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## **XUMBERS WEBSITE PRIVACY POLICY**

**LAST REVISION: July 30, 2020**

Konvisser Custom Software, L.L.C. (“Company”) is committed to respecting the privacy rights of all of the visitors to the Xumbers website (the “Website”) and the (i) software available on the websites [https:// xumbers.com](https://xumbers.com) and [https:// xumbers.com/xumbers42](https://xumbers.com/xumbers42), (ii) the iOS app Xumbers42 available on the Apple App Store; and (iii) the Android app Xumbers42 available on the Android App Store (collectively “The Xumbers Software”). This privacy policy (“Privacy Policy”) sets forth what personal and usage information we collect, as well as how that information is used, maintained, and in some cases, shared with third parties. This Privacy Policy also sets forth how to contact us if you have any questions about privacy with the Website, The Xumbers Software or the Company. All uppercase terms that are not defined in this Privacy Policy are defined in our [Terms of Use](https://xumbers.com/agreements/privacy.pdf) [<https://xumbers.com/agreements/privacy.pdf>].

The Website and The Xumbers Software have been developed to be an entertainment and educational experience for children of all ages. We encourage parents and guardians to participate with their children in the interactive activities on our Website, in The Xumbers Software. We are committed to the privacy of all visitors to our site, especially those under the age of 13. Recognizing that younger children may not fully understand this information, we request you discuss personal information and its sharing with your children so that they will better understand how to use the Website and The Xumbers Software.

### **Special Note to Parents, Legal Guardians, and Visitors Under Age 18**

If you are a parent, you should know that Company adheres to the Children’s Online Privacy Protection Act of 1998 regarding the collection of data for visitors under 13. It is important for you to understand that we do not knowingly collect any personal information from visitors under 13. You must help us protect your child’s privacy by actively monitoring your child’s use of the Website and The Xumbers Software and by instructing your child to never send personal information to Company without your permission.

If you are a 13 to 17 year old visitor, please be sure to read this policy with your parents or legal guardian and ask questions about anything you do not understand.

If you are a visitor under 13, we will not collect or ask for any of your personal information, so please do not attempt to send it to us.

### **Does Company Collect Any Personal Information About Users?**

We do not require anyone to share any personal information about themselves in order to visit the Website or use The Xumbers Software. Providing your personal information to Company is your choice. Should you choose to submit personal information to us, we maintain one or more databases to store your Personal Information and may keep such information indefinitely. Personal Information that Company may collect from you includes, but is not limited to your username and/or email address(es), and any other information that you voluntarily provide. Personal Information you volunteer may be used by Company for internal verification, to complete requested transactions, obtain information for our indexes, ensure appropriate legal use of the Website and The Xumbers Software, provide you notification about updates to the Website, The Xumbers Software, or other Company goods and information, and to help provide you with technical support for the Website and The Xumbers Software.

Your Personal Information is collected from our Website, through use of an App Store, through email and/or through online forms (i.e., Contact Us) you complete, reporting problems and through any of your other activities with Company or on the Website. Personal Information that Company collects depends on the nature of your activities. For example, information you voluntarily submit on our Contact Us web page will require the disclosure of your email address, and is used by Company to enhance our Website or The Xumbers Software, to send you updates about the Website or The Xumbers Software, or to reply to your questions or comments.

### **Does Company Collect Any Personal Information About Users Under Age 13?**

We do not knowingly collect personal information online from children under 13. The Xumbers Software can be played online without providing any personal information, however The Xumbers Software mobile application must be downloaded through purchase from an App Store through a person of legal contracting age. Your child may attempt to send us information through our Contact Us page. However, we have provided an age gate on that page that will not allow us to collect information from your child should his or her age be indicated to the Company as under 13.

If it ever becomes necessary to collect additional personal information from your child in order for your child to participate in a particular activity, and provided your child's is indicated to the Company as under 13, we will seek your verified consent before doing so, explain what information we need and why, and ask that you (not your child) provide that information. Any information you or your child give us in the above circumstances will be deleted from our records once the promotion, program or activity is concluded, and after any legally required period for keeping such information is complete. We do not require anyone that we are aware is a child to disclose more information than is reasonably necessary to participate in a contest, game or other activity as a condition of participation.

As of the date of this Privacy Policy, we may collect your child's email address and username without your consent only under the following circumstances:

- When your child sends us a request, we will keep your child's e-mail address for purposes of responding to him or her, but will delete it as soon as we respond to the request.

### **How does Company Use the Personal Information We Collect?**

We use your name and e-mail address for the purpose of communication with you regarding the Website and The Xumbers Software, such as for newsletters or for upcoming products, Website and The Xumbers Software updates and promotions. We use the aggregate information we collect to help us understand and respond to our users' needs.

### **How Does Company Maintain the Personal Information We Collect?**

We make good faith efforts to provide you with access to your personal information and either to correct such data at your request if it is inaccurate or delete such data at your request if it is not otherwise required to be retained by law or for legitimate business purposes. If you wish to request the correction or deletion of such data, you may contact us by e-mail by clicking the Contact Us button on the Xumbers.com web page or by mail at Konvisser Custom Software, C/O Eric J. Gould, Cohen, Lerner & Rabinovitz, P.C., 26862 Woodward Ave., Suite 200, Royal Oak, MI 48067. Please note: in order to protect the security of your information, you will be required to properly identify yourself before we can process such a request.

The security and confidentiality of your personal information is important to us and we will take reasonable measures to protect it, including measures to protect against unauthorized access, alteration, and disclosure. These security measures include, for example, internal reviews of our data collection, storage and processing practices and security measures, as well as physical security measures to guard against unauthorized access to systems where we store personal data.

Please be aware that no data transmission over the Internet can be guaranteed to be 100% secure, so while Company strives to protect your personal information, Company cannot ensure or warrant the security of any information that you voluntarily give to us.

Company may also monitor network traffic to the Website and use of The Xumbers Software to identify and/or block unauthorized attempts or intrusions to upload or change information or cause damage to the Website, The Xumbers Software or any other of our computers, networks, servers, software or applications in any manner.

### **When Does Company Share Personal Information with Third Parties?**

We do not share your personal information with any third parties for any purposes except in limited circumstances where we believe such sharing is (1) legally required or done to comply with a request from a government agency, (2) done in order to provide and maintain the Website and The Xumbers Software, (3) done in conjunction with a corporate restructuring, (4) done to protect against fraud or other damage to Company, the Websites, The Xumbers Software, or to other users of the Websites or The Xumbers Software, or (5) otherwise permitted by you. For example:

- We may provide personal information to trusted service provider partners who are providing internal support services (“Internal Support Services Partners”) that help us provide and maintain the Website and The Xumbers Software. In connection with this, our Internal Support Services Partners may have access to your personal information for a limited time. When we provide information to Internal Support Services Partners, we implement reasonable contractual and technical protections limiting the use of that information to the Company-specified purposes.
- We may be required to disclose user information pursuant to lawful requests, such as subpoenas or court orders, or in compliance with applicable laws. We do not reveal information until we have a good faith belief that an information request by law enforcement or private litigants meets applicable legal standards. Additionally, we may share personal information with lawyers, law enforcement agents, or government agencies when we believe it is necessary to comply with the law, to prevent fraud or other illegal activity, or to prevent imminent bodily harm.
- If our corporate structure were to change, for example, if the company is sold or merged with another company, your user information may be transferred to a new entity. Should such a transfer occur, we will require that the new entity receiving your information follow this privacy policy with respect to your personal information unless the new entity first informs you of a change in the policy.

In addition, an App Store may receive your Personal Information in conjunction with the downloading of The Xumbers Software. The use of your Personal Information by an App Store is governed by the terms of your agreement with the App Store and is not under Company’s control.

#### **What Usage Information Does Company Collect?**

Company employs web browser cookies and similar usage tracking technologies to collect and aggregate general information about users. The aggregate information we collect via cookies and similar technologies may be combined with aggregate information of other users and analyzed. This information may include some or all of the following items:

- The Internet protocol address of your Internet service provider and your computer if you have your own static address.
- The domain name of your Internet service provider.
- The date, time, length of stay, and specific webpages, images, games, applications, or forms accessed.
- Whether you are visiting for the first time or are a repeat visitor.
- The webpage/website that referred you to the Website.
- The search engine that referred you to the Website or The Xumbers Software, including the specific search string or phrase entered into the search engine to find the Website or The Xumbers Software.
- Demographic information concerning your country of origin, including your language.
- The type and version of the Internet browser that you use to visit the Website or use The Xumbers Software, the type and version of your operating system, and information regarding any errors that you experience on the Website or in The Xumbers Software.

You may be able to reject cookies or otherwise disable the collection of usage information via the settings in your web browser, but doing so may make some functions of the Website or The Xumbers Software not work as well as they would if you allow cookies and the collection of usage information. This Privacy Policy in no way restricts or limits our collection and use of aggregate usage information, which may be shared with third parties without your consent.

#### **Does This Privacy Policy Cover Information You Provide in Association with a Digital Millennium Copyright Act (“DMCA”) Notification or Counter-notification?**

No, this Privacy Policy does not apply to information you provide to us in association with a DMCA notification or counter-notification. All information contained in or associated with a DMCA notification may be provided to the

alleged infringer. All information contained in or associated with a DMCA counter-notification may be provided to the initial claimant.

### **How Long Your Personal Information Will Be Kept.**

We will keep your personal information while you have an account with us. Thereafter, we will keep your personal information for as long as is necessary:

- To respond to any questions, complaints or claims made by you or on your behalf;
- To show that we treated you fairly; or
- To keep records required by law.

We will not retain your personal information for longer than necessary for the purposes set out in this policy. Different retention periods apply for different types of personal information.

### **Transmission of Information to United States Servers**

Our Website and The Xumbers Software are controlled and operated from our offices within the State of Michigan. By choosing to visit our Website, use The Xumbers Software, or otherwise provide information to Company, you agree that any dispute over privacy or the terms contained in this Privacy Policy will be governed by the laws of the State of Michigan and shall be resolved as more fully set forth in Section 22 of our [Terms of Use](https://xumbers.com/agreements/tou.pdf) [https://xumbers.com/agreements/tou.pdf].

If you use the Website or The Xumbers Software outside of the United States, personal information may be transferred to servers inside the United States and maintained indefinitely. If you are in the European Economic Area, you should be aware that this may involve the transfer of information out of countries located in the European Economic Area and to the United States. By accessing and using the Website or The Xumbers Software, you agree and consent to such transfer and processing of your data.

### **Your Rights Under the GDPR.**

If you are in the European Economic Area, you have the following rights:

Right to Access	The right to be provided with a copy of your personal information (the right of access).
Right to Rectification	The right to require us to correct any mistakes in your personal information.
Right to be Forgotten	The right to require us to delete your personal information—in certain situations.
Right to Restriction of Processing	The right to require us to restrict processing of your personal information—in certain circumstances, e.g. if you contest the accuracy of the data.
Right to Data Portability	The right to receive the personal information you provided to us, in a structured, commonly used and machine-readable format and/or transmit that data to a third party—in certain situations.
Right to Object	The right to object: (i) at any time to your personal information being processed for direct marketing (including profiling); and (ii) in certain other situations to our continued processing of your personal information, e.g. processing carried out for the purpose of our legitimate interests.
Right Not to be Subject to Automated Individual Decision-Making	The right not to be subject to a decision based solely on automated processing (including profiling) that produces legal effects concerning you or similarly significantly affects you

### **Links to Third Parties**

The Websites and The Xumbers Software may contain links to other services and websites (“Linked Sites”). Please refer to Section 6 [<https://www.xumbers.com/agreements/tou.pdf>] of our [Terms of Use](#) for Company’s disclaimers

and other information regarding Linked Sites. This Privacy Policy is not applicable to any Linked Sites. We do not control, are not responsible for and have no liability for the practices, including the collection of personal information, the privacy policies and/or

/service of any Linked Sites. You should review the policies and agreements of Linked Sites carefully. We encourage our users to read the privacy statements of every service and website that collects personal information.

### **Your California Privacy Rights**

FOR RESIDENTS OF CALIFORNIA ONLY. Section 1798.83 of the California Civil Code requires select businesses to disclose policies relating to the sharing of certain categories of your personal information with third parties. If you reside in California and have provided your personal information to Company, you may request information about our disclosures of certain categories of Personal information to third parties for direct marketing purposes. Such requests must be submitted to us at one of the following addresses: by clicking the Contact Us button on the Xumbers.com web page or Konvisser Custom Software, C/O Eric J. Gould, Cohen, Lerner & Rabinovitz, P.C., 26862 Woodward Ave., Suite 200, Royal Oak, MI 48067.

Within thirty (30) days of receiving such a request, we will provide a list of the categories of Personal information disclosed to third parties for third-party direct marketing purposes during the immediately preceding calendar year, along with the names and addresses of those third parties. This request may be made no more than once per calendar year. We reserve our right not to respond to requests submitted other than to the address specified in this Section.

### **Contacting Us**

If you have any questions or concerns about this Privacy Policy, you may contact us through any of the following means, however, please be sure to specify the reason for your communication. Please be aware that any opt out or other requests with specific email address will not be addressed through communication to these general means.

Online: Click the Contact Us button on the Xumbers.com web page

U.S. Postal Mail: Konvisser Custom Software, L.L.C.  
Contact Regarding Xumbers Privacy Policy  
C/O Eric J. Gould, Cohen, Lerner & Rabinovitz, P.C., 26862 Woodward Ave.,  
Suite 200, Royal Oak, MI 48067

### **Changes to this Privacy Policy**

Company shall provide notification to you in advance of any changes becoming effective, such as by posting a notification on the Website. If you continue to access and/or use the Website or The Xumbers Software after the effective date of such changes, then such access and/or use will be deemed an acceptance of and an agreement to follow and be bound by the terms as changed. The revised Privacy Policy shall supersede all previous notices or statements regarding the Website and The Xumbers Software. For this reason, we encourage you to review this Privacy Policy any time you access or use the Website and The Xumbers Software, and recommend that you print out a copy for your records.

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