

# **SPHEREO PRIVACY POLICY**

## **Updated September 30, 2021**

### **1. What is this document?**

- 1) The Use of an online service or app like Sphereo may involve the transfer of information from the user of the service or app to the operator of the service or app.
- 2) This document explains what information we collect from you when you use the Sphereo Service, provided through the Sphereo App or Website (Together, “**the Service**”), how we store it and use it and with who we may share it. It also explains your rights, such as your rights to have the information removed or amended.

### **2. Summary**

- 1) We may collect and process the following information:
  - anonymous information, including geo-location information.
  - personally identifiable information, such as your name or email.
- 2) We use cookies on the Service.
  - a) Children under the age of 13 cannot use the Service (or the minimum legal age in the country to use this Service) and we do not knowingly collect or store information from children under the age of 13, unless permitted by law.
- 3) We process your information, including personally identifiable information in order to personalize the Service for you.
- 4) We may use your information and allow business partners or affiliates of ours to use it in an anonymous manner for research and improvement of this Service.
- 5) We use third-party ad-servers.
- 6) We store user information, including personally identifiable information on our servers, and we may use third parties, who may be located outside of your country, to process this information, including personally identifiable information, for us.
- 7) We make efforts to secure your information and will inform you if a breach occurs.
- 8) You may at any time access, modify or delete any personally identifiable information submitted by you (not including user name) by using the access feature on your account, or by email.
- 9) You may make choices regarding your information, its collection and use.
- 10) All of the above is explained in greater detail in this document.

### **3. General**

- 1) This Privacy Policy and the Terms of Use published on this Service govern the use of the Sphereo Service.
- 2) This Privacy Policy should be read carefully and in its entirety before using the Service. If you have any questions regarding this Privacy Policy, please contact us at: [contact@Sphereo.com](mailto:contact@Sphereo.com). This Privacy Policy is effective as of the date of publication on the Service.
- 3) At Sphereo, we respect your privacy and your choices. We hope that our Privacy Policy will be acceptable to you. If it is unacceptable, you may simply not use the Service. If you do choose to do that, we would really like to know what you found unacceptable, so that we may learn from that.

- 4) This Privacy Policy applies to all areas of the Service and any associated app or website, whether accessed through a mobile app, or a web-browser on a computer, or in any other way that we may develop or use. We may change the name of the Service, or transfer or copy our website, in whole or in part, to any other domain. In all cases, the Privacy Policy shall continue to apply.
- 5) We may amend this Privacy Policy at any time, and the most recent version will always be available by selecting the **Privacy link** which can be found in the app settings or on the website. The revised Privacy Policy will come into effect once posted on this Service, and if you access or use the Service after that date, your use will constitute acceptance of such revised Privacy Policy. If a revision is material, we will notify you either through a notice that will appear on the Service when you attempt to access the Service after such material update, or via email or in another way. If any change to this Privacy Policy is not acceptable to you, your only remedy is to stop accessing and using the Service and terminate your account. Therefore, Users are encouraged to check this Privacy Policy frequently for amendments.

#### **4. The information we collect**

##### **General**

- 1) In order to provide you with, improve and personalize this Service, we collect certain information submitted to us by users of the Service (“Users”), or transferred to us during the course of communication between Users and this Service. Some of this information is inputted by you, for instance when you set up an account. Some of it is transferred in an automatic manner, for instance your device IP is automatically sent to our servers when you access this app. This happens “behind the scenes”, Information is categorized by us as follows:

##### **Log-in information**

- 2) Use of this Service involves the automatic transfer of certain log-in information between your device, or computer and our servers, such as your device’s IP address and the type of browser and hardware or device that you are using, the language setting of your browser, as well as your device’s ID identifier. Log-in information does not directly identify you, although it may identify the device or computer that you are using in certain circumstances may be subpoenaed by law enforcement agencies, or the courts.

##### **Personally identifiable information**

- 3) Personally Identifiable Information lets us know who you are. Examples of Personally Identifiable Information are your name, username, password, picture email or address.
- 4) To upload content to Sphero you need to set up an account. This requires the submission of personally identifiable information such as your first name and surname, email and maybe your address.
- 5) If you use a social media account, such as your Facebook® or Google® account, you grant Facebook® or Google® or any other social media account used, permission to share with us personally identifiable information from those accounts and you grant us permission to access and receive that information. This includes your name, email, address, age,

picture and other public information about who your friends are and other information that you have made publicly available.

- 6) We may from time-to-time add features or premium services to the Service and these may also require the setting up of an account, which will also require the submission of the personally-identifiable information set out in sub-sections 4) and 5)
- 7) If you do not wish to submit personally identifiable information, you may choose not to set up an account and not to use those services and features that require one.
- 8) If you post any information on the Service, such as comments in forums or blogs, or in response to posts of other users, you authorize us to collect that information in order to personalize the Service for you. You also authorize us to collect information about the content that you upload in order to personalize the Service for you. The term “personalization” means that we use the information in order to learn about your tastes, such as the genres of music that you like, or don’t like, so that we can display for you relevant content and recommendations, as well as ads.
- 9) Personally identifiable information which you choose to publish, or to allow us to publish on any part of this Service will become accessible to others, who may choose to collect such information, use it to contact you, redistribute it on the Internet or in other media, or make other use of it. We cannot prevent that. You should always exercise caution when responding to any contact or request that you receive from someone you do not know, or who you suspect may be posing as someone you know.
- 10) We will never ask you for sensitive personal information, such as your religious or political beliefs, information about your race, religion, nationality, education, employment record, financial situation, your health, including mental health, sexual preferences and the like. However, please be aware that if you chose to post any such information, it will become available to others and the cautions in sub-section 9) will be all the more relevant.

#### **Information provided through social media plug-ins.**

- 11) When you link your account to a social media account, such as a Facebook® account, or to a Google® account, access this Service through such an account, or when you use social media plug-ins such as the Facebook® like or share button, your user name and password and other information, including your picture and friends from those platforms may be collected by us and may be visible to others. This information may also be used by the social media platform.

#### **Geolocation information.**

- 12) When you connect to the Service using a mobile device or tablet, and in some cases, when using a computer, it may provide us with information regarding your precise geographical location. You can prevent the collection of geolocation information through your device or web-browser settings.

#### **Cookies and automated collection of information**

- 13) We use **cookies**, which are small files containing a string of characters that uniquely identify your computer. Cookies are sent to your computer, or mobile or other device when you access our Service in order to help us improve the quality of our service by storing information on user preferences and use of our Service, such as your search terms and display settings and the pages you visit. This helps us learn what you like, or don’t like

so that we can offer you services and recommendations. In order to do this, the cookie stores this data on your computer.

- 14) Some cookies are “session cookies”, which means that they do not remain stored after you cease your session on the service. Some are “persistent cookies”, which means that they stay stored on your device or computer and are used each time you use the service.
- 15) Our advertising partners may also use cookies in order to help them serve you ads that may be relevant to you. They do this by learning your search terms and use of the Service.
- 16) You may refuse to accept cookies on your first entry to our Service. If you don’t refuse, your use of our service serves as your consent to the use of cookies by us and our advertising partners. You can at any time revoke your consent in settings on your app.
- 17) If you are accessing the service through a web browser, you can also set or reset your browser to refuse or limit acceptance of cookies, or certain types of cookies, to warn you when a cookie is being sent, or to delete stored cookies. The way you can do this depends on the type of browser you are using (e.g. "Chrome", "Explorer", "Safari", "Firefox", etc.). To learn how to manage or disable cookies, consult your Browser's documents.
- 18) Please be aware that if you refuse to accept cookies, or disable cookies, certain features and services of our Service may become unavailable to you or may not function fully.
- 19) We may also use technologies which are similar to cookies, such as “web beacons”, which are small amounts of data, usually imbedded in images on web pages, which also allow us to track user preferences or other existing or future technologies that collect and use substantially the same type of information as cookies collect and use. Disabling cookies will not necessarily disable all of these technologies. You may contact us to ask about this.
- 20) You can learn more about cookies, web beacons and similar technologies and how to disable them on various internet sites dedicated to the subject.

## **5. How we use and disclose your information**

- 1) When we use information, that is called “processing” of the information. Our service needs to process your information in order to create your personal Sphereo experience. When you use this Service, you grant us permission to process your information for these purposes and as set out below, subject, however, to your rights as set out in the “your choices” section below.
- 2) We use the information that you provide when setting up an account in order to administer the account.
- 3) Additionally, we may process all information, including your personally identifiable information, to provide you with, improve and personalize services, features, content, and advertisements, to manage your account, to contact you, services and features, and to offer you related goods, services and content.
- 4) We may use your information and allow business partners or affiliates of ours to use it in an anonymous manner in order to conduct research about use of this Service, user habits and preferences.
- 5) We use geo-location information in order to personalize the service by offering or suggesting to you content in your language or from your region, or that is popular in your region
- 6) We use cookies for the purposes set out in Section 4 above.
- 7) By registering to this Service, or by submitting your contact details in any other manner, you hereby grant us your explicit consent to use your personally identifiable information, including all contact information, to send you information and offers, including

commercial or advertising email from us and/or our business partners or affiliates, using all means of communications provided by you, and to share that information with our business partners and affiliates, so as to contact you directly, unless you have clearly indicated that you are not interested in receiving such communication.

- 8) At any time, you may request us to remove your details from our mailing list that serves for these communications by sending a request to [contact@Sphereo.com](mailto:contact@Sphereo.com), or by way of the opt-out link that will be provided in each mailing to you.
- 9) In certain circumstances, we may provide information, including personally identifiable information to third parties that provide us with technical services, support or other services regarding the maintenance and operation of this Service and its related services. When we do that, we will require the third party not to use the information for any other purpose and not to transfer it to a third party.
- 10) Additionally, we may provide information, including personally identifiable information to a third party, as required by an order or subpoena issued by a judicial or administrative authority or by a law enforcement agency, or as we may in good faith, consider necessary under law, or upon a request or demand received by us in connection with a legal complaint, claim, suit or procedure.
- 11) We may share or transfer information, including personally identifiable information to our subsidiaries, parent or other related corporations, or to another corporation in the event of a merger, acquisition of this Service or of our business in general, or a business reorganization or restructure. In such event, all information may become subject to a different Privacy Policy as used or adopted by the acquiring party.
- 12) Other than for the above purpose, we will not share your personally identifiable information with other parties, except as stated in this Privacy Policy, or as specifically authorized by you.

## **6. Third Party Advertisers and Ad Servers**

- 1) We may use third parties, sometimes referred to as ad-servers to send or present advertisements or promotions on our behalf or on behalf of our business partners or affiliates. These third parties may also use cookies, web beacons or other technologies to help send or present such advertisements and promotions, and to conduct research about their effectiveness.
- 2) We also allow third parties to advertise on our Service. We do not share personally identifiable information with third party advertisers, but these third parties may use cookies, web beacons or other technologies in their advertisements to gather information whenever an advertisement is delivered or shown to a user or when a user clicks on an advertisement. An advertisement may contain a link to the Service of the advertiser. When you click on an advertisement, you may be transferred to the Service of the advertiser.
- 3) The collection and use of information by third party advertisers and ad-servers is governed by the Privacy Policy of the advertisers and ad servers.
- 4) We work with following Ad Servers:
  - 6.4.1. admob

## **7. Third Party Payment Service Providers**

- 1) When you purchase premium features and services, the payments are collected and processed by the app retailer, such as Google Play® or Apple App Store®. Information provided by you to the payment service providers is not stored on our servers.
- 2) The collection and use of information by the third-party payment service providers is governed by the Privacy Policy of the payment service providers. You should consult those.

#### **8. Storage of Information and Security**

- 1) We store user information, including personally identifiable information on our servers, which may be located in different countries, or on servers of third parties who provide us with storage facilities, which may also be in different countries. Any personally identifiable or other information may therefore be used and stored in a country different from yours.
- 2) We may use third parties to process information, including personally identifiable information, for us. We shall require such third parties to abide by this Privacy Policy.
- 3) Information is stored on secured servers and we shall use our best efforts and industry standard measures, technologies and procedures to preserve the integrity of personally identifiable information and to thwart unauthorized access and use thereof. However, we cannot guarantee any personally identifiable information against unauthorized access and use by third parties acting maliciously or in bad faith.
- 4) If we identify a security breach, involving unauthorized access of a third party to your personally identifiable information, we shall use our best efforts to notify you of such as soon as is reasonably possible, using the contact information that you have previously provided to us or by publishing information regarding the breach on the Service, or in another manner that we deem suitable and effective.

#### **9. Legal Basis**

- 1) The collection and processing of information is based on your consent to this privacy policy.
- 2) Some of the collection and processing is based on necessity, for instance it is necessary for us to collect and process data from you in order to establish a user account.
- 3) Some processing of information is based on legal requirements. This refers particularly to information that we may be required to deliver to law enforcement agencies, or under a court subpoena.
- 4) We may also process information in order to protect a legitimate interest, including ensuring adherence to our terms of use and privacy policy, improving the features and operation of the site and investigating a breach and defense of a lawsuit.

#### **10. Children's Information**

- 1) Sphereo does not knowingly collect or store information from children under the age of 13, unless permitted by law. We will delete any information we may have inadvertently received from a child under 13 upon notice. If you have reason to believe that a child under the age of 13 has provided personal information to Sphereo through our Service please contact us and we will endeavor to delete that information from our databases.

## **11. User Choices**

- 1) You may make choices regarding your information, its collection and use. Some of them are stated above, others are set out below.
- 2) If you do not wish any information of any type, including non-personally identifiable information, to be collected about you, you should not use this Service.
- 3) If you do not wish to submit personally identifiable information, you are free not to submit it, but in such case, you will not be able to use many parts of this Service.
- 4) If you do not wish your user name, real name, personal picture or other such information to be published you should not submit information of this type.
- 5) If you are concerned about cookies, you should make use of the features in the app settings and on your Browser that allow you to restrict or block cookies. In this case you will not be able to use certain features of this Service. If you are concerned about other collection or tracking technologies that may be used on this Service you may read about them on the internet or elsewhere, or may contact us and we will endeavor to provide you with relevant information or direct you to sources of information.
- 6) If you do not wish to receive or to continue to receive electronic communications (emails) from us or our business partners, you may choose to opt-out from receiving such information by clicking on the link provided in all electronic communications received by you and following the instructions. In such case, we shall refrain from sending you advertising or promotional materials, as detailed in the opt-out message, but shall reserve the right to continue to contact you regarding your account and important information about this Service.
- 7) In some cases, we may offer features and services on an opt-in basis. In those cases, you will be asked to affirmatively signify your agreement to use or receive those services or features. If you do not choose to signify your agreement, we will not provide you with those features or services.

## **12. Accessing and Modifying Your Personally Identifiable Information**

- 1) You may at any time access, modify or delete any personally identifiable information submitted by you (not including user name) by using the access feature on the Service, if we incorporate such a feature, or by contacting our data protection officer at the following email: [contact@sphereo.co](mailto:contact@sphereo.co).
- 2) Because of the nature of computers and the internet, we cannot guarantee that such deletion will remove all such information from all areas of the servers, or the internet.
- 3) Please note that if you chose to modify, or request us to delete any personally identifiable or other information, we may retain copies of the information as originally submitted in order to ensure payment for any goods and services and as may be required by an order or subpoena issued by a judicial or administrative authority or by a law enforcement agency, or as we may in good faith, consider necessary under law, or upon a request or demand received by us in connection with a legal complaint, claim, suit or procedure.

## **13. Links**

- 1) We may offer links to other Services or Services that we feel may be of interest to you. Please note that by clicking on a link, you will be transferred to that other Service or

Service and any activity on it will no longer be governed by this Privacy Policy, but by the privacy policy of that other Service or Service. We are not a party to any third-party privacy policy, do not endorse or recommend any third-party privacy policy and are not responsible for any such policy. You should independently review any third-party privacy policy and make an independent determination whether it is acceptable to you or not.

#### **14. International Transfer**

- 1) Please be aware that by using this Service, you may be transferring information, including personal information outside of your country. Your continued access and use of this Service will indicate your consent to this.
- 2) Please also be aware that the privacy protection laws governing this Service may be different from those in your own country.

#### **15. Miscellaneous**

- 1) This Privacy Policy does not govern the collection or use of information by third parties, such as advertisers on our Service. For information on how third parties collect and use information, please consult the Privacy Policies of those third parties.
- 2) The headings to this Privacy Policy are intended for convenience only and shall not be used for interpretation.
- 3) If any provision or provisions of this Privacy Policy should be held to be unenforceable, such holding will not affect the other provisions hereof which shall remain in full force.
- 4) This Service is owned and operated by Sphereo Audio Ltd. and is designed to conform to the laws of the state of Israel.
- 5) This Privacy Policy shall be governed and construed under the laws of the state of Israel. As far as the law allows, exclusive jurisdiction over any dispute arising out of or under this Privacy Policy shall be with the courts of Tel-Aviv, Israel. You hereby waive any right to file a claim in any other jurisdiction.