

Privacy Notice for California Residents

Last Updated: November 23, 2020

OVERVIEW

This Privacy Notice for California Residents (this “Notice”) supplements the information contained in the GoNoodle, Inc. (“GoNoodle,” “we,” “us,” or “our”) Privacy Policy (the “Privacy Policy”) and applies solely to all visitors, users, and others who reside in the State of California (“user(s),” “you,” or “your”). We adopt this Notice to comply with the California Consumer Privacy Act of 2018 (“CCPA”), and any terms defined in the CCPA have the same meaning when used in this Notice. This Notice governs our Site, Apps, and Services, as those terms are defined in the Privacy Policy.

WHAT INFORMATION DOES GONOODLE COLLECT?

Our Services collect information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“Personal Information”). Below, we have provided a list of categories of Personal Information and examples of the types of Personal Information that may fall within those categories. For clarity, even where we indicate that we collect a category of Personal Information, we may not collect *all* types of Personal Information described in that category.

Within the last twelve (12) months, our Services have collected the following categories of Personal Information from consumers:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver’s license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, any other financial information, or any medical or health insurance information.	YES

C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	NO
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	NO
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions,	YES

Personal Information.	behavior, attitudes, intelligence, abilities, and aptitudes.	
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GoNoodle obtains the categories of Personal Information listed above from the following categories of sources:

- Directly from you. For example, from information you provide through the Services and through any correspondences, such as when you complete a form, request information or products, submit a support request, or when you sign up to receive updates, news, special offers, promotions, or other communications from us.
- Indirectly from you. For example, from observing your actions on our Services through the use of automated data collection tools.
- Your use of third-party social networking service(s) that may be integrated with our Services. For example, some social networking services allow you to push content from our Services to your contacts.

HOW DOES GONOODLE USE THE INFORMATION IT COLLECTS?

We may use or disclose the Personal Information we collect for one or more of the following purposes:

- To fulfill or meet the reason you provided the information. For example, if you share your name and contact information to ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns.
- To fulfill our reporting obligations to underwriters, sponsors, and other partners as described in our Privacy Policy, and to inform our Board of Directors.
- To provide, support, personalize, and develop our Services and products, including without limitation, receiving, processing, and responding to feedback.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your experience with the Services and to deliver content and product and service offerings relevant to your interests and/or geographic

location, including targeted offers and ads through our Services, third-party sites, and via email or text message (with your consent, where required by law).

- For testing, research, analysis, and product development, including to develop and improve our Services and products through focus groups and surveys.
- To communicate information to you (e.g., new features, products, or services), and to send you relevant emails and communications that may be of interest to you when you have opted in to receive such communications.
- To help maintain the safety, security, and integrity of our Services, databases and other technology assets, and business, including without limitation, to investigate suspected violations of our Terms of Service, suspected fraud or other unlawful activity.
- As may be required by law or by a court order, in which case we shall attempt to notify you and work with you to seek to limit the scope of the required disclosure.
- As described to you when collecting your Personal Information or as otherwise set forth in the CCPA or the Privacy Policy.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, wherein Personal Information held by us about our users is among the assets transferred, in which case your information will remain subject to the terms of this Privacy Policy.

We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

We may disclose your Personal Information to a third party for a business purpose. When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to keep that Personal Information confidential and not use it for any purpose except performing the contract. While we may seek to require such third parties to follow appropriate privacy policies and to prohibit them from using your Personal Information except for the express business purpose for which it is provided, you agree that we do not bear any responsibility for any actions or policies of third parties.

In the preceding twelve (12) months, GoNoodle has disclosed the following categories of Personal Information for a business purpose:

Category A: Identifiers.

Category B: California Customer Records Personal Information categories.

Category D: Commercial information.

Category E: Biometric information.

Category F: Internet or other similar network activity.

Category G: Geolocation data.

Category K: Inferences drawn from other Personal Information.

We disclose your Personal Information for a business purpose to the following categories of third parties:

- Third parties who help us administer and provide the Services (for example, a web hosting company whose services we use to host our platform, or payment processors whose services we use to handle purchases).
- Parents, subsidiaries, and affiliates.

YOUR RIGHTS AND CHOICES

The CCPA provides our consumers, who are California residents, with specific rights regarding their Personal Information. The following sections describe your CCPA rights and explains how to exercise those rights.

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past twelve (12) months. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights*, below), we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting or selling that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- If we disclosed your Personal Information for a business purpose, a separate list disclosing our disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained.

You have the right to request that we delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights*, below), we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *et. seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Calling us at 1-800-514-1362
- GoNoodle Privacy Portal Form
- Emailing us at privacy@gonoodle.com

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child. To authorize an agent to act on your behalf with respect to the rights contained in this Notice, we may require proof from the agent that you have provided the authorized agent written permission to do so, and we may require that you verify your own identity directly with us. If you have provided the agent with power of attorney, that may be sufficient.

You may only make a verifiable consumer request for access or data portability twice within a twelve (12) month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you.

Making a verifiable consumer request does not require you to create an account with us, though requests may be made using the authentication procedures for your password-protected account. To verify your requests, we ask that you provide information required to match the request with the consumer about whom information has been collected or utilize the authentication practices for your password-protected account. We verify requests by matching information you provide to information that we maintain in our records.

We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

RESPONSE TIMING AND FORMAT

We endeavor to respond to a verifiable consumer request within thirty (30) days of its receipt. If we require more time, up to an additional thirty (30) days, we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the twelve (12) month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance, specifically .CSV.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

NON-DISCRIMINATION

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

However, we may offer you certain financial incentives permitted by the CCPA that **can result** in different prices, rates, or quality levels. While we do not currently offer such incentives, we may do so in the future. Any CCPA-permitted financial incentive we offer will reasonably relate to your Personal Information's value and contain written terms that describe the program's material aspects. Participation in a financial incentive program requires your prior opt in consent, which you may revoke at any time.

OTHER CALIFORNIA PRIVACY RIGHTS

California Civil Code Section 1798.83 permits users of the Site and the Apps who are California residents to request and obtain from us a list of what Personal Data (if any) we disclosed to third parties for direct marketing purposes in the preceding calendar year and the names and addresses of those third parties. Requests may be made only once a year and are free of charge. Under Section 1798.83, California residents are entitled to request and obtain such information, by e-mailing a request to privacy@gonoodle.com or by mailing a request to:

**GoNoodle, Inc.
Privacy Request - California Resident
209 10th Avenue South
Suite 517
Nashville, TN 37203**

CHANGES TO OUR PRIVACY NOTICE

GoNoodle reserves the right to amend this Notice at our discretion and at any time. When we make changes to this Notice, we will post the updated notice on the Website and update the Notice's effective date. **Your continued use of our Services following the posting of changes constitutes your acceptance of such changes.**

CONTACT INFORMATION

If you have any questions or comments about this Notice, or how to exercise your rights under the CCPA, please contact us at:

By email: privacy@gonoodle.com

By telephone: 800-514-1362

By regular mail: Privacy Request
GoNoodle, Inc.
209 10th Avenue South
Suite 517
Nashville, TN 37203