

## PRIVACY POLICY

**Effective Date: 4/15/2021**

Thank you for visiting a BitOGenius Inc. property (“BitOGenius”). This Privacy Policy explains our online information practices and the choices you can make about information collected through our websites, Pixicade.com and Bitogenius.com, the Pixicade game mobile application, and any other website or applications owned by BitOGenius (the “BitOGenius Services”).

This Privacy Policy applies solely to information collected by the BitOGenius Services. It will notify you of the following:

- What personally identifiable information is collected from you through the app, how it is used, and with whom it may be shared.
- What rights you have and choices are available to you regarding the use of your data.
- The security procedures in place to protect the misuse of your information.
- How you can correct any inaccuracies in the information.
- Information Collection, Use, and Sharing.

### SUMMARY

Our Privacy Policy is written to clearly explain and describe to you how we collect, use, share, and disclose information collected by BitOGenius through our Services. We have divided our policy into two different sections. In this bullet points in this summary section below, we will highlight key areas of our policy of which you should be aware. Further down, we have our extensive policy that describes in detail all the practices of BitOGenius. We encourage you to read the full policy.

- We collect personal information in a few principal ways, including information you give to us directly, information we gather from your use of our Services, and information we receive from third parties.
- We collect information from children under the age of 13 only with verified parental consent.
- We may share your personal information to some third parties in certain circumstances, including information necessary to provide you with our Services.
- You may request deletion, request a copy of, request rectification, restrict or object to processing, and request to transfer your data by emailing your request to [privacy@bitogenius.com](mailto:privacy@bitogenius.com).
- While it is not possible to guarantee that your information will remain secure, we use commercially reasonable efforts to secure your information.

**1. INFORMATION WE COLLECT.** We may collect different types of information during your interactions with the BitOGenius Services and through our advertising and media across the Internet and mobile applications. This information may include personal information that you provide (e.g., name, phone number, postal address, email address, and certain payment information), technical information (e.g., device identifier, IP address, browser type, and/or operating system), photographs you take with the Pixicade game and games you create therein, and usage information (e.g., how you use and navigate to and from BitOGenius Services, and information about content or advertisements you have been shown or have clicked on). We may combine these types of information together, and collectively refer to all of this information in this Privacy Policy as “Information.” Information may be collected as described below and through the use of cookies, web beacons, pixels, and other similar technologies by us or by other companies on our behalf.

- **Email Address:** Collected for parental consent and support purposes. Optionally collected for marketing and promotions. Not shared.
- **User Name:** Collected as an identifier in the app. User specified. Shared with other app users in the app if games are shared.

- Pictures: Collected as part of the process to turn drawings into games. Used for game generation purposes. Only shared with app others if the user explicitly requests the game to be shared
- Age: Collected to identify if the user requires additional parental consent and regulations.
- Avatar selection: Collected as an identifier in the app. User selected. Shared with other users in the app if games are shared or if the user joins a friend group.
- Device identifier: Application generated GUID collected to connect the account to the device. Not shared.
- IP address: Collected to provide services in the app and for application support purposes. Not shared.
- Operating system: Collected to provide services in the app and for application support purposes. Not shared.
- Emails: All emails sent by the system are saved for internal application support and audit purposes. Not shared.
- Game Metrics: Information related to games played, error reports, scores and other game specific data are collected to provide the services in the app. Not shared.
- Support requests: All support requests submitted within the app are saved for internal application support and audit purposes. Not shared.
- Purchases: All purchases (scans of qr codes, in-app purchases) are saved for internal application support and audit purposes. Not shared.
- Friend code: Application generated code per user. Used as a layer of protection for user connections. Not shared with others unless requested by the user.
- Friend connections: The app allows users to connect to other users via friend codes. All connections made are saved for internal application support and audit purposes. Not shared.
- Application messages: System messages may be generated through usage of the application. All messages generated are saved for internal application support and audit purposes. Not shared.

## 2. HOW YOUR INFORMATION IS COLLECTED.

- Registration, account, and sign-up information.** We may collect Information in the course of your use of, or registration with, BitOGenius Services. For example, when you create an account, register for, or download an application, or sign-up for or order a product or service, you may provide us with certain personal information. This type of personal information may include your name, phone number, postal address, email address, or certain payment information (e.g., credit card and billing information). We may also receive Information about your interest in and use of various products, programs, services, and content available on or through BitOGenius Services.
- Information from other sources.** We may combine Information we receive online with other information, including usage information from BitOGenius Services and our media. We may also supplement or combine Information with information from a variety of other sources or outside records, such as demographic, transaction history, or personal information, and we may use that combined Information in accordance with this Privacy Policy.
- Social media.** You can engage with some of our content and offerings, such as videos, games, applications, and other offerings on or through third party communities, forums, and social media sites, services, plug-ins, and applications (“Social Media Services”) (note that any direct link to sync your social media sites through BitOGenius Services is only available to users over the age of 12). When you link to or interact with

BitOGenius Services or content through Social Media Services, you may allow us to receive certain Information from your social media account (e.g., name, user ID, email address, profile photo, photos and videos, gender, birthday, location, your list of friends and their contact details, people you follow and/or who follow you, the posts or the 'likes' you make). We may also receive Information from your interaction with our content (e.g., content viewed, game performance, high scores, and information about advertisements you have been shown or have clicked on). By providing this Information or otherwise interacting with BitOGenius Services through Social Media Services, you consent to our use of Information from the Social Media Services in accordance with this Privacy Policy. We do not control any information you submit via any third-party sites, including Social Media Services. That information is subject to the privacy policies of such third-party sites. For information about how you can customize your privacy settings on Social Media Services, and how those Social Media Services handle your personal information and content, please refer to their privacy help guides, privacy policies, and terms of use

- d. Public forums.** If you share Information or content, such as games, photos, letters, videos, or comments, while participating in online forums on BitOGenius Services, or when you interact with BitOGenius Services through Social Media Services, depending on your privacy settings, this Information or content and your username may become public on the Internet or within a community of users. Any Information you share, including the games that you upload, is subject to our Terms of Service (<https://bitogenius.com/terms-of-service>). We cannot prevent further use of this Information once you share it in a publicly available forum. For information about how you can customize your privacy settings on Social Media Services, and how those Social Media Services handle your personal information and content, please refer to their privacy help guides, privacy policies, and terms of use. **THE APPLICATION HAS GAME SHARING CAPABILITIES. SHARING A GAME MAKES THE FOLLOWING INFORMATION PUBLIC:**
- i. PICTURE OF THE GAME
  - ii. DATA ASSOCIATED WITH THE GAME
  - iii. USERNAME
  - iv. USER SELECTED AVATAR
  - v. GAME SCORE
- e. Location information.** We may have access to certain Information about your location, such as your country or address, when you provide it or via device information (such as an IP address). If you access BitOGenius Services on your mobile device, we may collect Information about your device's precise location for security, regulations and performance considerations. You can restrict what location information you provide to BitOGenius through your device settings.
- f. Camera access and games created by you.** For some Services, namely the Pixicade game made available through our Mobile Application, we will ask for permission to access your device's camera. If you grant permission, you may be able to take pictures within the Mobile Application or to access certain augmented reality features of the Services. Although the purpose of the camera access is for you to take pictures of drawings only for sole purpose of utilizing the Services, all pictures taken will be stored on our servers for so long as your account is enabled. Taking elicited photos is strictly prohibited, as further detailed in our Terms of Service (<https://bitogenius.com/terms-of-service>). Content and games submitted by you through the Mobile Application by users ages 13 and older may be seen and used by others using the Services and may be used for various purposes, including promotional purposes, by BitOGenius. Games created by users under the age of 13 are never shared on the Services unless the user makes an in-app purchase to allow sharing via a direct link. All content and games submitted by you is subject to our Terms of Service (<https://bitogenius.com/terms-of-service>).
- g. Technical and usage information.** We may also collect certain technical and usage information when you use BitOGenius Services, such as the type of device, browser, and operating system you are using, your Internet service provider or mobile carrier, unique device identifier, IDFA or IDFV, MAC address, IP address, device and browser settings, the webpages and mobile apps you use, and certain Service usage information.

- 3. HOW WE USE THE INFORMATION.** We use Information for the purposes described in this Privacy Policy or disclosed at the time of collection or with your consent.
- a. Providing and marketing products and services.** We use the Information we collect about you through BitOGenius Services to fulfill your requests for, and otherwise provide or analyze your use of our products, programs, services and content, to facilitate sharing and other interactions with Social Media Services, and to provide, develop, maintain, personalize, protect, and improve your experience and our offerings. We may also use Information to offer, market, and advertise products, programs, and services from us that we believe may be of interest to you.
  - b. Communicating with you and others.** We use Information about you to communicate with you, such as (i) to notify you when you win one of our contests or sweepstakes or when we make changes to our policies or user agreements, (ii) to respond to your inquiries, (iii) to communicate with you about your purchases or transactions, (iv) to contact you about your account, or (v) to send you information about promotions, offerings, and Service features. You may also choose to receive push notifications from us on your mobile device. If you are over the age of 12 and choose to submit content for publication online or in other forums, we may publish your screen name, photos and other Information you have provided to us on BitOGenius Services, the Internet, or elsewhere. We use Information that you provide about others to enable us to send them invitations, promotions, or other content on your behalf or through BitOGenius Services. From time to time, we also may use this Information to offer, market, or advertise products, programs, or services to them from BitOGenius.
  - c. Use of technical and usage information.** We use technical and usage information to improve the design, functionality and content of BitOGenius Services and to enable us to personalize your experience with BitOGenius Services and offerings. We use this Information (i) to provide, develop, maintain, personalize, protect, and improve BitOGenius Services, products, programs, and services and to operate our business, (ii) to perform analytics, including to analyze and report on usage and performance of BitOGenius Services, (iii) to protect against, identify, and prevent fraud and other unlawful activity, (iv) to create aggregate data about groups or categories of our users, and (v) for us and our affiliates to target, offer, market, or advertise products, programs, or services.
  - d. Compliance.** We may use Information we collect to detect, investigate, and prevent activities on BitOGenius Services that may violate our terms of use, could be fraudulent, violate copyright, or other rules or that may be otherwise illegal, to comply with legal requirements, and to protect our rights and the rights and safety of our users and others.
  - e. Emails and Newsletters.** We may send emails and newsletters to engage in a variety of services that we provide.
- 4. INFORMATION SHARING AND DISCLOSURE.** We never sell Information, but we may share and disclose Information in the following ways or for any other purpose disclosed at the time of collection:
- a. With your consent.** We may disclose Information when you provide us with your consent to do so.
  - b. Legal and law enforcement purposes.** We may disclose Information in response to legal process, for example in response to a court order or a subpoena, or in response to a law enforcement agency's request. We also may disclose such Information to third parties: (i) in connection with fraud prevention activities, (ii) where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, (iii) in situations that may involve violations of our terms of use or other rules, (iv) to protect our rights and the rights and safety of others, and (v) as otherwise required by law.
  - c. Change of control.** We may transfer Information in the event of a business transaction, such as if we or one of our business units or our relevant assets are acquired by, sold to, or merged with another company or as part of a bankruptcy proceeding or a business reorganization.

- d. Service providers.** Our agents and contractors may have access to Information to help carry out the services they are performing for us, such as, but not limited to, creation, maintenance, hosting, and delivery of BitOGenius Services, products, and services, conduct marketing, payment processing, email and order fulfillment, administer contests, conduct research and analytics, or customer service. We require service providers to protect the Information consistent with this Policy through contractual obligations.
- e. Affiliates.** We may disclose Information to affiliates. For example, we may share Information we collect with our affiliates to provide, improve, and otherwise communicate with you about their own products and services. Our products and services may be developed, managed, marketed and sold by a variety of our affiliates. Public recognition may derive from, for example, use of common branding elements, advertising, press, social media reports or other public form of notice. We require the affiliate to protect the Information consistent with this Policy through contractual obligations. For affiliates not publicly recognized as BitOGenius affiliates, we share Information under the same circumstances and limitations that we impose when we share with non-BitOGenius companies, like vendors performing services on our behalf. We may also combine Information that identifies you personally with data that comes from an app or affiliate that has a different privacy policy. When we do that, our Policy applies to the combined data set.
- f. Business partners and third parties.** We may also share Information with business partners and third parties (e.g., other companies, retailers, research organizations, participatory databases, publishers, and non-profit organizations). If we share personal information with such unaffiliated third parties for their own marketing purposes, we provide you with an opportunity to opt out of such uses either at the point of collection or through the choice mechanisms set forth in this Privacy Policy.
- g. Linked sites.** Some of BitOGenius Services may contain links to other sites, including Social Media sites, whose information practices may be different from ours. Information you submit to other sites will be governed by the other sites' privacy policies and terms.
- h. Sponsors and co-promotions.** We may sometimes offer content or programs (e.g., contests, sweepstakes, promotions, games, applications or Social Media site integrations) that are sponsored by or co-branded with identified parties. By virtue of these relationships, the sponsoring or co-branding parties may collect or obtain Information from visitors that participate in the activity. We have no control over these sponsoring or co-branding parties' use of this Information. We encourage you to visit the privacy policy of any such sponsoring or co-branding party to learn about their data practices prior to providing Information through sponsored or co-branded content or programs.

**5. FERPA.** We are committed to protecting the security and privacy of end user data. This includes supporting the compliance of our US customers in the K-12 and postsecondary education sectors (School Subscribers) with the Family Educational Rights and Privacy Act (FERPA).

**6. YOUR CHOICES AND CONTROLS.** We provide you with an opportunity to express your preferences with respect to receiving certain marketing communications from us, and our sharing of personal information with unaffiliated third parties. If you ever decide in the future that you would like to update these preferences, you may send us an email at [privacy@bitogenius.com](mailto:privacy@bitogenius.com). To opt out of receiving our email marketing communications, you can also follow the "unsubscribe" instructions provided in any marketing email you receive from us. If you previously chose to receive push notifications on your mobile device from us, but no longer wish to receive them, you can manage your preferences through your device or app settings, depending on the type of device. If you have signed up to receive text messages from us and no longer wish to receive such messages, you may follow the instructions to stop the delivery of such messages, which may include by replying "STOP" to the received text message.

## **7. COOKIES AND OTHER TECHNICAL INFORMATION**

- a. Cookies and other technologies.** We, and our affiliates, vendors, and business partners may send "cookies" (small text files placed in your browser to your computer) or use similar technologies to understand and enhance your online experience on BitOGenius Services and through our advertising and media across the Internet and mobile apps. We may also use pixels or "web beacons" that monitor your use of BitOGenius Services. Web beacons are small strings of code that provide a method for delivering a graphic image on a webpage for the purpose of transferring data, such as the IP address of the computer that downloaded the

page on which the web beacon appears, the URL of the page on which the web beacon appears, the time the page containing the web beacon was viewed, the type of browser that fetched the web beacon, and the identification number of any cookie on the computer previously placed by that server. We may also integrate “Software Development Kits” (“SDKs”) into our applications to perform similar functions as cookies and web beacons. For example, SDKs may collect technical and usage information such as mobile device identifiers and your interactions with the Service and other mobile apps.

We may use cookies and other technologies to help recognize your browser or device, maintain your preferences, provide certain Service features, and collect Information about interactions with BitOGenius Services, our content, and our communications. For example, when corresponding with you via HTML capable email, web beacons and other technologies let us know about your activity, including whether you received and opened our email, clicked through a link, or otherwise interacted with our content, and this information may be associated with Information previously collected.

We may also use cookies and other technologies (i) to provide, develop, maintain, personalize, protect, and improve BitOGenius Services, products, programs, and services and to operate our business, (ii) to perform analytics, including to analyze and report on usage and performance of BitOGenius Services and marketing materials, (iii) to protect against, identify, and prevent fraud and other unlawful activity, (iv) to create aggregate data about groups or categories of our users, (v) to synchronize users across devices, affiliates, business partners, and select third parties, and (vi) for us and our affiliates to target, offer, market, or advertise products, programs, or services. Cookies and other technologies also facilitate, manage, and measure the performance of advertisements displayed on or delivered by or through us and/or other networks or sites. By visiting the Service, whether as a registered user or otherwise, you acknowledge, and agree that you are giving us your consent to track your activities and your use of the Service through the technologies described above, as well as similar technologies developed in the future, and that we may use such tracking technologies in the emails we send to you.

- b. Managing cookies and other technologies.** Cookies can either be persistent (i.e., they remain on your computer until you delete them) or temporary (i.e., they last only until you close your browser). Check your browser settings to learn how to delete cookies.

You may adjust your browser to reject cookies from us or from any other website. Controlling cookies via browser controls may not limit our use of other technologies. Please consult your browser’s settings for more information. However, blocking cookies or similar technology might prevent you from accessing some of our content or Service features. BitOGenius Services do not respond to Do Not Track signals.

**8. INFORMATION SECURITY.** We have put in place reasonable controls designed to help safeguard the personal information we collect via the Services. However, no security measures are perfect, and we cannot assure you that personal information that we collect will never be accessed or unintentionally used in an unauthorized way.

**9. HOW YOU CAN ACCESS OR CORRECT INFORMATION.** To access the personal information that we have collected about you online from Services on which this Privacy Policy is posted or to update your user profile, please log into your account, if you have created one with us, or send an email to [privacy@bitogenius.com](mailto:privacy@bitogenius.com). For European citizens California residents, please see below for additional information on accessing information about you.

**10. YOUR RIGHTS UNDER THE GDPR.** As a European citizen, you may have certain rights under the GDPR that allow you to take control of your personal information. To exercise any of the following rights listed below, please email [privacy@bitogenius.com](mailto:privacy@bitogenius.com) with your request in the subject line of the email. Your rights include:

- The right to access. You have the right to be informed of all the information we hold on you.
- The right to object or restrict processing. You have the right to opt out of or restrict our processing of your personal information at any time.
- The right to data portability. You have the right to request a portable format of your personal data.
- The right to erasure. You have the right to request for us to delete the information we have on you.
- The right to correction. You have the right to correct any inaccurate information we may have on you.

We have the right to refuse to honor your requests to delete any of your personal information if it is necessary to exercise the right of the freedom of expression and information, to comply with any legal obligation that may require

processing of your personal information, for reasons of public interest in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defense of legal claims. We may also refuse to delete or delay deleting any information that is necessary to carry out a contract we currently have with you.

BitOGenius does not use your personal information to make any automated decisions about you.

**11. CHILDREN'S PRIVACY IN THE UNITED STATES.** On most Services, we do not knowingly collect personal information from children. On some Services, namely, the Pixicade game on the Mobile Application, we will ask the user to provide us with the user's age information. If the user indicates that he or she is 12 years old or younger, we will request the parent's email address be provided. We use the parent's email address to seek the parent's verifiable consent to their child's use of the Services. Once a parent provides consent, we may use any information from the child consistent with the rest of this Privacy Policy and/or the terms of the consent provided by the parent. Additionally, our educational editions for use in schools requires the consent of the child's teacher or administrator.

If a user is under 13, we will not condition their participation in an online activity on the disclosure of more personal information than is reasonably necessary to participate in the activity. Please see our COPPA Policy (<https://bitogenius.com/coppa-policy>) for more information on our use of child information. If you would like to review any personal information that we have collected online from your child, have this personal information deleted from our active servers, and/or request that there be no further collection or use of your child's personal information, or if you have questions about these information practices, you may contact us at [privacy@bitogenius.com](mailto:privacy@bitogenius.com) or write us at BitOGenius, Inc., 333 Mamaroneck ave PMB 394, White Plains, NY 10605.

**12. CHILDREN'S PRIVACY INTERNATIONALLY.** The age of digital consent and the methods required to obtain the consent varies around the world. To comply with the regulatory requirements and privacy laws of each country, we deploy a variety of methods when we obtain parental consent, and we require consent at different ages.

In the Netherlands, Norway, Luxembourg, Germany, and Ireland we require parental consent for children under the age of 16.

In Quebec Canada and Austria, we require parental consent for children under the age of 14.

In Canada (Outside Quebec), Denmark, Sweden, Finland, Belgium, Switzerland, the UK, Australia, and New Zealand, we require parental consent for children under the age of 13.

**13. INTERNATIONAL TRANSFER.** While the Services are governed by and operated in accordance with the laws of the United States, this BitOGenius Privacy Policy and the BitOGenius organization's operations make commercially reasonable efforts to comply with privacy laws of the countries where transactions occur.

By using the Services and providing us with information directly or indirectly, you consent to your information being stored in or transferred to the United States or in or to any other country in which BitOGenius Services providers maintain facilities for processing by us in accordance with this Privacy Policy.

BitOGenius Services providers may transfer information that we collect about you, including personal information, across borders and from your country or jurisdiction to other countries or jurisdictions, some of which may not have the same data protection laws as your jurisdiction.

**14. CALIFORNIA AND CCPA PRIVACY RIGHTS AND DISCLOSURES.** This California Privacy Rights and Disclosure section addresses legal obligations and rights laid out in the California Consumer Privacy Act, or CCPA. These obligations and rights apply to businesses doing business in California and to California residents and information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with California consumers or households ("California Information").

- a. Rights To Request Disclosure Of Information We Collect And Share About You.** If you are a California resident, you have a legal right to request information about our practices related to the disclosure of your personal information by BitOGenius to certain third parties for their direct marketing purposes. Please send your request (along with your full name, email address, postal address, and the subject line labeled "Your California Privacy Rights") by email at [privacy@bitogenius.com](mailto:privacy@bitogenius.com). We currently do not sell your information for direct marketing purposes.

- b. In addition, if you are a California resident, the CCPA grants you the right to request certain information about our practices with respect to California Information. In particular, you can request the following:
- The categories and specific pieces of your California Information that we've collected;
  - The categories of sources from which we collected California Information;
  - The business or commercial purposes for which we collected or sold California Information; and
  - The categories of third parties with which we shared California Information.

You can submit a request to us for the following additional information:

- The categories of third parties to which we've sold California Information, and the category or categories of California Information sold to each.
- The categories of California Information that we've shared with service providers who provide services for us, like processing your bill.

To exercise your CCPA rights with respect to this information, please email us at [privacy@bitogenius.com](mailto:privacy@bitogenius.com) or write to us at BitOGenius, Inc., 333 Mamaroneck ave PMB 394, White Plains, NY 10605.

- c. **Your Right To Request The Deletion Of California Information.** Upon your request, we will delete your personal information.

To exercise your right to request the deletion of your California Information, please email us at [privacy@bitogenius.com](mailto:privacy@bitogenius.com) or write to us at BitOGenius, Inc., 333 Mamaroneck ave PMB 394, White Plains, NY 10605.

- d. **Your Right To Ask Us Not To Sell Your California Information.** We do not currently sell any Information, but you can email us at [privacy@bitogenius.com](mailto:privacy@bitogenius.com) to request that your information not be sold in the future should our practices in this regard ever change.

- e. **Do Not Track Notice.** We do not support Do Not Track ("DNT"). Do Not Track is a preference you can set in your web browser to inform websites that you do not want to be tracked. You can enable or disable Do Not Track by visiting the Preferences or Settings page of your web browser.

- f. **No Discrimination.** We are committed to providing you control over your California Information. If you exercise any of these rights explained in this section of the Privacy Policy, we will not disadvantage you. You will not be denied or charged different prices or rates for goods or services or provided a different level or quality of goods or services.

- g. **Consumers Under 16 Years Old.** CCPA has specific rules regarding the use of California Information from consumers under 16 years of age. If you would like further information on how we handle California Information from consumers under the age of 16 years of age, or if you have questions about these information practices, you may contact us [privacy@bitogenius.com](mailto:privacy@bitogenius.com) or write to us at BitOGenius, Inc., 333 Mamaroneck ave PMB 394, White Plains, NY 10605.

**15. NOTIFICATION REGARDING PRIVACY POLICY UPDATES.** From time to time, we may update this Privacy Policy. We will notify you about material changes to this Privacy Policy by placing a notice on BitOGenius Services. We encourage you to periodically check back and review this policy to remain updated on our privacy practices.

If you have any questions regarding this Privacy Policy please contact us.

BitOGenius Inc.  
333 Mamaroneck ave PMB 394  
White Plains, NY 10605  
[privacy@bitogenius.com](mailto:privacy@bitogenius.com)