

LearningFREQUENCY Privacy Policy
Date last updated: November 15, 2023

1. GENERAL PRIVACY POLICY MATTERS

PLEASE READ THIS PRIVACY POLICY CAREFULLY. We take the privacy of our users very seriously and are committed to protecting your privacy. This Privacy Policy is a part of our Terms of Use and it describes our policies on the collection, use, and disclosure of information about you in connection with your use of our website (the “Site”), APIs and products and services (collectively, the “Services”).

The terms “LearningFREQUENCY”, “we”, “us” and “our” refer to LearningFREQUENCY LLC, its subsidiaries and affiliates, and any third parties that it might engage in providing the Services and Products. The term “Product” shall refer to membership subscriptions, as well as individual books, games, and any other products available for purchase or use on our Site.

When you use the Services, you consent to our collection, use, disclosure and transfer of information about you, including information that may be considered Personal Data (as defined below) for processing in the United States as described in this Privacy Policy. Your access to and use of the Services signifies that you have read and agree to all terms of this Privacy Policy. If you do not agree with any part of this Privacy Policy, or to our Terms of Use, please do not access or continue to use any of the Services or otherwise submit your Personal Data.

If you have any questions about how we handle or protect your Personal Data, please contact customer support using the following contact details: privacy@learningfrequency.com.

2. INFORMATION THAT WE COLLECT

“Personal Data” is information that a person can use, directly or indirectly, alone or together with other information, to identify you as an individual (for example, your name or email address), as well as any other non-public information about you that is associated with or linked to any of the foregoing. This may include your precise Location Data (defined below) and your Use Data (defined below).

“Anonymous Data” means data, including aggregated and de-identified data, that is not associated with or linked to your Personal Data. Anonymous Data does not, by itself, permit the identification of individual persons. Some examples include age, gender, browser and operating system, time spent using our Services, and webpages visited. Generally, we do not consider Anonymous Data to be Personal Data. However, if we link together Anonymous Data in a way that renders it individually identifiable, we will treat the combined information as Personal Data.

We collect Personal Data and Anonymous Data as follows:

- a. **When you directly provide Personal Data to us.** This happens when you:
 - i. Register with us and/or set up an account on our Services, for which we will require you to provide certain Personal Data, such as your name, a username, password, your email address, and your billing information. You may also choose to provide other information, or we may request other information when you set up your account and/or subscribe for a membership.
 - ii. Purchase a Product on our Site (for example, payment information and e-mail address);
 - iii. Contact us, provide feedback, sign up for our mailing list, promotional emails or request other information (for example, your name and email address);
 - iv. Manually input information into the Services, for example Location Data;
 - v. Otherwise participate in activities or services we provide that require information about you.

- b. **Automatically, when you use and interact with our Services.** As you navigate through and interact with our Services, we may use automatic data collection technologies to collect certain information as follows:
- i. **Location Data.** The Services include features that use precise geolocation data, including GPS signals, device sensors, Wi-Fi access points, and cell tower IDs (“**Location Data**”). We collect Location Data through the Services so we can offer you certain location-based services and conduct analytics to improve the Services. Please note we only collect Location Data if you have ‘allowed’ us to do so, and if you have, we collect it in several ways:
 - when you enable geolocation tracking or employ other features in the Services that are designed to capture Location Data;
 - **please note:** (a) the way in which we collect Location Data is different depending on whether you are accessing the Services through a website or a mobile application; and (b) the collection of your Location Data may occur even when our Services are not actively open and running.
 - ii. **Usage Information:** When you use or interact with our Services, we receive certain usage or network activity information, including:
 - your general activity on the Services (e.g., your viewing history and search activity, including the date and time the Services were used);
 - identifiers such as an anonymized session identifier;
 - website traffic volume, frequency of visits, and type and time of transactions you initiate through the Service;
 - information regarding your interaction with email messages (e.g., whether you opened, clicked on, or forwarded an email message);
 - your Internet Protocol (IP) address;
 - the type and settings of the device, operating system, and browser used to access the Service;
 - websites you visit before and after using the Services; and
 - other information gathered through cookies and similar technologies, which are discussed further in the fourth section of this Privacy Policy, entitled “Cookies and Similar Technologies”, such as browsing and purchase data when you shop or purchase Products on our Site (for example, the Products you added to your shopping cart, whether or not you completed the purchase, your purchase details, returns and other transaction information regarding your purchases, such as the product purchased and price you paid).
- c. **Information we receive from third parties.** If you choose to connect your account on our Services to your account on another service, we may receive Personal Data from the other service. For example, if you connect to Facebook or Google, we may receive information like your name, profile picture, age range, language, email address, and friend list. You may also choose to grant us access to your exercise or activity data from another service. You can stop sharing the information from the other service with us by removing our access to that other service.

We may also receive Personal and/or Anonymous Data about you from (a) companies that offer their products and/or services for use in conjunction with our Services or whose products and/or services may be linked from our Service; or (b) our service providers, including companies that assist with payment processing, analytics, data processing and management, and other services we may use to personalize your experience with the Services.

3. HOW WE USE PERSONAL DATA

We use Personal Data and Anonymized Data that we collect to communicate with you, to advertise, to provide our Products and Services, to improve existing products and services, to develop new products and services, and to improve and personalize your experiences interacting with us, including as follows:

- a. **Operate our business and provide our Services**, including:
 - i. To operate, maintain and provide you with all the content and features of the Products and Services;
 - ii. To better understand our business, analyze our operations, improve the Services and to develop new Products and Services to support your educational goals.
- b. **Personalize experiences on our Services, better understand our members and customers, and gain consumer insights**, including:
 - i. To present Products and information that we think may be of interest and more relevant to you;
 - ii. To provide and improve features such as recording where a workout took place or mapping an activity;
 - iii. To personalize reading and learning goals.
- c. **Communicate with you**, including to send you service notifications and respond to you when you contact us, for example when you request technical support, Product information or any other communication you initiate. We may also use your Personal Data to promote new features we think you would be interested in. You can control marketing communications and most service notifications by emailing support@Learningfrequency.com.
- d. **Assist in our advertising and marketing campaigns**, including to provide you with information on the Products and Services that we think are most relevant to you, and to enable us to measure the success of our marketing activities. For example, when corresponding with you via email, we may use “format sensing” technology, which allows pixel tags to let us know whether you received or opened our emails.

4. COOKIES AND OTHER TRACKING TECHNOLOGIES

We and trusted third parties use cookies and similar technologies on the website to collect and process personal information. This section explains what “cookies” are and how this website uses cookies and other tracking technologies to improve our Site and deliver a better, and more personalized, service. Our Cookie Policy applies to all users of this website. By continuing to browse the site, you are agreeing to our use of cookies and other tracking technologies.

a. What are Cookies?

Cookies are small text files that are placed on your computer by websites that you visit. These text files can be read by these websites and help to identify you when you return to a website. Cookies can be “persistent” or “session” cookies. Persistent cookies remain on your computer when you have gone offline, while session cookies are deleted as soon as you close your web browser. To find out more about cookies, including how to see what cookies have been set and how to block and delete cookies, please visit <http://www.aboutcookies.org/>.

b. What sorts of Cookies are there?

- i. Strictly necessary cookies. These cookies are essential to the functioning of a site, enabling you to move around the site and allowing the site to provide the services that you ask for. For example, a strictly necessary cookie might be used to log into secure areas of a site or to recognize the region you are in, thereby allowing the site operator to tailor the site accordingly. Strictly necessary cookies do not gather any information that could be used for marketing purposes and they do not retain information beyond the end of your visit.
- ii. Analytical/performance cookies. These cookies collect information about how visitors use a website. They allow the site operator to recognize and count the number of visitors and to see how visitors move around the site when they are using it. This helps the site operator to improve the way the website works, for example, by ensuring that users are finding what they are looking for easily. All information collected by these cookies is aggregated and therefore cannot be used to identify individual visitors. The information is only used to improve how a website works.
- iii. Functionality cookies. These cookies allow a website to remember choices that a user makes and provide enhanced, more personalized features. For example, such cookies enable you to stay signed into the website and recognize you when you arrive. The information these cookies collect may be anonymized and they cannot track browsing activity on other websites.
- iv. Targeting cookies. These cookies record users' visits to a website, the pages they have visited and the links they have followed. They are also used to ensure that users are presented with adverts, which are relevant to their interests, to limit the number of times a particular advert is displayed and to help measure the effectiveness of an advertising campaign. The information is often shared with other organizations, such as advertisers.

c. Managing Cookies: Enabling and Disabling

- i. You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website or the Services may become inaccessible or not function properly. Each browser is different, so check the 'Help' menu of your particular browser (or your mobile phone's handset manual) to learn how to change your cookie preferences. You can also manually delete previously stored cookies at any time.
- ii. Please note that cookie-based opt-outs are not effective on mobile applications. However, on many mobile devices, application users may opt out of certain mobile ads via their device settings.

d. What Cookies and other technologies do we use?

- i. We use cookies and similar technologies (such as action tags, also known as beacons, or pixels tags) for a number of purposes, including to remember preferences, track conversions, conduct our marketing and promotional efforts on our Site and across the internet, analyze site traffic and trends, and generally understand the online behaviors and interests of people who interact with our Service.
- ii. We use third-party analytics service providers to assist us in collecting and understanding website usage information. We use information from these services to help us improve our website and the services we provide to our users. We may also utilize Google Analytics for certain web analytics. You can opt out of your website usage data being included in our Google Analytics reports by visiting <https://tools.google.com/dlpage/gaoptout>.

5. HOW WE DISCLOSE PERSONAL DATA

We may disclose information about you with the following third parties:

- a. **Service providers:** We may share your personal data as necessary for any third party to provide services associated with the Services, including to provide measurement and analytic services, and/or to provide other support to us and to the Site. We work with partners, vendors, distributors, and suppliers. These third parties may have access to or process your Personal Data, but only to the extent it is necessary for them to: (1) provide their products and services to us; or (2) provide you the Products and Services that you have requested. For example, we may use third-party providers to process payments, assist us with marketing and advertising our Products and Services, delivering customer service and support and for e-commerce order fulfillment.
- b. **Others With Your Consent:** We may ask for your explicit consent to share certain Personal Data with third parties.

We may also share information about you in the following contexts:

- a. **Pursuant to an investigation:** We may investigate and disclose information from or about you if we have a good faith belief that such investigation or disclosure (a) is reasonably necessary to comply with legal process and law enforcement instructions and orders, such as a search warrant, subpoena, statute, judicial proceeding, or other legal process served on us; (b) is helpful to prevent, investigate, or identify possible wrongdoing in connection with the Service; or (c) protects our rights, reputation, property, or that of our users, affiliates, or the public.
- b. **Pursuant to a business transfer:** If another company acquires LearningFREQUENCY LLC or all or substantially all of our assets, that company will possess the same information, and will assume the rights and obligations with respect to that information as described in this Privacy Policy.
- c. **As Anonymized Data:** We may use Anonymized Data in order to create statistical information regarding the Services and their use, which we may then share with third parties.

6. “DO NOT TRACK” SIGNALS

Please note that your browser settings may allow you to automatically transmit a “Do Not Track” signal to websites and online services you visit. The Site does not alter its practices when it receives a “Do Not Track” from a visitor’s browser.

7. THIRD-PARTY WEBSITES

Our Site may contain links to third-party websites. When you click on a link to any other website or location, you will leave our Site and go to another site, and another entity may collect Personal Data from you. We have no control over, do not review, and cannot be responsible for these third-party websites or their content. Please be aware that the terms of this Privacy Policy do not apply to these third-party websites or their content, or to any collection of your Personal Data after you click on links to such third-party websites. We encourage you to read the privacy policies of every website you visit. Any links to third-party websites or locations are for your convenience and do not signify our endorsement of such third parties or their products, content, or websites.

8. CONTROLLING YOUR PERSONAL DATA; DATA RETENTION AND ACCOUNT TERMINATION

- a. **Consent.** In order to process your Personal Data, we rely on your consent or our legitimate interests to process your Personal Data. You may withdraw your consent or object to the use of your Personal Data at any time, but you may no longer be able to access the Services or use certain features of the Services. If you wish to withdraw your consent, please contact us at privacy@learningfrequency.com.
- b. **Data Retention.** We may retain your Personal Data as long as you continue to use the Site, have an account with us, or for as long as is necessary to fulfill the purposes outlined in this Privacy Policy. We may continue to retain your Personal Data even after you deactivate your account and/or cease to use the Site if such retention is reasonably necessary to comply with our legal obligations, to resolve disputes, prevent fraud and abuse, enforce our Terms of Use or other agreements, and/or protect our legitimate interests. We may maintain Anonymized Data after you delete your account for analytics purposes.
- c. **Privacy Settings.** You can adjust your privacy settings by following the appropriate links on our Service, or by contacting us. If you receive a marketing email from us or if you have agreed to receive marketing, you can always unsubscribe at any time by following the instructions provided within those emails.
- d. **Account termination.** You can close your account through your account settings or by emailing privacy@learningfrequency.com.
- e. **Access, amend and delete Personal Data.** You can update or correct personal information (e.g., your email address) by accessing your account. You can also access or rectify your information by reaching out to us privacy@learningfrequency.com. You can delete your information by sending an email to privacy@learningfrequency.com with your first name, last name, and the respective email addresses you would like for us to delete. Please note that we have the right to reject deletion requests that are unduly burdensome or repetitive or that cannot be honored in light of legal obligations or ongoing disputes, or where retention is necessary to enforce our agreements or protect our or another party's rights, property, safety, or security.

9. EEA AND UK USERS

LearningFREQUENCY endeavors to be fully compliant with the GDPR. LearningFREQUENCY may act, depending on the circumstances, as either or both a Controller and a Processor of personal data (as these terms are defined in the GDPR). We act as the Controller of information that we ask you to provide to create an account, to sign up to our newsletter and information that we automatically collect when you use the Service. We act as the Processor of user-generated content and information provided to us by third parties or other websites.

EEA and UK users have the following rights:

- a. Right to request copies of your personal data. We may charge you a small fee for this service.
- b. Right to object to our processing of your personal data, under certain conditions. However, we may be entitled to continue processing your information based on our legitimate interests or where this is relevant to legal claims. You also have the right to object where we are processing your personal information for direct marketing purposes.
- c. You can also request that we:

- i. Correct any information you believe is inaccurate or complete any information you believe is incomplete;
- ii. Delete your personal data, under certain conditions.
- iii. Restrict the processing of your personal data, under certain conditions. In certain Circumstances we may not be able to do this or may not be required to do this, for example, if the information is relevant to legal claims.
- iv. Transfer the data that we have collected to another organization, or directly to you under certain conditions.

Some of these rights will only apply in certain circumstances. If you would like to exercise, or discuss, any of these rights, please contact us at privacy@learningfrequency.com. We may ask you to verify your identity or ask for more information about your request. We will consider and act upon any request in accordance with applicable law. We will not discriminate against you for exercising any of these rights.

You also have a right to lodge a complaint with a supervisory authority, in particular in the Member State in the European Union where you are habitually resident where we are based or where an alleged infringement of data protection law has taken place. In the UK you can make a complaint to the Information Commissioner's Office (Tel: 0303 123 1113 or at www.ico.org.uk).

10. YOUR CALIFORNIA PRIVACY RIGHTS

We recognize the need to provide further privacy protections with respect to Personal Data we may collect from California residents. For California residents, we will employ different data practices as necessary to comply with applicable law.

If you are a California resident, you have certain rights under the California Consumer Privacy Act (“CCPA”) and the California Privacy Rights Act (“CPRA”). These include the right to (i) request access to, details regarding, and a copy of the personal information we have collected about you and/or shared with third parties; (ii) request deletion of the personal information that we have collected about you; and (iii) the right to opt-out of sale and/or sharing of your personal information. As the terms are defined under the CCPA and the CPRA, we do not “sell” or “share” your “personal information.”

If you would like to exercise, or discuss, any of these rights, please contact us at privacy@learningfrequency.com. We may ask you to verify your identity, or ask for more information about your request. We will consider and act upon any request in accordance with applicable law. We will not discriminate against you for exercising any of these rights.

11. CHILDREN

The Children's Online Privacy Protection Act of 1998 and its rules (collectively, “COPPA”) require us to inform parents and legal guardians (as used in this section, “**parents**”) about our practices for collecting, using, and disclosing personal information from children under the age of 13 (“**children**”). It also requires us to obtain verifiable consent from a child's parent for certain collection, use, and disclosure of the child's personal information.

This section notifies parents of:

The types of information we may collect from children.

- i. How we use the information we collect.
- ii. Our practices for disclosing that information.
- iii. Our practices for notifying and obtaining parents' consent when we collect personal information from children, including how a parent may revoke consent.

This section only applies to children under the age of 13 and supplements the other provisions of this Privacy Policy.

a. Information We Collect from Children

Children can access many parts of the Services and the related content and features without providing us with personal information. However, some content and features require us to collect certain information, including personal information, from them. In addition, we use certain technologies, such as cookies, to automatically collect information from our users (including children) when they visit or use the Services, as further detailed in the fourth section of this Privacy Policy.

We only collect as much information about a child as is reasonably necessary for the child to participate in an activity, and we do not condition his or her participation on the disclosure of more personal information than is reasonably necessary.

Information We Collect Directly. A child may provide us with the following information to register with the Site: the child's name and email address. We may also require the child to create a member name and password. We may request additional information from your child, but this information is optional. We specify whether information is required or optional when we request it.

Automatic Information Collection and Tracking. We use technology to automatically collect information from our users, including children, when they access and navigate through the Services and use certain features. The information we collect through these technologies may include:

- i. One or more persistent identifiers that can be used to recognize a user over time and across different websites and online services.
- ii. Information that identifies a device's location (geolocation information).

We may combine non-personal information we collect through these technologies with personal information about you or your child that we collect online.

For information about our automatic information collection practices, including how you can opt out of certain information collection, see the second section of this Privacy Policy.

b. How We Use Your Child's Information

We use the personal information we collect from your child to:

- i. Register them with the Services;
- ii. Communicate with them about activities or features of the Services that may be of interest; and/or
- iii. Track their performance in games or other activities.

We use the information we collect automatically through technology and other non-personal information we collect to improve our Services and to deliver a better and more personalized experiences, as further detailed in the third section of this Privacy Policy.

c. Our Practices for Disclosing Children's Information

We do not share, sell, rent, or transfer children's personal information other than as described in this section. We may disclose aggregated information about many of our users, including children, as set forth in the fifth section of this Privacy Policy.

d. Accessing and Correcting Your Child's Personal Information

You may review your child's personal information maintained by us, require us to correct or delete the personal information, and/or refuse to permit us from further collecting or using the child's information, at any time. You can review, change, or delete your child's personal information by sending us an email at privacy@learningfrequency.com. To protect your privacy and security, we may require you to take certain

steps or provide additional information to verify your identity before we provide any information or make corrections.

12. SECURITY

We use commercially reasonable efforts to follow generally accepted industry standards to protect the personal data submitted to us, both during transmission and once we receive it. However, no method of transmission over the Internet or via mobile device, or method of electronic storage, is 100% secure. Therefore, while we strive to use commercially acceptable means to protect information about you, we cannot guarantee its absolute security.

You are responsible for the security of your digital wallet, and we urge you to take steps to ensure it is and remains secure. If you discover an issue related to your wallet, please contact your wallet provider.

13. LOCATION OF DATA AND TRANSFERS OF INFORMATION

The Site and App is owned and operated by LearningFREQUENCY LLC, which is located in the United States. If you are a non-U.S. user of the Site and/or the App, by visiting the Site and/or the App and providing us with data, you acknowledge and agree that your Personal Data may be processed for the purposes identified in the Privacy Policy. In addition, your Personal Data may be processed in the country in which it was collected and in other countries, including the United States, where laws regarding processing of Personal Data may be less stringent than the laws in your country. By providing your Personal Data, you consent to such transfer.

14. MODIFICATIONS TO THIS PRIVACY POLICY

We may occasionally update this Privacy Policy. You can see when it was last updated by looking at the effective date at the top and bottom of this page. If we make any significant changes we'll post them prominently on our website and notify you by other means as required by law. Your continued use of the website after a revision to the Privacy Policy indicates your acceptance and agreement to the current Privacy Policy. We recommend that you periodically review the Privacy Policy to make sure you understand and are up-to-date on how we're keeping your information safe.

15. CONTACT INFORMATION

If you have any further questions regarding our privacy practices or information about you, please feel free to contact us at:

LearningFREQUENCY LLC
11845 N Cassiopeia Drive
Tucson, AZ 85737
United States
privacy@learningfrequency.com

16. Effective Date of this Privacy Policy: November 15, 2023