

# Privacy Policy

Spotter is a software application (“**App**”) owned and distributed by Windfall Apps LLC (“**Company**”). The following is the privacy policy (“**Policy**”) which describes how user (“**User**”) data is collected, stored, and used with regard to the App.

## Agreement

By using the App, the User agrees to be bound by this Privacy Policy.

## What Data Is Stored

### Required Account Data

Upon creating an account (“**Account**”) within the App, the following authentication data (“**Authentication Data**”) is collected and stored in order to create the Account.

- Login information for social media accounts used to create and log in to the User’s Account. For example, logging in via Facebook provides the App with the User’s email address and Facebook ID.

Or

- Phone number (if not using a social account to log in).

In addition to the Authentication Data above, the following required account data (“**Required Account Data**”) about the User is collected and stored in order for the app to function.

- First name

- Birthday
- Climbing level
- Gender
- Sexual orientation
- Height
- Location (city name, latitude, and longitude)
- A minimum of two profile images

## Optional Account Data

In addition to the above minimum required information collected and used to create a user's Account, the User may provide optional data ("**Optional Data**") about themselves, including:

- Last name
- Hometown
- Job Title
- Political affiliation
- Religious affiliation
- Cannabis usage frequency
- Drinking frequency
- Exercise frequency
- Smoking frequency
- School name
- Climbing types
- Prompt answers
- Ethnicity
- Education level
- Additional images

## Conversation Data

In order to facilitate communication between users, the App stores each message sent by each user. This conversation data

(“**Conversation Data**”) is only viewable by the users participating in each conversation.

## Inputted Data

### **Abuse / Inappropriate Behavior**

If the User inputs data or photos which are inconsistent with our Terms of Service, the Company reserves the right to suspend or terminate the User’s Account.

### **Age Data**

Individuals must be a minimum of 18 years old to use the App. The Company does not knowingly collect any information about anyone under the age of 18.

### **Privacy Recommendation**

The Company recommends that the User carefully consider the data that the User decides to share within the App, including Optional Account Data and Conversation Data. If the User does decide to share sensitive information about themselves, they are doing so at their own risk. The User should **not** share sensitive information within the App, including:

- Physical address
- Email address
- Phone number
- Financial details
- Identity card details

## How Data Is Used

## **Displaying Data In The App**

Required Account Data and Optional Account Data is visible to other users when they view the User's profile within the App. Authentication Data is not displayed or viewable to other users.

## **Third Party Vendors**

The Company employs third party vendors to assist with some of the App's capabilities, such as phone number verification, authentication, and App usage analytics. User data, such as phone number and anonymized personal information, must be sent to these vendors in order for some of the App's capabilities to function and / or be analyzed by the Company.

## **Marketing**

The User agrees to the use of their Account Data (including both Required Account Data and Optional Account Data) for marketing purposes, including public advertisements. Authentication Data is not used for marketing.

## **Notifications / Promotions**

### **Push**

The User may enable or disable push notifications from within the App.

### **Email**

The User agrees to the use of their email address for app notifications and promotions. This will be enabled by default, though the User may opt out from within the App.

## **Abuse / Moderation**

The App has tools in place to detect, block, and report inappropriate content and behavior. In addition, the Company will have manual processes in which representatives from the Company may review content inputted and uploaded by the User in order to resolve disputes with other Users. This includes all Account data, photos, and Conversation Data regarding the User.

## **Fraud / Litigation**

In addition, the Company may review User data to investigate fraud, protect the Company's legal rights, and to enforce the Company's Terms of Service.

## **Complying With Law Enforcement**

The Company may be required by law to share any and all User data with law enforcement.

## **Merger / Acquisition**

If the Company takes part in a merger or acquisition, User data may be shared / transferred as part of the merger or acquisition.

## **Selling Data**

The Company does not sell User data.

## **Detailed Data Usage And Disclosure**

User data may be used or disclosed in any or all of the following cases:

Reason / Use Case	Data Used / Disclosed
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<p>Displaying User data in the App</p>	<p>Required Account Data, Optional Account Data. This could include CCPA personal information.</p>
<p>Third party vendor services such as phone number verification and authentication</p>	<p>Authentication Data, anonymized Required Account Data, anonymized Optional Account Data. This could include CCPA personal information.</p>
<p>Marketing</p>	<p>Required Account Data, Optional Account Data. This could include all CCPA personal information.</p>
<p>Promotions</p>	<p>This could include all User data, including all CCPA personal information.</p>
<p>Abuse / Moderation</p>	<p>This could include all User data, including all CCPA personal information.</p>
<p>Fraud / Litigation</p>	<p>This could include all User data, including all CCPA personal information.</p>
<p>Complying With Law Enforcement</p>	<p>This could include all User data, including all CCPA personal information.</p>

Merger / Acquisition	This could include all User data, including all CCPA personal information.
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## Data Security

The Company follows industry-standard “good practices” to ensure data security. These security measures are intended to keep the User’s personal information safe.

THE COMPANY DOES NOT MAKE ANY WARRANTY WITH RESPECT TO DATA SECURITY BREACHES OR UNAUTHORIZED USE OF USER DATA.

The Company may employ web hosting companies which store data in servers located in other countries. The User acknowledges and agrees to the storage of their personal data in a country other than the one in which they reside.

## User Rights

### **Delete Data**

The User may wish to have their Account and all associated data deleted. This can be done by the User via the delete functionality within the App.

### **Update Data**

The User may wish to update personal data which may be incorrect. This can be done within the App, using the profile edit functionality.

## Review Data

Some jurisdictions provide users the right to review personal data kept about them by the Company. Users must request this report from the Company via email or mail, and allow the Company 30 days to response. Users must be able to prove their identity to the Company before receiving such report.

## Complaints

Some jurisdictions (such as the EU) provide users the right to file a complaint with their corresponding regulatory compliance authorities in the case that the User believes that data is being mishandled by the Company.

## California Law

### Personal Information

As required by the CCPA (California Consumer Privacy Act), the Company is disclosing that the User data collected may fall within the following categories of personal information:

- A) Identifiers, such as a real name, email address, or other similar identifiers.
- B) Information which California customer records law may consider “Personal Information”, such as email and phone number.
- C) Characteristics of protected classifications under California or federal law.
- D) Commercial information, including records of products or services purchased, obtained, or considered; or other purchasing or consuming histories or tendencies.
- E) Biometric information.



- F) Internet or other electronic network activity information, including, but not limited to, browsing history, search history, and information regarding a consumer's interaction with an Internet website, application, or advertisement.
- G) Geolocation data.
- H) Audio, electronic, visual, or similar information.
- I) Professional or employment-related information.
- J) Education information that is not publicly available or personally identifiable, as defined in the Family Educational Rights and Privacy Act
- K) Inferences drawn from any of the information listed above to create a profile about a User reflecting the User's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

## Request Disclosure

California users may request that the Company disclose the types of personal information that have been shared about them with third parties during the last calendar year. Users must request this disclosure from the Company via email or mail, and allow the Company 30 days to response. Users must be able to prove their identity to the Company before receiving such disclosures.

## Jurisdiction

This Privacy Policy is governed and interpreted by the laws of the State of California except in the case that laws and regulation would result in the application of the laws of a jurisdiction other than the State of California. By using the App, the User:

- Consents to the exclusive jurisdiction of the courts of the United States and the State of California.
- Agrees that such courts shall have in personam jurisdiction and venue.

- Agrees to waive any objection based on inconvenient forum.
- Agrees not to file or participate in a class action against the Company.

In the event there is a discrepancy between this English version and any translated copy of this Privacy Policy, the English version shall prevail.

## Privacy Policy Updates

The Company reserves the right to revise this Privacy Policy. The User will be notified (as a notification within the App) of changes to this Privacy Policy, and the latest Privacy Policy can be found within the App or at the following URL:

[www.spotterdate.com/Legal/Spotter/PrivacyPolicy.pdf](http://www.spotterdate.com/Legal/Spotter/PrivacyPolicy.pdf)

By using the App, the User agrees to be bound by the latest Privacy Policy.

## Contact

Contact information for Windfall Apps LLC is listed below.

### **Address**

1401 21st Street Suite R  
Sacramento, CA 95811

### **Email**

[spotter@windfallapps.com](mailto:spotter@windfallapps.com)