

## **PRIVACY POLICY/YOUR CALIFORNIA PRIVACY RIGHTS**

One of the functions of this website (the "Site") is to facilitate the exchange of information between A. Smith & Co. Properties, Inc., its subsidiaries and affiliated entities (collectively "Producer" and "we", "us", "our"), and users of this Site (collectively "users" and "you", "your"). This privacy policy ("Privacy Policy") explains the types of user information Producer or its agents and designees may collect via the Site, and how Producer may use and share such information.

By using this Site (including by giving us your information through the Site), you agree to this Privacy Policy. If you do not agree to this Privacy Policy, do not use the Site or give us any of your information. In addition, please review the **Terms of Use** for the Site, which also governs.

### **1. What Information Do We Collect?**

(a) Producer may solicit users who wish to be considered as participants in television programming produced by Producer or a television network ("Network") to submit on-line applications through the Site for such participation. The information collected via such applications may vary from application to application, but will generally include personal information such as name, email address, street address, telephone number, fax number, and similar contact information, age, interests, gender, education, and occupation. **In some instances, a Site user may be given the opportunity to submit information or material about the user as well as information and material about other persons (who will also be considered "applicants" for a specified television programming project even if they are not users of the Site).** In addition to such general information, Producer may collect specific personal information regarding an applicant's suitability to participate in a particular program. For example, in an application to participate in a television series about trivia knowledge, Producer may collect detailed information about the applicant's educational background, etc. In an application to participate in a television cooking competition series, Producer may collect information about an applicant's cooking knowledge and background, his/her aspirations, etc. The foregoing are examples only, and shall not be construed to limit the types of personal information that Producer may collect with regard to applications for any program. In addition, Producer may collect photographs and/or video of applicants. All of the foregoing information shall be referred to herein as "Participant Application Information."

### **(b) Information We Collect As You Access And Use Our Site**

In addition to any Participant Application Information or other information that you choose to submit to us, we and our third-party service providers may use a variety of technologies that automatically (or passively) collect certain information whenever you visit or interact with the Site ("**Usage Information**"). This Usage Information may include the browser that you are using, the URL that referred you to our Site, all of the areas within our Site that you visit, and the time of day, among other information. We may use Usage Information for a variety of purposes, including to enhance or otherwise improve the Site. In addition, we collect your IP address or other unique identifier ("**Device Identifier**") for your computer or other device used to access the Site (any, a "**Device**"). A Device Identifier is a number that is automatically assigned to your Device used to access the Site, and our computers identify your Device by its Device Identifier. Usage Information may be non-identifying or may be associated with you. Whenever we associate Usage Information or a Device Identifier with your personal information, we will treat it as personal information.

A few of the methods that may be used to collect Usage Information include, without limitation, the following (and subsequent technology and methods hereafter developed):

**Cookies.** A cookie is a data file placed on a Device when it is used to access the Site. A Flash cookie is a data file placed on a Device via the Adobe Flash plug-in that may be built-in to or downloaded by you to your Device. Cookies and Flash Cookies may be used for many purposes, including, without limitation, remembering you and your preferences and tracking your visits to our web pages. If you choose to disable cookies or Flash cookies on your Device, some features of the Site may not function properly.

**Web Beacons.** Small graphic images or other web programming code called web beacons (also known as “1x1 GIFs” or “clear GIFs”) may be included in our Site pages or messages. Web beacons may be invisible to you, but any electronic image or other web programming code inserted into a Site page or e-mail can act as a web beacon. Web beacons or similar technologies may be used for a number of purposes, including, without limitation, to count users of the Site, to monitor how users navigate the Site, to count how many e-mails that were sent were actually opened or to count how many particular articles or links were actually viewed.

**Embedded Scripts.** An embedded script is programming code that is designed to collect information about your interactions with the Site, such as the links you click on. The code is temporarily downloaded onto your Device from our web server or a third party service provider, is active only while you are connected to the Site, and is deactivated or deleted thereafter.

**(c) Information Submitted to Third-Party Service Providers**

The Site may ask you to submit a video as part of your Participant Application Information, and may require that you submit the video through a third-party service provider (such as YouTube) and thus have or register a Google or YouTube account to do so. If you create an account and/or submit a video with or through a third-party service provider (such as Google or YouTube), note that you will also be submitting information and content to such third-party and such third-party’s Privacy Policy and shall also apply to you. We have no responsibility for such third-party’s Privacy Policy or terms of use.

**2. What Should Parents Know About Children?**

The Site is not directed to children under the age of 13, and in the event Producer is casting a television series involving such children, it will not solicit or collect personal information from any such children directly but will rather solicit their parent(s) or legal guardian(s) (e.g., “Are your children particularly talented?” or “Is your family known as a 'nerdy' family?”) or ask their parent(s) or guardian(s) to submit personal information about their children. Further, it is Producer’s policy not to request or accept any Participant Application Information from a child under the age of 13, or from any person under the age of 18, without an accompanying signed parental consent from a parent or legal guardian. In the event Producer learns that it has collected personal information from a child under the age of 13 without verification of parental consent, Producer will delete the information as quickly as possible. Producer recommends that minors 13 years of age or older ask their parents for permission before sending any information about themselves to anyone over the Internet (including through this Site).

**3. How Do We Use The Information Collected?**

(a) Participant Application Information is used to evaluate an applicant’s potential suitability for participation in the applicable television programming, and may also be used in and/or in connection with Producer’s television programs and/or the advertising, promotion, exhibition and other exploitation thereof. Participant Applicant Information may be shared with agents, contractors, and employees of OPP and Network, as well as any other persons or entities involved in and/or in connection with the development, pre-production, production, post-production, exhibition, promotion, and/or exploitation in any media of the applicable television programming (all of the foregoing referred

to collectively as “Program Personnel”). Further, an applicant’s contact information may be used to facilitate further contact between any Program Personnel and the applicant. Please note that any application posted on the Site may contain additional terms with regard to the use of Participant Application Information submitted via that application. In the event of any inconsistency or conflict between the terms of any application and the terms of this Privacy Policy, the terms of the application shall control.

We may further use Participant Application Information and other personal information to verify that your information is accurate, active and valid; to improve the Site or our evaluation process for considering applicants for participation in television programs; to contact you with regard to any application you submit on the Site or your use of the Site; and for internal business purposes.

(b) We may use Usage Information to manage the Site, track usage and improve the Site, to customize your experience with the Site; in our discretion, to make changes to the Site and/or the Site’s policies; and for internal business purposes. In no manner limiting the foregoing, Producer reserves the right to record IP addresses for security and monitoring purposes.

#### 4. **How and When Do We Disclose Information to Third Parties?**

We may share non-personally identifiable information, such as Usage Information and aggregated user statistics, with third parties. In addition, we may share personal information and other information we have collected about you, including Participant Applicant Information, as disclosed at the time you provide such personal information and as described below or otherwise in this Privacy Policy.

##### (a) **Program Personnel**

We may disclose your personal information, including Participant Application Information (of you and other persons who you have submitted to be applicants along with you), with any Program Personnel as well as other agents or business partners of us.

##### (b) **Third Parties Providing Services on Our Behalf**

We or our agents may use third party vendors to provide certain aspects of the Site, such as hosting the Site, designing and/or operating the Site’s features, tracking the Site analytics, or performing other administrative services. We may provide these vendors with access to personal information, including Participant Application Information, to carry out the services they are performing for you or for us. While we may use third party analytics service providers to evaluate and provide us with information about the use of the Site and viewing of our content, we do not share any personal information (including Participant Applicant Information) with these analytics service providers, but they may set and access their own cookies, web beacons and embedded scripts on your Device and they may otherwise collect or have access to information about you, including non-personally identifiable information.

##### (c) **Administrative and Legal Reasons**

We may access, use, preserve, transfer and disclose your information (including Participant Application Information of you and other persons you have submitted to be applicants along with you), including disclosure to third parties: (i) to satisfy any applicable law, regulation, subpoenas, governmental requests or legal process if in our good faith opinion such is required or permitted by law; (ii) to protect

and/or defend the policies applicable to the Site, including investigation of potential violations thereof; (iii) to protect the safety, rights, property or security of the Site or any third party; and/or (iv) to detect, prevent or otherwise address fraud, security or technical issues. Further, we may use IP address or other Device Identifiers, to identify users, and may do so in cooperation with third parties such as copyright owners, internet service providers, wireless service providers and/or law enforcement agencies, including disclosing such information to third parties, all in our discretion. Such disclosures may be carried out without notice to you.

(d) **Business Transfer**

We may share your information, including Participant Application Information (of you and other persons you have submitted to be applicants along with you), other personal information, and Usage Information with our parent, subsidiaries and affiliates for internal reasons. We also reserve the right to disclose and transfer all such information: (i) to a subsequent owner, co-owner or operator of the Site or applicable database; or (ii) in connection with a corporate merger, consolidation, restructuring, the sale of substantially all of our membership interests and/or assets or other corporate change, including, during the course of any due diligence process.

5. **Third-Party Links and Content**

Producer may post links to third party Sites on the Site. Producer is not responsible for the privacy policies and/or practices on other sites. The Site may also contain content that is supplied by a third party, and those third parties may collect web site usage information and your Device Identifier when web pages from the Site are served to your browser. Such third parties or other web sites may send their own cookies to you, independently collect data or solicit personal information and may or may not have their own published privacy policies. When linking to another site a user should read the privacy policy stated on that site. We encourage you to note when you leave our Site and to read the privacy statements of all third party web sites or applications before submitting any personal information to third parties. This Privacy Policy only governs information collected on the Site.

6. **Browser “Do Not Track” Signals**

Because a “Do Not Track” protocol has not yet been finalized, the information collection and disclosure practices of our Sites, and the choices that our Sites provide to consumers, will continue to operate as described in this Privacy Policy, whether or not a Do Not Track signal is received.

7. **What About Information I Disclose Publicly?**

(a) **User Generated Content and Public Information**

The Site may permit you to submit ideas, photographs, user profiles, writings, music, video, audio recordings, computer graphics, pictures, data, questions, comments, suggestions or other content, including personal information (collectively, “User Submissions” – which may include Participant Applicant Information). We or others may reproduce, publish, distribute or otherwise use User Submissions online or offline in any media or format (currently existing or hereafter developed). Others may have access to this User Submissions and may have the ability to share it with third parties across the Internet. Please think carefully before deciding what information you share, including personal information, in connection with your User Submissions. Please note that Producer does not control who will have access to the information that you choose to make public, and cannot ensure that parties who

have access to such publicly available information will respect your privacy or keep it secure. This Privacy Policy does not apply to any information that you disclose publicly, share with others or otherwise upload, whether through the Site or otherwise. We are not responsible for the accuracy, use or misuse of any content or information that you disclose or receive through the Site.

Please be aware that whenever you voluntarily post public information to a message board and/or any other public forum on the Site, that information can be accessed by the public and can in turn be used by any member of the public for any purpose, including without limitation to send you unsolicited communications.

**(b) Name and Likeness**

We may also publish your name, voice, likeness and other personal information of you and other persons submitted as applicants along with you that is part of your User Submissions, and we may use the content, or any portion of the content, for advertising, marketing, publicity and promotional activities.

**8. Security, Confidentiality and Ownership**

We incorporate commercially reasonable safeguards to help protect and secure any personal information you submit through the Site. However, no data transmission over the Internet, wireless transmission or electronic storage of information can be guaranteed to be 100% secure. Please note that we cannot guarantee the security of Participant Application Information or any other personal information submitted to Producer by a user of the Site. Any person submitting personal information via the Site, including without limitation Participant Application Information, assumes the risk that the information may be viewed by persons other than Program Personnel. Producer discourages you from sending us any information or material that you consider to be confidential or proprietary through the Site. Please note that if you do send us any such information or material, Producer will assume it is not confidential and will not treat it as confidential. Any information or material you submit via the Site shall become the property of Producer, and by your submission you hereby assign, for no compensation, payment, remuneration, or promise of compensation, payment, or remuneration, all right, and interest to such information and material, including any moral rights, to Producer. In the event that you cannot assign all right, title and interest to the information or material you submit, by sending Producer information or material, you grant Producer an unrestricted, irrevocable license to use, reproduce, display, perform, modify, transmit and distribute those materials or information, including any moral rights, via any and all means now known or hereafter invented throughout the universe in perpetuity, and you also agree that Producer is free to use any ideas, concepts, know-how, or techniques that you send us for any purpose without compensation, payment, remuneration, or promise of compensation, payment, or remuneration to you or any other person.

**9. What About Consent To Transfer Information To The United States?**

The Site is operated in the United States and intended for users located in the United States. If you are located anywhere outside of the United States, please be aware that information we collect, including personal information, will be transferred to, processed and stored in the United States. The data protection laws in the United States may differ from those of the country in which you are located, and your personal information may be subject to access requests from governments, courts, or law enforcement in the United States according to laws of the United States. By using the Site or providing us with any information, you consent to this transfer, processing and storage of your information in the United States.

## **10. Your California Privacy Rights**

California's "Shine the Light" law, California Civil Code § 1798.83, requires certain businesses to respond to requests from California customers (those who have an established business relationship with us) asking about the business' practices related to disclosing personal information to third parties for the third parties' direct marketing purposes. Alternately, such businesses may have in place a policy not to disclose personal information of customers to third parties for the third parties' direct marketing purposes unless the customer first affirmatively agrees to the disclosure (opt-in) or if the customer has exercised an option to opt-out of such information-sharing (opt-out).

We do not share personal information of any users of this Site to third parties for the third parties' direct marketing purposes. Thus, California's "Shine the Light" law does not apply to information collected on this Site.

## **11. What About Changes To The Privacy Policy?**

From time to time we may make changes to our privacy policy. If we make changes, we will post them on the Site to make users aware of what the changes are so users will always be aware of what information we collect, how we use it, and when we may disclose it. A user is bound by any minor changes to the policy when she or he uses the Site after those changes have been posted. If, however, we are going to use users' personally identifiable information (i.e., individually identifiable information about the user such as name, address, e-mail address, telephone number, social security number, etc.) in a manner materially different from that stated in the Privacy Policy at the time of collection, we will notify users by posting a prominent notice on the Site prior to the change becoming effective.

This Privacy Policy is effective as of January 1, 2017.

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