

SPORTNINJA PRIVACY POLICY

This privacy policy (this “**Policy**”) describes the practices of SportNinja Inc. and its corporate affiliates (“**SportNinja**”, “**we**”, “**us**”, “**our**”) with respect to our collection, use, storage and disclosure of personal information provided to us from users of our mobile applications, our website operated at **www.sportninja.com** and related services known as SPORTNINJA (collectively, the “**Application**”). It also describes the choices available to you regarding our use of your personal information and how you can access and update this information. This Policy is incorporated by reference to the general Terms of Use for SportNinja located at **www.sportninja.com/terms.html** and forms an integral part of it. All capitalized terms not otherwise defined herein have the meaning provided in SportNinja’s Terms of Use.

1. Introduction and General Concepts

We respect and uphold individual rights to privacy and the protection of personal information. We know how important it is to protect your personal information and want to make every customer experience safe and secure. In keeping with that goal, we have developed this Policy to explain our practices for the collection, use, and disclosure of your personal information. We have appointed a Privacy Officer who is responsible for our compliance with this Policy. Information on how to contact the Privacy Officer can be found below.

(a) Personal Information

For the purposes of this Policy, “**personal information**” means information about an identifiable individual, including, for example, an individual’s name, home address, telephone number, social insurance number, sex, income and family status. Personal information does not include information that would enable an individual to be contacted at a place of business, for example an employee’s name, position or title, business telephone number, or business address. We will only collect, use or disclose personal information in accordance with this Policy, or in accordance with laws applicable to the collection, use and disclosure of your personal information by us (“**Applicable Privacy Laws**”).

(b) Non-Personal Information

On the other hand, “**non-personal information**” is any type of information other than personal information, and is excluded from this Policy. For example, non-personal information would include business information, or information that enables an individual to be contacted at a place of business, for example an employee’s name, position or title, business telephone number, or business address. Non-personal information also includes information that is anonymous or not about an identifiable individual, such as web browsing information, the type and version of mobile device, browser or operating system being used to access the Application, or aggregate information that anonymizes the underlying data (like the number of visitors, what pages users visit, average time spent on the Application). We will collect, use or disclose non-personal information in accordance with our ordinary business practices, but always in accordance with any applicable laws. This Policy, however, only covers our collection, use and disclosure of personal information

Privacy Officer

We have appointed a Privacy Officer who is responsible for our compliance with this Policy. Information on how to contact the Privacy Officer can be found below.

2. Privacy of Children

We encourage parents and guardians to be aware of and to participate in their children's online activities. Minors (persons under the age of majority in their province or territory of residence) are not eligible to use our Application unsupervised, and we ask that you do not allow minors in your care to submit personal information to us, whether through the Application or otherwise. If you are the legal guardian of a child under the age of 13, and have reason to believe that the child has provided personal information to us through the Application without your consent, please contact us and we will endeavor to delete that information from our databases. Any and all amateur sports organizations, leagues or teams, including their authorized representatives, that are utilizing the Application are solely responsible for ensuring that all necessary consents have been obtained from the parents or legal guardians of any minors whose personal information will be posted, shared or transmitted through the Application.

Children under the age of 13 are not eligible to create an Account in order to access or use the Application and we do not knowingly or intentionally collect personal information of any users that are under the age of 13.

3. Collection and Use of Personal Information

As indicated above, we collect two types of information through our Application: personal information and non-personal information. The types of information we collect about you will depend on the nature of your interaction with us or the Application.

(a) Information we collect from you

We may collect the following personal information from you:

- contact information such as name, email address, mailing address, phone number;
- billing information such as credit card number, and billing address;
- unique identifiers such as user name, account number, password;
- user content generated by you, such as audio, video, text and images as provided by you on the Application, which may contain personal information as provided by you;
- the geo-location of your mobile device;
- preferences information such as request history and marketing preferences;
- any other information provided about you by the provider of any store or service through which you obtained the Application; and
- any information that you voluntarily enter, including personal information, into or through the Application.

(b) Information we automatically collect

We may also automatically gather information about your mobile device or computer (as applicable) such as your unique mobile device ID, device type, IP address, browser type, referring/exit pages, operating system, as well as which aspects of our performance metric indicators available with our technology or

our licensees' products you prefer using. Some of this may be personal information, but in typical cases it is non-personal information. Specific examples follow:

- ***Device Identifier, etc.***—When using our Application, we may collect the unique device identifier of your mobile device, the type of device, the date and time you access our Application, the operating system you are using, the sections of our Application that you visit, and information about how you use the Application including content downloaded or otherwise viewed. This information is used for Application and system administration purposes, and to improve the Application.
- ***Cookies***—We may use “cookies”, a technology that installs a small amount of information on a user’s mobile device to permit the Application to recognize future visits using that mobile device. Cookies enhance the convenience and use of the Application. For example, the information provided through cookies is used to recognize you as a previous user of the Application, to offer personalized content and information for your use, to track your activity on the Application, to respond to your needs, and to otherwise facilitate your Application experience. You may choose to decline cookies if your mobile device permits, but doing so may affect your use of the Application and your ability to access certain features of the Application or engage in transactions through the Application.
- ***Tracking Information***—We may use software or other means to compile tracking information reports regarding Application user demographics, Application traffic patterns, Application purchases and other aggregated Application statistics, and the same may be used in our emails to determine which emails and links have been used by recipients. We may then provide these reports to advertisers and others. None of the tracking information in these reports can be connected to the identities or other personal information of individual users. For our own research purposes we may link tracking information with personal information voluntarily provided by Application users. Once such a link is made, all of the linked information is treated as personal information and will be used and disclosed only in accordance with this Policy.
- ***Geo-Location Information***—When you use the Application, we track or collect your geo-location information via the geo-location functionality of your mobile device on a real time basis only to provide you with more accurate information on the Application. We may also use this real-time geo-location information to address support, technical, or business issues that may arise in the course of your use of the Application. If you do not consent to the tracking of your geo-location, you may still be able to use some features of the Application, but it is intended to be used with geo-location information. You may at any time opt out of the collection of geo-location data by uninstalling the application in accordance with the standard uninstall process made available via your mobile device or the mobile application marketplace or network.

4. Use of Personal Information

We may use your personal information, in combination with your non-personal information, for a variety of business purposes, for example to:

- respond to customer service requests;
- respond to your questions and concerns;
- send you a confirmation, if applicable;
- send you requested information;

- administer your account, if applicable;
- send new product or service information;
- fulfill your request or order;
- carry out contests or promotions;
- send you marketing communications;
- improve our Application and other products and services;
- conduct research and analysis;
- enforce our Terms of Use;
- display content based upon your interests;
- for distribution to our payment processor for the provision of payment services;
- facilitate your transactions with other users, as applicable; or
- for other purposes as described in this Policy.

5. Your Consent

We will collect, use, or disclose your personal information only with your knowledge and consent, except where required or permitted by Applicable Privacy Laws. When you download or otherwise use the Application there may be an opportunity for you to provide us with your personal information, and if you choose to provide us with your personal information you consent to the use of your personal information as identified in this Policy and as may be further identified at the time of collection.

(a) Express Consent

Sometimes you will be asked to give your express consent to our collection, use or disclosure of personal information – for example, by being asked to check a box to indicate your consent to receive marketing communications in compliance with Canada’s anti-spam laws.

(b) Implied Consent

Other times, you may provide your implied consent to our collection, use or disclosure of personal information when we can reasonably conclude that you have given consent by some action you have taken or an action you have decided not to take. Generally, this occurs where the purpose for the use of your personal information would be reasonably apparent to you – for example, when you download the Application, or when provide us with your address through a form or email seeking information, you provide us with implied consent to use that address in order to respond to your request.

(c) Withdrawing Your Consent

You may notify us at any time that you wish to withdraw or change your consent to our use and disclosure or your personal information. We will accommodate your request subject to legal and contractual restrictions. The most common way of indicating this withdrawal of consent is by (i) stopping use of the Application and uninstalling the Application in accordance with the standard uninstall process made available by your mobile device, (ii) changing your privacy preferences to the extent such functionality is

made available through the Application, or (iii) deleting your account with the Application and stopping use of the Application. In other situations, you may be able to opt out of the use of your personal information. For example, if you have “opted in” or subscribed to one of our mailing lists, we will always provide you the opportunity to “opt out” or unsubscribe. For example, if you receive emails from us, we will provide a link in the email which you can use to unsubscribe from that mailing list, or you may contact us at privacy@sportninja.com

You may also choose not to provide us with your personal information. However, if you make this choice we may not be able to provide you with the Application, or information that you have requested.

6. Information Obtained from Third Parties

If you provide us personal information about others, or if others give us your information, we will only use that information for the specific reason for which it was provided to us and in accordance with this Policy and such policy under which that information was collected. If you believe someone has provided us with your personal information without your consent, please contact us at privacy@sportninja.com

7. Disclosure and Sharing of Your Information

We will share your personal information with third parties only in the ways that are described in this Policy. We will not sell your personal information to third parties, however the use of our Application necessarily requires some sharing or disclosure of your personal information. Some of these activities may result in personal information collected by us being stored or processed in the United States or elsewhere outside of Canada and, as a result, your personal information may be accessible to law enforcement and regulatory authorities in accordance with the USA PATRIOT Act, the USA FREEDOM Act and other applicable laws of the United States or elsewhere.

(a) Third Party Processors

We may provide your personal information to companies that provide services to help us with the Application such as web hosting providers, payment processors, or customer service agencies (“**Third Party Processors**”). These Third Party Processors are authorized to use your personal information only as necessary to provide these services to us, and in a manner consistent with this Policy. We have selected Third Party Processors who will only use your information in compliance with this Policy, but they may have their own specific policies regarding the collection, use and personal information. We will use commercially reasonable efforts to identify such Third Party Processors when we are collecting your personal information, as well as providing links to the relevant privacy policies that may apply.

(b) Further Disclosures

We may also disclose your personal information (i) to our affiliates and subsidiaries, as they may be from time to time, in connection with the purposes set out in this Policy, (ii) as required by law such as to comply with a subpoena, or similar legal process, (iii) when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate fraud, or respond to a government request, (iv) to an acquirer of us or our business (provided that we have appropriate confidentiality obligations with such acquirer in place), or (iv) to any other third party with your prior consent to do so.

(c) Third Party Links

Our Application may contain links or other external references to other websites, applications, social media or Internet resources which are provided solely for your convenience and information. When you follow any linking mechanism to one of those resources you are contacting another party and not us. We have no responsibility or liability for, or control over, those other resources or their collection, use and

disclosure of your personal information. We encourage you to read the privacy policies of those other resources to learn how they collect and use your personal information.

8. Risk of Harm and Security of Personal Information

Anytime you share personal information there is a risk that privacy may be breached and such information may become public. Privacy breaches may lead to reputational harm, fraud and even identity theft. For this reason, it is important that you consider what personal information you are sharing and ensure that you are comfortable doing so.

The security of your personal information is important to us. We follow generally accepted industry standards to protect the personal information submitted to us, both during transmission and once we receive it. We employ physical, administrative, contractual and technological safeguards to protect personal information, and insist that our service providers do the same. We insist that our personnel, and those of our providers, only access and use personal information in order to properly perform those duties, and even then only to the strict extent necessary to perform them. The safeguards that we have in place are appropriate to the sensitivity of the information. We do not intentionally collect any sensitive information.

When you enter sensitive information (such as credit card number) on our online forms, we encrypt the transmission of that information using secure socket layer technology (SSL). SSL encrypts information entered on our site before it is sent over the Internet, and we use SSL in an industry-recognized standard manner to encrypt our Internet transmissions to and from you. In addition, to the extent we do store your personal information, we store it in encrypted form, and it is unencrypted in memory by our Application when and as needed. We follow generally accepted industry standards to protect personal information submitted to us, both during transmission and once we receive it. However, no method of transmission over the Internet, or method of electronic storage, is 100% secure, and so you should always exercise caution when disclosing sensitive information over the Internet.

If you have any questions about the security of our Application, you can contact our Privacy Officer at privacy@sportninja.com

9. Requests for Access to and Correction of Personal Information

Applicable Privacy Laws allow, to varying degrees, individuals the right to access and/or request the correction of errors or omissions in his or her personal information that is in our custody or under our control. Our Privacy Officer will assist you with such an access request. This includes:

- identification of personal information under our custody or control;
- information about how personal information under our control may be or has been used by us; and
- the names of any individuals and organizations to which the individual's personal information has been disclosed.

We will respond to requests within the time allowed by Applicable Privacy Laws and will make every effort to respond as accurately and completely as possible. Any corrections made to personal information will be promptly sent to any organization it was disclosed to.

In certain exceptional circumstances, we may not be able to provide access to certain personal information we hold about an individual. If access cannot be provided, we will notify the individual making the request within 30 days, in writing, of the reasons for the refusal.

10. Removal of Your Information

We keep your information only as long as we need it for legitimate business purposes and to meet any legal requirements. Personal information used to make a decision that directly affects an individual will be kept for at least one year after such a decision. We have retention standards that meet these parameters. We destroy your information when it is no longer needed or required to be kept, or we remove your personally identifiable information to render it anonymous. If you would like use to remove your personal information, please contact our Privacy Officer at privacy@sportninja.com

11. CASL Policy

We are committed to compliance with the law known as [Canada's Anti-Spam Legislation](#) ("CASL"). Any electronic communication sent by us to outside parties is protected by a range of business procedures, processes and policies to ensure that such communication is done in compliance with CASL. In our electronic communications with outside parties, we comply with the rules established by CASL and enforced by various Canadian authorities including the Canadian Radio-television and Telecommunications Commission. CASL regulates, and our policies generally apply to, each commercial electronic message we send (a "CEM"), which is an electronic message sent to an electronic address that, among its purposes, encourages participation in a commercial activity.

In addition to adopting this Policy, and to provide transparency about our compliance, we have undertaken various initiatives in order to ensure we are compliant with CASL in various respects:

- **Consent**—We do not send CEMs without your consent. This consent typically must be "express" (or expressly acknowledged by you), but in certain circumstances consent can be "implied" and in others messages are specifically exempt from consent requirements. We have modified or adopted our sign-up, registration and consent forms in order to ensure that the express consent obtained from you is in compliance with CASL. When we are collecting your electronic contact information, you will know what purposes we want to use it for.
- **Content**—We have adopted processes to ensure that our CEMs contain the prescribed content of CASL. On any CEM from us (usually in the footer), we will clearly:
 - identify ourselves as the party sending the CEM, and whether we are sending the message on our own behalf or on behalf of someone else;
 - provide you contact information where you can readily contact us; and
 - set out a clear, working unsubscribe mechanism (or preference centre) that is easy to use, automatic, and at no cost to you (other than your own cost of connecting to the Internet).
- **Clarity**—We have ensured that each constituent element of a CEM (including its header, its content, or any links or URLs in the CEM) conveys the appropriate information, whether viewed individually or taken as a whole, so that you always know what you are clicking on.

If you have received a CEM from us, and you believe that you should not have or you do not wish to receive them (even if we are allowed to send them), we will endeavour to respect your inbox preferences. Without limiting our legal rights or obligations, we try to ensure that our messages all contain useful identity information and unsubscribe or preferences link—if you check the CEM itself, you will find clear instructions on how to stop receiving CEMs from us or manage your mail preferences. When you unsubscribe, it should happen very quickly – but as required by CASL we will make sure it occurs within 10 business days. If you have any questions or concerns about our unsubscribe methods, you may contact us at the address indicated below.

12. Updates or Changes to Privacy Policy

We may update this Policy to reflect changes to our information practices. If we make any material changes we will endeavour to notify you (a) by email (sent to the e-mail address specified in your account), or (b) through the Application prior to the change becoming effective. We encourage you to periodically review this Policy for the latest information on our privacy practices. Any change to this Policy will become effective on the date so indicated, and will apply to information collected from the date of the posting of the revised privacy policy and to existing information held by us. The date on which the latest update was made is indicated at the bottom of this document. We recommend that you print a copy of this privacy policy for your reference and revisit this policy from time to time to ensure you are aware of any changes. Your continued use of the Application signifies your acceptance of any changes to this Policy.

13. Contact Information

You can direct any questions or concerns regarding our compliance with this Policy to our Privacy Officer by emailing at **privacy@sportninja.com**

If you are not satisfied with our Privacy Officer's response to their question or concern you may be able to make a complaint under Applicable Privacy Laws. Our Privacy Officer can provide you with the contact information to make such a complaint.

End of Privacy Policy (Last Updated: Sept 22, 2018).