privacy Policy

Last Updated and Effective as of: December 19, 2023

FanUp Software INC (“FanUp,” “Company,” “we,” “our,” or “us”) understands that privacy is important to our users (“you”). Protecting your private information is our priority. This Privacy Policy discloses our practices regarding information collection and usage for our FanUp website <https://www.fanup.io> (the “Website”) and any other services provided by us or our affiliates (collectively, the “Services”).

Overview

Our Services:

- We collect Personal Information (as defined below) from users of our Services when it is voluntarily provided to us and use it for the purposes for which it was provided (see [Information We Collect Directly From You](#) and [How We Use Your Information](#)).
- We automatically collect information from users of our Website for analytical purposes and in order to provide the Services (see [Information We Collect Automatically](#) and [How We Use Your Information](#)).
- We will not use or share information we collect from you with anyone except as described in this Privacy Policy.

Please read this Privacy Policy carefully to understand our policies and practices regarding your information and how we will treat it. By accessing or using the Services, you agree to this Privacy Policy. If you do not agree with our policies and practices, you should not use the Services, or otherwise provide us with Personal Information.

Our Services are provided from the United States and all servers that make it available reside in the United States. You understand that data stored in the United States may be subject to lawful requests by the courts or law enforcement authorities in the United States. The Services are intended for users situated in the United States.

If you have questions, you can always contact us using the information in the section below titled [Contact](#).

Information We Collect Directly From You

We may collect information, including Personal Information, when you provide such information to us directly, such as when you send us an email, or otherwise interact with us on the Services. Your provision of your Personal Information to us is completely voluntary. “Personal Information” is information that specifically identifies you. We do not collect Personal Information unless you submit that information to us.

Categories of Personal Information we collect directly from you include identity data (e.g., name or other similar identifiers), characteristics (e.g., gender, date of birth), and contact data (e.g. email address, telephone number, zip code). We may also collect other information that you directly provide us including marketing and communications data (e.g., your preferences in receiving marketing from us).

Information We Collect Automatically

We, our service providers, or our third-party partners may also automatically collect information from you when you visit our Website. Such information does not directly identify you as an individual and may include:

- **Cookies and Similar Technology**

We may store some information on your device or device hard drive as a cookie or similar type of file (such as clear gifs, web beacons, tags, and similar technologies that work on mobile devices) to collect data related to usage of the Website or our other Services. "Cookies" are pieces of information that may be placed on your computer by a website for the purpose of collecting data to facilitate and enhance your communication and interaction with that website. Such data may include, without limitation, the address of the websites you visited before and after you visited the Website, the type of browser you are using, your Internet Protocol (IP) address, what pages in the Website you visit and what links you clicked on, the region where your device is located, and geo-IP data. We may use cookies to customize your visit to the Website and for other purposes to make your visit more convenient or to enable us to enhance our Services.

- **Site Analytics**

We may work with third-party service providers who use the technologies described in this section to conduct website analytics to help us track and understand how visitors use our Website. One such provider is Google Analytics, a web analytics service provided by Google, Inc. ("Google"). Google Analytics uses cookies to help analyze how users use the Website. The information generated by the cookie about your use (including your IP address) will be transmitted to and stored by Google on servers in the United States. Google will use this information for the purpose of evaluating your use of the Website, compiling reports on activity for its staff and providing other services relating to web page activity and internet usage. Google may also transfer this information to third parties where required to do so by law, or where such third parties process the information on Google's behalf. You may refuse the use of cookies by selecting the appropriate settings in your browser. By using the Website and accepting cookies, you consent to the processing of data about you by Google in the manner and for the purposes set out above. Please refer to the Google Analytics' currently available opt-outs for the web, found at <https://tools.google.com/dlpage/gaoptout/>.

- **Service Data**

With respect to the Personal Information that our clients and their vendors collect from you outside of the Website or any of our properties and provide to us via use of our Services ("Service Data"), where permitted by law, we process such information only as a "service provider" or "data processor" (as those terms are defined under applicable data protection laws) on behalf of our clients. Our clients who use our Services via our agency business software and/or our SaaS platform are the parties that control the use of the Service Data and determine the purposes for which we process such information. While this Privacy Policy describes how we process Service Data on behalf of our clients, our clients are responsible for their own practices in collecting, using, and disclosing information they collect from you. To learn more about such clients' use of your information and your rights that you may have over such information, please consult the privacy policy of the applicable company.

How We Use Your Information

We may use Personal Information and other information as described herein including for the following purposes:

- To contact you about and provide you with the services, or any other specific services that you have requested;
- To create, maintain, customize, and secure your account with us, and to personalize your experience on the Website and Services;
- To operate the Website and Services;
- To deliver content and product and service offerings relevant to your interests;
- To respond to law enforcement requests and as required by applicable law, court order, legal process, or governmental regulation;
- To help maintain the safety, security, and integrity of our Website and Services, databases and other technology assets, and business;
- For internal research; for technological development and demonstration; and to improve, upgrade, or enhance our Website and Services;
- For detecting security incidents; protecting against malicious, deceptive, fraudulent, or illegal activity; and prosecuting those responsible for that activity;
- To investigate suspected fraud, harassment, or other violations of any law, rule, or regulation, or the policies for the Website and Services;
- In connection with a bankruptcy proceeding or the sale, merger, or change of control of the Company or the division responsible for the services with which your information is associated;
- To respond to your direct inquiries;
- Provide surveys on behalf of our clients;
- To add you to our mailing lists and send you emails from time to time; and
- For any additional purposes that you specifically consent to.

We also reserve the right to supplement your Personal Information with information we gather from other sources which may include online and offline sources. We may also permit our vendors and subcontractors to access your Personal Information as more fully described below, but they are only permitted to do so in connection with performing services for us. These vendors and subcontractors are not authorized by us to use the information for their own benefit.

As noted above, we may collect and use information that is not Personal Information (“Non-Personal Information”) in any manner permitted by law except as otherwise provided in this Privacy Policy. Non-Personal Information includes information lawfully made available from federal, state, or local government records, or aggregate or de-identified information. Because Non-Personal Information does not personally identify you, we may collect, use, and disclose such information for any purpose except if restricted by applicable law. In some instances, we may combine Non-Personal Information with Personal Information. If we combine any Non-Personal Information with Personal Information, the combined information will be treated by us as Personal Information.

With respect to Service Data, this information is passed on directly to our clients and processed based on their provided instructions. For example, a client may request that the Service Data be passed on to their marketing department for marketing communications. These choices and instructions may result in the access, use, disclosure, modification, or deletion of Service Data. Clients and their affiliates determine their own policies for the sharing and disclosure of Service

Data. We may transfer Service Data to third parties on our clients' behalf, and under such circumstances, we do so strictly according to our clients' instructions.

How We Share Your Information

Besides using your Personal Information ourselves, we may send your Personal Information and other information to other companies, affiliates, and third parties in the following instances:

- *Service Providers.* We may share your Personal Information with third parties who may use your information to provide us services such as website hosting, data analysis, infrastructure provision, information technology services, customer service, email delivery services, auditing, and anti-fraud monitoring. These third parties will have access to Personal Information solely if and as necessary to perform their functions.
- *Legal Compliance and to Defend Our Rights.* We may disclose Personal Information and other information as we believe necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities including public and government authorities outside your country of residence; (d) to enforce our Terms and Conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you, or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.
- *Business Transfers.* We may share your Personal Information and other information with third parties in connection with a corporate restructuring, acquisition, or divestiture.
- *Aggregated or Non-Personal Information.* We may share aggregated information or Non-Personal Information with unaffiliated third parties, such as business partners, manufacturers, distributors, and retailers, in a form in which the shared information will not contain nor be linked to any Personal Information, to improve and enhance your experience using the Website and Services, and for our market research activities.

Please note that if you specifically consent to additional uses of your Personal Information, we may use your Personal Information in a manner consistent with that consent.

Security

The security of your information is very important to us. We attempt to provide for the secure transmission of your information from your devices to our servers by utilizing encryption software. However, due to the inherent open nature of the Internet, we cannot guarantee that communications between you and the Company, or information stored on the Website and Services or our servers, will be free from unauthorized access by third parties such as hackers, and your use of the Website and Services demonstrates your assumption of this risk. We have put in place reasonable physical, electronic, and managerial procedures designed to safeguard the information we collect. Only those personnel who need access to your information in order to perform their duties are authorized to have access to your Personal Information. If you have reason to believe that your interaction with us is no longer secure, please immediately notify us of the problem by contacting us at support@fanup.io.

Data Retention

We will retain your information for as long as your inquiry is active or as needed to provide you with the Website and Services, and for a reasonable time thereafter in accordance with our standard procedures 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 information, we may continue to retain and use anonymous or aggregated data. Please note that we will not be liable for disclosures of your data due to errors or unauthorized acts of third parties.

Protection for Children

Our Services are intended for users ages 18 and over. We do not knowingly collect Personal Information from minors. When we become aware that Personal Information (or other information that is protected under applicable law) from a child under 13 has been collected, we will use all reasonable efforts to delete such information from our databases. If you believe we might have any Personal Information from or about a child under 13, please contact us at support@fanup.io.

Opt-Out

To opt out of any future promotional messages from us, you should send an unsubscribe request to us at support@fanup.io. We will process your request within a reasonable time after receipt. Please note that if you opt out in this manner, certain aspects of our services may no longer be available to you.

If you want to stop or restrict the placement of cookies or flush any cookies that may already be on your computer or device, please refer to and adjust your web browser preferences. Further information on cookies is available at www.allaboutcookies.org. By deleting our cookies or disabling future cookies, you may not be able to access certain areas or features of our Services, and some of the Services' functionality may be affected.

Please note that, unless required by law, we do not respond to or honor "Do Not Track" (a/k/a DNT) signals or similar mechanisms transmitted by web browsers.

California "Shine the Light"

Under California Civil Code Section 1798.83 ("Shine the Light"), California residents have the right to request in writing from businesses with whom they have an established business relationship, (a) a list of the categories of personal information, as defined under Shine the Light, such as name, email address and mailing address and the type of services provided to the customer that a business has disclosed to third parties (including affiliates that are separate legal entities) during the immediately preceding calendar year for the third parties' direct marketing purposes and (b) the names and addresses of all such third parties. To request the above information, please contact us by email at support@fanup.io. 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 us at support@fanup.io.

Nevada Privacy Rights

If you are a Nevada resident, you have the right to request that we do not sell your covered information (as those terms are defined in N.R.S. 603A) that we have collected, or may collect, from you. We do not sell your covered information, however, if you would like to make such a request you may do so by contacting us at support@fanup.io.

Changes to Policy

We reserve the right, at our discretion, to change, modify, add, or remove portions from this Privacy Policy at any time, provided that any such modifications will only be applied prospectively. We encourage you to periodically review the Website for the latest information on our privacy practices. Your continued use of the Website and Services following the posting of any changes to this policy means you accept such changes.

Contact

For questions or concerns relating to privacy, we can be contacted at support@fanup.io with the subject line "Attention: Data Protection Officer." You may also direct your privacy-related comments or questions to the following address: FanUp Software Inc., 34 Outlier Way, Bozeman, MT 59718.