

Effective November 20<sup>th</sup>, 2018

gamigo US, Inc. (“**gamigo**” or “**we**” or “**our**”) respects your privacy and is committed to protecting the Personal Information (defined below) that you may provide us while using our websites (the “**Sites**” as further defined below). The use of the Sites is subject to the terms of this privacy policy (“**Privacy Policy**”) and your agreement to our [Terms of Use](#) and Contractual Agreement. In addition, and where appropriate, your rights and obligations concerning the Sites are governed by the applicable terms of sale, the applicable Game’s EULA, and other applicable policies, guidelines, FAQs and requirements. When you sign up to use the Sites and/or any of our services, please review such agreements carefully, as you must agree to be bound by each such agreement before you may use the Sites and/or the relevant service.

This Privacy Policy sets forth the basis on which any Personal Information that you provide to us, or that we collect from you, will be processed by us and is intended to provide you with notice of the following:

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This Privacy Policy may change from time to time, so please check back periodically to ensure that you are aware of any changes. If we make a material change to this Privacy Policy, we will notify you by posting the change on the Sites and/or email you with additional choices regarding such change. All changes to the Privacy Policy will be effective when posted.

**If you are a non-European Union (“EU”) Citizen using the Sites, you signify your assent to this Privacy Policy. If you do not agree to this Privacy Policy, please do not use the Sites.**

## **1. WEBSITES GOVERNED BY THE PRIVACY POLICY**

We currently operate the website located at [www.trionworlds.com](http://www.trionworlds.com), including all of its subsites and all software, products, features, games and services made available, displayed, or offered by or through our website or subsites (collectively, the “Sites”). In addition, we own many other game-specific (e.g. [riftgame.com](http://riftgame.com), [defiance.com](http://defiance.com)) and/or content-specific “subsites” of the Sites, and these subsites are also considered part of the Sites for purposes of this Privacy Policy. From time to time, we may add new subsites to the Sites that may not initially be listed above, but such subsites will provide a link to and will be governed by this Privacy Policy. Please note that this Privacy Policy applies only to Sites maintained by gamigo, and not to any affiliates or websites maintained by other companies or organizations to which we link. We strongly encourage you to review the privacy policies of all third parties and exercise caution in connection with them.

## **2. YOUR PRIVACY RIGHTS**

As further discussed in this Privacy Policy, we may from time to time provide you with the opportunity to receive information about products and services offered by gamigo and/or our third party marketing

affiliates. You can update your Account preferences, including Account password, email address, payment details, newsletter preferences, request to remove your account and/or prevent future disclosures of your Personal Information to us and/or third parties for their direct marketing purposes, at no charge, by exercising your “opt out” rights through any of the means described below:

- You can send mail or email expressly making such request to: gamigo US Inc. Attention: Privacy Officer, 350 Marine Parkway Redwood City, CA 94065 USA or [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com); or
- You can access your user profile and modify your privacy preferences by opting-out of direct marketing communications from gamigo and/or our third party marketing affiliates; or
- Upon receipt of any electronic marketing communication from us, you can click on a link on the bottom of such communication to “unsubscribe” from any future marketing communications from us.

If you are a California resident, please see the [Privacy Disclosures for California Residents](#) section of this Privacy Policy.

Additional disclosures are provided for residents of the European Union in the section titled, [Privacy Disclosures for Residents](#) of the European Union section of this Privacy Policy.

In the event that you contact us with a specific request or “opt in” to gamigo communications, including but not limited to participating in services, events, sweepstakes, contests and/or promotions, after choosing to opt out, we reserve the right as is permitted by applicable laws, to transmit communications containing transactional or relationship content to you as necessary. We will take reasonable steps to ensure that such communications will be limited to the scope of your request and/or the subject matter of your “opt in.” It lies in your own responsibility to renew your “opt out” request after you choose to “opt in” as set forth above.

### **3. OUR POLICIES CONCERNING CHILDREN**

Please take note that the content, games and services provided on the Sites are not directed towards children under the age of sixteen (16) (“**Children**”). Therefore, except as otherwise expressly permitted by our [Terms of Use](#) and Contractual Agreement (</en/legal/terms-of-use/>) and our Privacy Policy, registration for and/or access to such content, games and services by Children is strictly prohibited. Individuals under the age of eighteen (18) should consult their parents or legal guardians before providing us with any of their Personal Information.

If parents believe that we have unintentionally collected their child’s Personal Information, they should contact us at gamigo US Inc. , Attention: Privacy Officer, 350 Marine Parkway Redwood City, CA 94065 USA or [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com) to request the deletion of the information.

### **4. WHAT PERSONAL INFORMATION WE COLLECT FROM YOU**

#### **GENERAL**

Personal information is any information relating to an identified or identifiable individual, such as your name, email address, postal address, phone number, and online identifiers (“**Personal Information**”). Customers purchasing products or services will be required to provide additional Personal Information such as a valid credit card number, expiration date and shipping and billing addresses. With the exception of certain technical information later described, we do not collect any Personal Information from you unless you provide it to us voluntarily (e.g. through interaction or registration with the Sites).

If you decide to provide us your Personal Information, it will generally be for: (1) account or product registration, or registration for online game participation; (2) the purchase of goods or services through our online store (including the purchase of in-game digital items (“**Virtual Items**”)); (3) message boards or forums; (4) newsletters; (5) e-cards or Invite a Friend promotions; (6) sweepstakes or contest registrations or surveys; (7) customer service or technical support; (8) consumer complaint(s); and (9) social media interaction.

We will only collect the Personal Information which is needed to fulfill your requests and/or our legitimate business objectives, as set out in this Privacy Policy, and we will keep it no longer than is necessary to fulfill such purposes and objectives. If you refuse to divulge your Personal Information when requested, and the disclosure of such Personal Information is indicated as being required (rather than voluntary), you will not be able to access certain functionality or areas of the Site (such as chat rooms and message boards).

## **ACCOUNT OR PRODUCT REGISTRATION AND ONLINE GAME PARTICIPATION**

gamigo provides certain content, online games (each a “**Game**”) and/or services through the Site. Some areas of the Site may allow you to visit as a guest and remain anonymous, but you may not be able to access all the content and features of those areas without registering an account with us (e.g. in order to play our Games or purchase Game-related Virtual Items). Additional information, such as your real name and billing information, will be required (an “**Account**”) in order to access advanced features.

### **ONLINE GAMES**

When you play any of the Games offered and/or served by gamigo or use any of the communication features on the Site, your Internet Protocol address (the unique number assigned to your server or Internet Service Provider) (your “**IP Address**”) from which you access any of the above may be stored in our records. gamigo may track such IP addresses for system administration, to report aggregate information, Site tracking, security purposes, or to prevent our servers from being abused.

When any Game is updated or “patched,” our patch routine may check your computer to see that you have the most recent version of Game-specific files. When you log in to one of our Games, your system specifications (such as OS, RAM, video card, monitor, system configuration, crash data, diagnostic data, etc.) may be reviewed/recorded by us for the purposes of analyzing and optimizing your Game experience and in order to provide you with customer service.

### **ONLINE PURCHASES**

When you sign up to play one of our fee-based Games or you make certain online purchases from us (including the purchase of any Game-related Virtual Items), we may also require that you provide us with the necessary billing information such as your real name, credit card or payment information, and shipping or billing address, so that we may provide the content, Game, Virtual Item(s), service, or product to you.

Users have the ability to access, change and delete their payment method details through their Account.

### **MESSAGE BOARDS OR FORUMS**

Please take note that information you post to the public areas of our Sites, which include but are not limited to, message boards, forums, chat rooms, and/or profiles, if applicable, will be displayed publicly and we cannot prevent further use of the information by third parties.

### **NEWSLETTERS AND INVITE A FRIEND PROMOTIONS**

Typically, you need to have an Account in order to receive emails from us, provided that you may receive email communications from us on a one-time basis if you have contacted us directly with regard to a specific request or for email newsletters. You can opt-out of receiving future marketing emails from us by following the directions contained in the email to “unsubscribe.”

Notwithstanding your email preferences, from time to time, gamigo may send a transactional or relationship message which provides information concerning a transaction you have agreed to, your membership, subscription or account and/or warranty or safety information.

Also, except in jurisdictions where it may be prohibited by law to do so, the Site or service offerings available thereon may allow you to submit information about other people. For example, we may offer

“Invite a Friend” promotions, like electronic postcards available on the Site or through our newsletters. In these situations, you may provide the email address and, sometimes, the name of a friend. After the “Invite a Friend” transaction is completed, that information is deleted. We will not retain the recipient’s email address for longer than necessary to complete the transmission. In our communication to your friend in this circumstance, he or she will only receive further information from us if he or she has affirmatively opted-in to receive future emails from us.

#### **SWEEPSTAKES, CONTESTS, AND SURVEYS**

To participate in some of our sweepstakes, contests, surveys, and other promotions, you may be asked to provide additional Personal Information such as your mailing address. This information may be collected by gamigo or by third parties such as co-sponsors or vendors for the promotion. Potential winners may be required to provide additional Personal Information for the purpose of verifying eligibility and awarding prizes, and for tax purposes. gamigo’s use of any such information will be governed by this Privacy Policy. The names of third parties such as co-sponsors (other than vendors hired by us to conduct, administer, and execute a promotion on behalf of gamigo) will be disclosed to you when you are asked to sign up for the promotion. You should review such third parties’ privacy policies to see how they may use any information that they collect.

#### **CUSTOMER SERVICE, TECHNICAL SUPPORT OR CONSUMER COMPLAINTS**

In order to resolve issues related to customer service, billing questions, technical and computer support, etc., we require you to provide us with the information necessary to look up your Account (e.g. billing information including personal information such as your billing and/or shipping address) so that we may resolve such issues properly.

#### **SOCIAL MEDIA INTERACTION**

When you engage with our content on or through third party social networking websites, such as Facebook and/or Twitter (or third party social media plug-ins and applications), you may allow us to have access to certain information from the applicable social media profile, such as your name, email address, photo, gender, birthday, location, your list of friends, people you follow and/or who follow you, the posts or the “likes” you make. By doing so, you agree to the use of this information in accordance with this Privacy Policy. When you provide personal information to us in this manner, it may be publicly viewed by other members of the applicable social media websites and we cannot prevent further use of the information by third parties.

Through some social networking websites’ privacy settings, you can control the data you share. For more information about how social networking websites handle your personal information, please refer to their privacy policies and terms of use.

#### **RESUME SUBMISSIONS AND BUSINESS CAPACITY**

gamigo allows for the electronic submission of resumes. Please be advised that information (including Personal Information) contained in a job applicant’s resume or otherwise submitted to gamigo in a business capacity is not subject to the terms of any other section of this Privacy Policy. The information obtained from your resume will only be used for the purpose of accepting and evaluating your submission for a job and contacting you, your previous employers and your references in connection with that purpose.

### **5. WHAT NON-PERSONAL INFORMATION WE COLLECT FROM YOU**

General, aggregated, demographic, and non-Personal Information may be collected by gamigo. This type of anonymous, aggregated profiling and session data includes information that you have provided to us through surveys, polls, etc., and is combined with your IP address.

As part of the registration process for some services, you will be asked to provide information that does not personally identify you but can make you identifiable. For example, you will be asked to provide information concerning your date of birth, country, entertainment preferences, purchasing

habits, and the like. This information is optional, but where provided it will be included in your Account profile and tied to your Personal Information. gamigo requests this information to understand you better and to also bring to your attention new services, programs, or offers that may be of interest to you.

If you are a non-EU Citizen and gamigo automatically collects non-Personal Information as stated above, and it is possible to link this information to your Personal Information, you hereby agree to gamigo linking relevant non-Personal information to your Personal Information.

In many cases, gamigo will automatically collect certain non-Personal Information about your use of the Sites. gamigo might collect, among other things, information concerning the type of Internet browser or computer operating system you are using, the domain name of your Internet Service Provider, your “click path” through the Sites, and the website or advertisement that was linked to or from the Site when you visited. To do this, gamigo may use cookies and other technology (see next section). In addition, your web browser or client software may transmit certain geographic information or information regarding your computer (capabilities, game data processing, etc.) to gamigo. gamigo may use this information to generate statistics about our user community and may provide such information to advertisers and/or our affiliates. gamigo may also use such information for security, system integrity (e.g. the prevention of hacking, cheats, etc.) or enforcement purposes.

## **6. INFORMATION ON COOKIES AND RELATED TECHNOLOGY**

### **COOKIES**

The Sites, and some services and advertisements displayed or made available thereon, may contain “cookies.” Cookies are a feature of your web browser which allow websites to transfer bits of information to your computer for recordkeeping purposes. A cookie stored on your computer can be used to “remember” things such as your password or that you have already registered an Account. This enables us to accelerate your future activities, saving the time that you would otherwise spend entering information such as your username or password.

gamigo (itself or through a third party service) also employs a software technology called clear GIFs (also known as “web beacons”) that helps us better manage content on our Sites by informing us what content is effective. Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies, and are used to track the online movements of web users. In contrast to cookies, which are stored on a user’s computer hard drive, clear GIFs are embedded invisibly on Site pages and are about the size of the period at the end of this sentence. These clear gifs are tied to unique identifiers such as your IP address. Technology and tools such as clear GIFs assist in the delivery of cookies.

Our third party tracking service uses cookies and clear gifs to track information about customers to our Sites in the aggregate. They capture usage and volume statistics to help improve our Sites. We have no access to or control of these third-party tracking utilities. Upon request, gamigo will provide a non-exhaustive list of these third party service providers. If you wish to opt out this third party data collection, you may not be able to use gamigo’s services any longer.

We also use clear GIFs in our HTML-based emails to let us know which emails have been opened by recipients. This allows us to gauge the effectiveness of certain communications and the effectiveness of our marketing campaigns. For this reason, these types of clear GIFs are tied to Personal Information.

Cookies can either be permanent (i.e., they remain on your computer until you delete them) or temporary (i.e., they last only until you close your browser). Certain cookies are required to allow or facilitate electronic communications or are necessary to allow the provision of online services at the request of the user. Personal Information, such as unique identifiers (i.e. IP address), collected through the use of these technologies will be collected, stored and processed according to this Privacy Policy.

gamigo (itself or through a third party service) uses cookies, clear GIFs, frames, server log analysis and other technology to:

- enable you to move around the Sites and use its features, such as accessing secure areas of the Sites;
- collect information about how you use our Sites, estimate our audience size and usage patterns, and improve how our Sites work;
- store information about your preferences, so as to allow us to customize your experience with the Sites and its subsites;
- to speed up your searches;
- recognize you when you return to our Sites;
- retrieve information for promotional, marketing or security purposes; and
- collect information about your browsing habits in order to make advertising relevant to you and your interests.

We use Google Analytics to provide web analytics data about our Site. Google Analytics places a cookie on your web browser that tracks and reports website traffic. None of the information collected by Google Analytics consists of or is linked to Personal Information belonging to you. You may opt-out of the service by installing the Google Analytics opt-out add-on found here <https://tools.google.com/dlpage/gaoptout>.

If you are a non-EU Citizen and use our Sites, you agree that we can place these types of cookies on your device and use clear GIFs.

Most Internet browsers will allow you to erase cookies from your computer hard drive, block acceptance of cookies, or receive a warning before a cookie is stored. You should refer to your browser instructions or “Help” screen to learn more about how to manage cookies. Please note, however, that if you block cookies, some portions of the Sites may not function properly.

#### **DISCLOSURE REGARDING MONITORING**

Please note that, when running, some Games may monitor your computer’s random access memory (“RAM”), media access control (“MAC”) address, configuration files and system files, etc., for unauthorized third party programs running concurrently with your Game which, in gamigo’s sole determination: (i) enable or facilitate cheating of any type; (ii) allow users to modify or hack the applicable Game interface, environment, and/or experience in any way not expressly authorized by gamigo; or (iii) intercept, “mine” or otherwise collect information from or through the applicable Game (an “**Unauthorized Third Party Program**”). In the event that a Game detects an Unauthorized Third Party Program, (a) the Game may communicate information back to gamigo, including without limitation your Account username, details about the Unauthorized Third Party Program detected and the activities or functions performed thereby, and/or details about your computer, and/or (b) gamigo may exercise any or all of its rights and remedies under the Terms of Use and Contractual Agreement (<https://www.trionworlds.com/en/legal/terms-of-use/>) or the applicable Game EULA without prior notice to the user linked to such Unauthorized Third Party Program.

If you are a non-EU Citizen you acknowledge that any and all data that is stored and is resident on our servers, and communications that you make within the Sites or any Games traverse through our servers, may or may not be monitored by us or our agents (to the extent permitted by applicable law). You expressly agree to waive any rights of confidentiality that you may have in and to your communications (if any) when using any of the Sites’ communication features, you agree you have no expectation of privacy in any of those communications and, accordingly, and you expressly agree to such monitoring of communications (including technical support and customer service communications) that you send and receive.

## **7. HOW WE USE AND SHARE THE INFORMATION WE COLLECT FROM YOU**

### **HOW WE USE INFORMATION WE COLLECT FROM YOU**

Personal Information which we collect for a particular purpose will only be saved and used for that purpose, unless you have agreed to allow us to use it for some other purpose, as described in this Privacy Policy. For example, if you make an online purchase from us, unless you have given us permission to do otherwise, we will only collect and save the Personal Information you provided to us, including your billing and delivery information, in order to (1) complete the sale, (2) comply with tax and other applicable statutes, (3) maintain accurate business and financial records (in accordance with accepted standards), and (4) assist with customer service and returns.

We may use the Personal Information we collect from you to enable us to:

- provide you with technical support, customer service, and Account maintenance;
- learn what you like and tailor your experience accordingly;
- improve the Sites and its subsites and our other products and services;
- provide services or products you request;
- allow you to participate in or use the gamigo communication features;
- allow you to play one of our fee-based Games, or free Games and download any other Game;
- allow you to benefit from any other services, as the case may be, such as sweepstakes, contests and promotions;
- manage your Account and respond to your potential orders, requests and online purchases;
- inform you of any changes made to the Sites and its subsites; and
- inform you of products, services, promotions and offers which you may find interesting.

#### **INFORMATION WE PROVIDE TO THIRD PARTIES**

When you have provided Personal Information to us for a particular purpose, we may disclose your information to other companies that we have engaged to assist us in fulfilling your request and who we subject to confidentiality requirements. This may include, but is not limited to, billing and payment services, customer relationship management services and other third party service providers. We may also disclose any of your Personal Information to law enforcement or other appropriate third parties in connection with criminal investigations, investigation of fraud, infringement of intellectual property rights, or other suspected illegal activities, or as otherwise may be required by applicable laws, or, as we deem necessary in our sole discretion, in order to protect the rights, property or safety of gamigo, our customers or others. Note that we may be required to release Personal Information in response to lawful requests from public authorities including to meet national security and law enforcement requirements. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We will also provide your Personal Information to third party processors so that it can be administered and processed for the purposes notified to you in the Privacy Policy and we may also share details with third parties (such as auditors or legal advisors) in order to obtain professional advice. Any such processing will be governed by an agreement in the form required by applicable laws, preserving any and all of your statutory data protection rights.

Except as described in this Privacy Policy, we will not give any of your Personal Information to any third party without your express approval, and the only Personal Information we will request to share with third parties is your name, mailing address and email address.

If you are a non-EU Citizen you hereby expressly agree, that where and to the extent required by the applicable laws, your Personal Information may be shared with or otherwise transferred by gamigo to third parties.

If you are a non-EU Citizen, you will be deemed to have consented to the disclosure to, and use by, a subsequent owner or operator of the Site, of any Personal Information contained in the gamigo



database for such Site, if gamigo or one of its companies assigns all of its rights and obligations regarding the use of your Personal Information at the time of a bankruptcy, merger, acquisition, sale of all or substantially all of the Site's assets to a subsequent owner or operator, or similar event.

## **8. INFORMATION ABOUT LINKS AND THIRD PARTIES RELATED TO THE SITE**

### **GENERAL**

You have the right to access information held about you by gamigo. Your right of access can be exercised in accordance with applicable data protection and privacy laws.

This Privacy Policy applies only to information collected online by gamigo through the Sites, as maintained by gamigo and affiliated companies that gamigo may own or control.

From time to time, we may provide links to third party websites. This Privacy Policy does not apply to third party websites, whether we provide a link to such sites or not, so we encourage you to review the policies of all such sites carefully, as your rights will be governed by those third party policies and not by gamigo's. Additionally, there may be unauthorized third party websites that may be providing links from their sites to our Sites without our knowledge or control.

We are not responsible for the content of any third party websites, expressly disclaim any statements or assertions made on such websites, and deny all liability associated with your use of, and the content on, such other sites or advertisements contained therein.

### **INFORMATION ABOUT CO-PUBLISHED GAMES**

Certain Games may be provided to you in conjunction with a third party developer and/or publisher. During the registration process for such Games, you may be notified that such third party wishes to access your Personal Information. In such a situation, you will be given an opportunity to consent to the sharing of that information before such information is disclosed to the applicable third party. However, if you do not provide consent then you may be unable to participate in the applicable co-published Game. As described in the registration process, a third party's use of the shared Personal Information will be governed by its privacy policy and gamigo's use of such information shall, of course, be governed by the terms of this Privacy Policy.

### **INFORMATION COLLECTED BY THIRD PARTIES**

gamigo may employ the use of third party service providers in order to protect our Games and our Players from security breaches and fraudulent behavior. These third party service providers may collect data about you through your use of gamigo's Sites and/or services.

If you are a non-EU Citizen your use of the Sites and/or services indicate your agreement to such collection of your data.

## **9. HOW YOU MAY ACCESS, CHANGE OR DELETE THE INFORMATION YOU HAVE PROVIDED TO US**

At the time that you provide Personal Information, gamigo may give you the option of declining any future offers or information about new products, promotions or services. In addition, many of the mailings that gamigo may send you, such as newsletters, have procedures within them to cancel the receipt of any future promotional mailings.

Subject to security and privacy concerns (e.g., regarding your password and credit card number), you will have the ability to access, change, transfer, delete and/or update your information and communications preferences through your Account. If, for any reason, you are concerned with the way we are using your Personal Information, or would like to correct or request that we delete such Personal Information, please contact gamigo US Inc., Attention: Privacy Officer, 350 Marine Parkway Redwood City, CA 94065 USA or [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com). If you choose to have your Personal Information removed from our active databases, we will do so within a month after your request and

we will take reasonable steps to ensure that your Personal Information is not used (except as may be required by law) by gamigo after your notification to us. Please note that the deletion of your data will lead to the termination of your Account and applicable services.

### 10. PRIVACY DISCLOSURES FOR CALIFORNIA RESIDENTS

#### RIGHT TO OPT OUT

Under California law, our customers that are California residents may request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. As detailed above, we do not share our customers’ Personal Information with unaffiliated third parties for direct marketing purposes without such customers’ approval. If, at any time, you wish to learn more about our disclosure policy, opt out of having your Personal Information shared with third parties and/or receiving promotional materials from gamigo (via email or postal mail), you may contact us at: gamigo US Inc., Attention: Privacy Officer (Opt-Out), 350 Marine Parkway Redwood City, CA 94065 USA or by email at [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com). If you are contacting us with the intention of opting out, please indicate which publications or services you no longer wish to receive so that we may better address your needs.

#### CALIFORNIA DO NOT TRACK DISCLOSURES

Your browser may allow you to set a Do Not Track (DNT) signal indicating that you do not wish your online activity to be tracked. Currently, our system does not support and cannot act on DNT signal headers that we may receive. However, the choices that we provide you concerning collection and use of your Personal Information will continue to operate as described in this Privacy Policy.

### 11. PRIVACY DISCLOSURE FOR RESIDENTS OF THE EUROPEAN UNION

For persons in the European Union (“EU”), terms such as “Personal Information” refer to “personal data” as defined by the General Data Protection Regulation 2016/679 (“GDPR”) and applicable local laws.

Pursuant to the requirements of the GDPR, the following charts summarize (1) the categories of personal Information we collect from you and process, (2) the purpose and lawful basis for the collection and (3) Third Parties with whom we share Personal Information:

Categories of Personal Information we process:

Category of Personal Information collected	What this means
Identity Data	Your first name, last name, account ID, username or similar identifier and year of birth.
Contact Data	Your mailing address, billing address, email address and telephone numbers.
Financial Data	Your payment card and/or payment method details.
Transaction Data	Any details about payments to and from you and other details of subscriptions and services you have purchased from us. Data as part of your transactions with third parties.
Marketing and Communications Data	Your preferences in receiving marketing from us and our third parties and your communication preferences.

Behavioral Data	Data inferred from your activities and choices, as it relates to our Games.
Technical Data	Internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access this website or use our services.

Purposes for which we process Personal Information and the legal basis relied on:

Purpose	Category(ies) of Personal Information involved	Why do we do this	Our legal basis for this use of data
Account Registration	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> </ul>	To register you as a new customer or allow your login to an existing account.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party
Online Games	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Technical Data</li> </ul>	For system administration, to report aggregate information, Site tracking, security purposes or to prevent our servers from attacks.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party
Process payments for purchases and/or services	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> <li>Financial Data</li> <li>Transaction Data</li> </ul>	To process and deliver your order, purchase and/or services, including manage payments, fees and charges.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party
Sweepstakes, Contests and Surveys	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> </ul>	To allow you to participate in some of our sweepstakes, contest, surveys or other promotions.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party or Art. 6 Section 1 lit. a) GDPR, if you have given your consent to data processing
Customer Service, Technical Support or Consumer Complaints	<ul style="list-style-type: none"> <li>Identity Data</li> <li>Contact Data</li> <li>Financial Data</li> <li>Technical Data</li> </ul>	To resolve issues related to customer service, billing questions, technical	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a

		and computer support, etc.	contract to which you are a party
Fraud Prevention	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Financial Data</li> <li>• Technical Data</li> </ul>	To keep our website, our services and associated systems operational and secure.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party
Troubleshooting	<ul style="list-style-type: none"> <li>• Technical Data</li> </ul>	To track issues that might be occurring on our systems.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party
Marketing	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Marketing and Communications Data</li> </ul>	To form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which services and offers may be relevant for you.	Art. 6 Section 1 lit. a) GDPR, if you have given your consent to data processing
Account Linking	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Technical Data</li> </ul>	For account verification, to link your account with a Digital Distribution Service with your gamigo account and/or to link your console account with your gamigo account.	Art. 6 Section 1 lit. b) GDPR; Processing is necessary for the performance of a contract to which you are a party or Art. 6 Section 1 lit. a) GDPR, if you have given your consent to data processing

Third Parties with whom we share your Personal Information:

Recipients	Categories of Personal Information we share	Why we share it	Location(s)
Billing and Payment Services	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	To process and deliver your order, purchase and/or services, including manage payments, fees and charges.	<ul style="list-style-type: none"> <li>• Europe</li> <li>• The United States</li> </ul>
Customer Relationship	<ul style="list-style-type: none"> <li>• Identity Data</li> </ul>	This information is collected for customer service or technical	<ul style="list-style-type: none"> <li>• Europe</li> </ul>

Management Services	<ul style="list-style-type: none"> <li>• Contact Data</li> </ul>	support and/or customer complaints.	<ul style="list-style-type: none"> <li>• The United States</li> </ul>
Targeted Marketing and Advertising Services	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Technical Data</li> </ul>	To serve and measure the effectiveness of our advertising, provide Game experiences that may be of interest to you,	<ul style="list-style-type: none"> <li>• Europe</li> <li>• The United States</li> </ul>
Professional Advisors	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> </ul>	We may share this information with our auditors or legal advisors in order to obtain professional advice.	<ul style="list-style-type: none"> <li>• Europe</li> <li>• United States</li> </ul>
Regulators and other authorities	<ul style="list-style-type: none"> <li>• Identity Data</li> <li>• Contact Data</li> <li>• Technical Data</li> </ul>	Authorities may require reporting of processing activities in certain circumstances including in connection with criminal investigations, investigation of fraud, infringement of intellectual property rights, or other suspected illegal activities, or as otherwise may be required by applicable laws.	<ul style="list-style-type: none"> <li>• Europe</li> <li>• The United States</li> </ul>

In EU member countries, to the extent that third party publishers and distributors (“**Third Party Distributors**”) are performing services related to your Account, we elect the applicable Third Party Distributor(s) as gamigo’s representative in each such country with respect to the online Games for which such Third Party Distributor(s) is the distributor and the related personal data collected for such Game. All such Third Party Distributors must enter into an agreement with gamigo to maintain such personal data in accordance with their privacy policy, available on their website and any applicable laws.

Note that we may be required to release the Personal Information of EU and/or Swiss individuals in response to lawful requests from public authorities including to meet national security and law enforcement requirements. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

At any time, an individual residing in the European Union may submit a complaint with a supervisory authority, in the Member State in which the individual resides.

## 12. YOUR RIGHTS AS A DATA SUBJECT OF THE EUROPEAN UNION

If your personal data are processed, you are a data subject as defined by the GDPR, and you have the following rights before gamigo:

### RIGHT TO INFORMATION

You can request gamigo to provide you with a confirmation of whether your personal data is processed by us. If so, you can demand that gamigo provides you with the following information:

- the purposes of the processing;

- The categories of personal data processed;
- The recipients or categories of recipients to whom the personal data have been- or will be disclosed;
- The planned storage duration of your personal data or, if not possible, criteria for determining the storage duration;
- the existence of the right to request from gamigo rectification or erasure of personal data or restriction of processing of your personal data;
- the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

You may ask for information to whether the personal data concerning you are being transferred to a third country or to an international organization and may demand to be briefed on the applicable guarantees pursuant to Art. 46 GDPR relating to the transfer.

gamigo shall respond to such inquiries within a month upon receipt of the request.

#### **RIGHT OF RECTIFICATION**

You have the right to rectification or completion before gamigo, provided that your processed personal data are incorrect or incomplete. gamigo shall have the obligation to implement the rectification immediately.

#### **RIGHT TO RESTRICTION OF PROCESSING**

Under the following circumstances, you may claim the restriction of the processing of your personal data:

- if the accuracy of your personal data is contested by yourself, for a period enabling gamigo to verify the accuracy of the personal data;
- if the processing is unlawful and you oppose the erasure of the personal data, requesting that their use be restricted instead;
- if gamigo no longer needs the personal data for the purposes of its processing, but you require it for the assertion, exercise, or defense of legal claims; or
- if you have filed an objection to the processing pursuant to Art. 21(1) GDPR, and it has not been yet determined whether gamigo's stated grounds outweigh yours.

If processing has been restricted, such personal data shall, with the exception of storage, only be processed either with your consent; for the purposes of asserting, exercising, or defending legal claims; for the protection of the rights of another natural or legal person; or for reasons of important public interest of the Union or of a Member State.

If the processing restriction was imposed under any of the above circumstances, you will be briefed by gamigo before the restriction is lifted.

If you assert the right to rectification, erasure, or restriction of processing before gamigo, the latter has the obligation to notify all recipients to whom your personal data were disclosed of this data rectification, erasure, or the restriction of its processing, unless this should prove impossible or associated with a disproportionate cost.

You have the right to be informed of these recipients by gamigo.

## **RIGHT TO ERASURE**

You shall have the possibility to erase your account yourself in your account settings. gamigo will then erase all your personal data, unless we are legally mandated to store them.

You have the right to obtain from gamigo the erasure of your personal data without undue delay, and gamigo shall have the obligation to erase your personal data without undue delay where one of the following grounds applies:

1. the personal data concerning you are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
2. you have withdrawn your consent on the basis of which the data collection was grounded, according to Art. 6(1)(a) or Art. 9(2)(a) GDPR, and no other legal grounds exist for their processing.
3. you file an objection to the processing, pursuant to Art. 21(1) GDPR, and there are no outweighing grounds for the processing, or you file an objection to the processing pursuant to Art. 21(2) GDPR.
4. your personal data have been unlawfully processed;
5. your personal data have to be erased to comply with a legal obligation which requires processing under the laws of the European Union or the Member States, to which the processor is subject;
6. your personal data have been collected in relation to the offer of information society services referred to in Article 8(1) GDPR.

Where gamigo has made your personal data public and is obliged, pursuant to Art. 17(1) GDPR, to erase the personal data, gamigo, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform other controllers who are processing your personal data that you, have requested the erasure by said controllers of any links to, or copy or replication of, those personal data.

The right to erasure shall not apply to the extent that the processing necessary for:

1. exercising the right of freedom of expression and information;
2. complying with a legal obligation which requires processing under the laws of the European Union or the Member States, to which the processor is subject, or performing a task in the public interest or in exercise of public authority vested in the processor;
3. reasons of public interest in the area of public health in accordance with Art. 9(2)(h) and (i), as well as Art. 9(3) GDPR;
4. archival, scientific, or historiographical research purposes serving the public interest pursuant to Art. 89(1) GDPR, provided that the deletion right described in paragraph (a) does not render impossible or impede the realisation of the objectives of the processing;
5. for the establishment, exercise or defence of legal claims.

## **RIGHT TO DATA PORTABILITY**

You have the right to receive your personal data which you have provided to gamigo in a structured, accessible, and machine-readable format. You have the right to transfer this data to another controller without restriction from gamigo to whom the personal data had been provided, provided that

1. the processing is grounded on consent pursuant to Art. 6(1)(a) GDPR, or Art. 9(2)(a) GDPR, or on a contract pursuant to Art. 6(1)(b) GDPR, and

2. the processing is carried out by automated means.

In exercising this right, you have the further right to request that your personal data shall directly be transferred by one controller to another, provided that this is technically feasible. The liberties and rights of other persons may not be compromised by these actions.

The right of data portability shall not apply to processing personal data which is required for the performance of a task carried out in the public interest or in exercise of public authority vested in gamigo

#### **RIGHT TO OBJECT**

You have the right to object to personal data processing concerning you on grounds relating to your particular situation, at any time, on the basis of Art. 6(1)(e) or (f) GDPR, including profiling based on those provisions.

gamigo shall no longer process the personal data unless gamigo demonstrates compelling legitimate grounds for the processing which override your interests, rights and freedoms, or for the assertion, exercise or defense of legal claims.

If personal data are processed for direct marketing purposes, you shall have the right to object at any time to processing of your personal data for said marketing purposes, including profiling to the extent that it is related to such direct marketing.

If you object to processing for direct marketing purposes, personal data concerning you shall no longer be processed for such purposes.

In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, you may exercise your right to object by using automated means which use technical specifications.

#### **AUTOMATED INDIVIDUAL DECISION-MAKING, INCLUDING PROFILING**

You shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects on you or similarly affects you in a significant manner. The above shall not apply if the decision

- is required for entering into, or performance of, a contract between yourself and a data controller,
- is authorized by Union or Member State law to which gamigo is subject and which also lays down suitable measures to safeguard your rights and freedoms and legitimate interests; or
- is made with your express consent.

These Decisions shall not be based on special categories of personal data referred to in Article 9, Para. 1 GDPR, unless Article 9, Para. 2, lit. (a) or (g) applies and suitable measures are in place to safeguard your rights and freedoms and legitimate interests.

In the cases referred to in points (1) and (3), gamigo shall implement suitable measures to safeguard your rights and freedoms and legitimate interests, entailing, at a minimum, the right to obtain human intervention on the part of gamigo, to express his or her point of view and to contest the decision.

#### **RIGHT OF WITHDRAWAL OF CONSENT UNDER DATA PROTECTION LAW**

You have the right to withdraw your consent under data protection law at any time and without additional applying fees. Withdrawal of consent shall not affect the lawfulness of data processing based on consent effective prior to its withdrawal.

#### **RIGHT TO LODGE A COMPLAINT WITH A SUPERVISORY AUTHORITY**

Without prejudice to any other administrative or judicial remedy, you shall have the right to lodge a complaint with a supervisory authority, in particular in the Member State of his or her habitual



residence, place of work or place of the alleged infringement if you consider that personal data processing relating to you infringes the GDPR.

The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint including the possibility of a judicial remedy pursuant to Article 78 of the GDPR.

### **13. INFORMATION FOR PERSONS OUTSIDE THE UNITED STATES**

If you are a customer from outside the United States, your personal data may be transferred to, stored at and processed within the United States (and/or other jurisdictions outside of the European Economic Area (“EEA”)). Please note that the level of legal protection provided in the United States or other non-EEA countries where the Sites operate may not be as stringent as that under EEA privacy standards. We will not collect any personal data from you unless you provide it voluntarily by providing us with your freely given specific and informed consent. By using the Sites, you agree that we may transfer, store and process your personal data outside the EEA in connection with the purposes stated in this Privacy Policy.

In certain countries other than the United States, some of our online Games and the services related thereto may be provided to you by third party distribution partners. To the extent that a third party distributor is providing services related to your Account, you understand and agree that each such distributor will collect and use your Personal Information in accordance with its own privacy policies (which you will have access to when you register to play). To the extent that gamigo collects or retains any of your Personal Information, its use will continue to be governed by the terms of this Privacy Policy.

### **14. NOTICE TO MINORS**

gamigo’s Sites offer online services that allow you to post content to share with others. You may remove your posted content at any time using the deletion removal options within our services. If you require assistance with deletion of your posted content or information or have additional questions, you may submit a request to gamigo’s Support Center at [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com). You should be aware that removal of the content or information from our service does not ensure complete or comprehensive removal of the content or information posted on the online service.

After your removal request has been honored, we may retain copies of the content or information you have previously posted on our servers. We are not required to remove your posted content or information if it has been rendered anonymous or if we are required by law to retain it. Additionally, we do not have control over third parties (e.g., other users) who may have copied or reposted this information.

### **15. SECURITY OF PERSONAL INFORMATION COLLECTED**

gamigo has made an effort to ensure that all information collected will remain secure and in its original form (i.e. free from any alteration). As such, access to all Personal Information is strictly controlled by limiting access to Personal Information to employees performing a legitimate business function. When payment information is transmitted, for example, gamigo employs an industry standard security technology known as a secure-socket-layer (“SSL”) encryption. Unless otherwise specified herein or on the Site where you make a purchase, credit card numbers are used only for payment processing and are not retained for marketing purposes. In addition, we will take reasonable steps to assure that third parties to whom we transfer any data will provide sufficient protection of Personal Information.

While gamigo takes reasonable precautions against possible breaches of the Site and customer databases, no website or Internet transmission is completely secure. Consequently, gamigo cannot and does not guarantee that unauthorized access, hacking, data loss, or other breaches will never

occur, but we have in place reasonable technical and organizational security measures to protect your Personal Information against accidental or intentional manipulation, loss, destruction, or against unauthorized disclosure or access to the Personal Information we collect online. We will notify users of a data breach involving unencrypted Personal Information by email and/or by posting a notice to the affected Site(s).

gamigo urges you to take steps to keep your Personal Information safe by memorizing your password or keeping it in a safe place (separate from your Account information), logging out of your user Account and closing your web browser when you are finished using the Sites.

## **16. CONTACT US**

Questions, comments and requests regarding this privacy policy are welcomed and should be addressed to:

- Email: [datenschutz@gamigo.com](mailto:datenschutz@gamigo.com)
- Mail: gamigo US Inc., Attention: Privacy Officer, 350 Marine Parkway Redwood City, CA 94065 USA

This Privacy Policy was last updated on November 20<sup>th</sup>, 2018.