

## Privacy Notice

### Hip Digital Media, Inc.

Last Updated: December 2, 2013

#### Contents:

1. [Introduction](#)
2. [What is Personal Information?](#)
3. [Information we collect about you](#)
4. [Use of Your Information](#)
5. [Location of Your Information](#)
6. [Security of Your Information](#)
7. [Accessing Your Personal Information](#)
8. [Minors](#)
9. [Limiting Principles](#)
10. [Third Party Websites](#)
11. [Changes to this Notice](#)
12. [California Privacy Rights](#)
13. [Contact Information](#)

#### 1. Introduction

This service made accessible through the website [www.hipdigitalstore.com](http://www.hipdigitalstore.com) or through any of Hip Digital's other subsidiary or affiliated company websites (individually or collectively referred to as, the "Website") is operated by Hip Digital Media Inc., ("we", "us" or "our"). This Privacy Notice ("Notice") explains how we collect, use and disclose the personal and non-personal information you may provide while using the Website, sound recordings and other content available through the Website (collectively, the "Content"). In this Notice, the "Service" means the Website, the Content, and all related systems and services. By registering with or otherwise using the Service, you signify your consent to the collection, use, disclosure and retention of your personal information in accordance with this Notice. If you do not consent to the collection, use, disclosure and retention of your Personal Information in accordance with this Notice, please do not use the Service. We may update this Privacy Notice. When we do, we will also revise the "updated" date above.

#### 2. What is Personal Information and Non-Personally Identifiable Information?

"Personal Information" is generally any information about an "identifiable individual" or, in other words, information that allows individuals to be identified. The type of Personal Information we collect, use and disclose may include, your name, age, birth date, mailing address, residential and mobile phone numbers and email addresses, registration information, survey information, emails and telephone inquiries as well as non-public information that is associated with this Personal Information. When we use the phrase "Non-Personally Identifiable" or "non-PII" in this Privacy Notice, we mean information that is not personally identifiable without other context or reference data. Examples of non-PII are your usage patterns, purchase patterns, migration, preferences and general behavior on our Website. Non-PII does not usually enable direct identification of you without other data.

### **3. Information we collect about you.**

**Information you provide to us voluntarily.** During your use of the Service, you may be asked to voluntarily provide Personal Information. If you choose not to provide certain requested Personal Information, you may not be able to access or use certain features of the Service. We also collect and maintain other information that you voluntarily submit to us during your use of the Service.

**Information we automatically collect from your use of the Service.** The Service also automatically collects certain non-PII regarding Website users. This non-PII is used for system administration purposes and to improve the Service. Non-PII may be disclosed to other persons and permanently retained for future use. If the non-PII is combined with personal information, then the non-PII will be treated as Personal Information. Here are some examples of how we collect some of this data about your use of the Service:

**Cookies:** The Service uses “cookies”, a technology that installs a small amount of information on a Website user’s computer to permit the Website to recognize future visits using that computer. Cookies enhance the convenience and use of the Service. For example, the information provided through cookies is used to recognize you as a previous user of the Service (so you do not have to enter your Personal Information every time), offer personalized Content and information for your use, and otherwise facilitate your experience using the Service. You may choose to decline cookies if your browser permits, but doing so may affect your ability to access or use certain features of the Service.

**Clear GIFs:** We may use “clear GIFs” (aka “Web beacons” or “pixel tags”) or similar technologies, on the Service and/or in our communications with you to enable us to evaluate service usage information about users to the Website, target campaigns, upgrade visitor information, and know whether you have visited a Web page or received a message. A clear GIF is typically a one-pixel, transparent image (although it can be a visible image as well), located on a Web page or in an e-mail or other type of message, which is retrieved from a remote site on the Internet enabling the verification of an individual’s viewing or receipt of a Web page or message. A clear GIF may enable us to relate your viewing or receipt of a Web page or message to other information about you, including your Personal Information.

**IP Address and Clickstream Data:** Our server automatically collects data about your server’s Internet address when you visit us. This information, known as an Internet Protocol address, or IP Address, is a number that’s automatically assigned to your computer by your Internet service provider whenever you are on the Internet. When you request pages from our Website, our servers may log your IP Address and sometimes your domain name. Your IP Address is used to help identify you and to gather demographic information about our customers as a whole, but does not include Personal Information. Our server may also record the referring page that linked you to us (e.g., another website or a search engine); the pages you visit on this Website; the website you visit after this Website; any ads you may see and/or click on; other information about the type of Web browser, computer, platform, related software and settings you are using; any search terms you have entered on this Website or a referral website; and other Web usage activity and data logged by our Web servers. We use this information for internal system administration, to help diagnose problems with our server, and to

administer the Service. Such information may also be used to gather demographic information, such as country of origin and Internet Service Provider.

**Google Analytics Demographics and Interest Reporting:** We have enabled Google Analytics Demographics and Interest Reporting to administer the Service. Information for these reports is derived from the DoubleClick cookie and Google Analytics information that you may have opted in previously with Google. You can manage your Google [Ads Settings](#) here. For more information about Google Analytics' currently available opt-outs for the web, you may visit here: <https://tools.google.com/dlpage/gaoptout/>

#### **4. Use of Your Information**

We use your Personal Information for the following purposes and as otherwise permitted by applicable law: (a) to contact and correspond with you; (b) to administer your account; (c) to invoice, charge and collect payment from you in connection with certain aspects of the Service; (d) to perform security and related investigations; and (e) to otherwise facilitate the Service and to improve the quality of the Service.

We may also develop a user profile for you, which will be used to provide services to you and facilitate your use of the Service, and may keep a record of all communications with you. We may also use your Personal Information to identify the Content you download from the Service by including in the Content unique alpha-numeric codes (each a "Watermark"). Watermarks identify the account used to download the Content and the end user of that account. Watermarks remain embedded in the Content even if the Content is converted to another format or is otherwise modified. We may use Watermarks to determine whether Content downloaded through the Service has been used improperly.

You may be asked to elect to receive email or other communications containing information about us, the Service, and other matters we believe will interest you. At any time after electing to receive such emails or other communications, you may ask us to stop sending them to you by sending your written request to [support@hipdigital.com](mailto:support@hipdigital.com) or at the address noted below. Also, each email we send to you will tell you how to decline further unsolicited communications. Please understand that if you opt-out of receiving promotional correspondence from us, we may still contact you in connection with your activities, transactions and communications with us. You may control how you receive such non-promotional correspondence from us by updating your account preferences by sending your request to [support@hipdigital.com](mailto:support@hipdigital.com). Also, a request to have us stop sharing your Personal Information with other entities for marketing purposes will only apply as of your request, and we will not be responsible for any communications that you may receive from entities that received your Personal Information prior to such request.

We will not rent, sell, or share Personal Information with non-affiliated third-parties unless you give us your consent, except that we may disclose Personal Information, including Google Analytics Demographics and Interest Reporting, under the following circumstances and as otherwise permitted by applicable law:

**Disclosure to Affiliates, Agents, Customers, Sponsors, Suppliers and Service Providers** –We may provide your Personal Information to our affiliates, agents, customers, sponsors, suppliers and service providers. We require our affiliates, agents, customers, sponsors, suppliers and service providers to agree to use your Personal Information only for the purposes for which it is provided to them, and to

protect the privacy of your Personal Information in a manner consistent with applicable law. If at any time you do not wish your Personal Information to be disclosed to certain or any of these persons, please send your request to [support@hipdigital.com](mailto:support@hipdigital.com) or to the address noted below; however, this may affect your ability to use the Service.

**Disclosure to Content Providers** - We may disclose your Personal Information and information regarding your use of the Service to the owners and licensors of the Content if we reasonably believe that you have misused the Content (including unauthorized file sharing of Content) or otherwise breached the Website User Agreement. We will require the Content owners and licensors to agree to use your Personal Information only for the purposes for which it is provided to them, and to protect the privacy of your Personal Information in a manner consistent with applicable law.

**Law Enforcement and Legal Disclosure** - We may disclose your Personal Information to a government institution or agency that has asserted its lawful authority to obtain the information or where we have reasonable grounds to believe the information could be useful in the investigation of unlawful activity, or to comply with a subpoena or warrant or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with court rules regarding the production of records and information, or to its legal counsel. We have no control over, or liability for, those persons' use and disclosure of your Personal Information, and that use and disclosure is not subject to this Notice.

**Depersonalized Information:** We may use personal information, including Google Analytics Demographics and Interest Reporting, to create non-PII regarding the use of the Service. We may then disclose that non-PII to other persons and permanently retain that non-PII for future use.

## **5. Location of Your Information.**

Although Content delivered in connection with the Service may reside on servers either in the United States or Canada, we will store and process your Personal Information in Dallas, Texas and Vancouver, Canada. However, the disclosure of your information in accordance with this Notice and applicable laws may result in your Personal Information being transferred outside of Canada or the United States. The laws of other countries regarding the collection, use, and disclosure of Personal Information may be different from the laws of Canada and the laws of the United States. In addition, if you are accessing this Website from the European Union, Asia or any other region with laws or regulations governing personal data collection, use and disclosure that differ from Canadian Laws and United States laws, please be advised you may be transferring your Personal Information to the United States or other countries where laws regarding processing personal information may be less stringent than in your country and you consent to that transfer.

## **6. Security of Your Information**

We employ reasonable security safeguards appropriate to the sensitivity of the Personal Information in its possession or under its control in order to protect that information from unauthorized access, collection, use, disclosure, modification or similar risks. Nevertheless, security risks cannot be eliminated and we cannot guarantee that your Personal Information will not be used or disclosed in ways not otherwise described in this Notice. We keep all of your Personal Information in a secure location. Access to these records is provided only to: (a) our employees or our affiliates who require this Personal Information for the purposes as set out above; (b) third party service providers who are acting as our

agents in providing certain services, such as promotional mailings. These service providers are subject to the safeguards described above, which may include the execution of a Non-Disclosure Agreement and the requirement that any Personal Information provided to them be destroyed upon completion of the service or returned to us; (c) to third parties where you have specifically consented to the disclosure of Personal Information to that party; and (d) where required by law as described in this Notice.

If you contact us by e-mail or a “contact us” or similar feature on our Service, you should be aware that your transmission might not be secure. A third party could view information you send by these methods in transit.

Passwords are encrypted and our policies preclude access to passwords by anyone at our company or our service providers except on a need-to-know basis. You are responsible for maintaining the strict confidentiality of your account password, and you shall be responsible for any access to or use of the Website or Service by you or any person or entity using your password, whether or not such access or use has been authorized by or on behalf of you, and whether or not such person or entity is your employee or agent. You agree to (a) immediately notify us of any unauthorized use of your password or account or any other breach of security, and (b) ensure that you exit from your account at the end of each session. It is your sole responsibility to control the dissemination and use of your password, control access to and use of your account, and notify us when you desire to cancel your account. We will not be responsible or liable for any loss or damage arising from your failure to comply with this provision.

In the unlikely event that we believe that the security of your Personal Information in our possession or control may have been compromised, we may seek to notify you of that development. If a notification is appropriate, we would endeavor to do so as promptly as possible under the circumstances, and, to the extent we have your e-mail address, we may notify you by e-mail. You consent to our use of e-mail as a means of such notification. If you prefer for us to use another method to notify you in this situation, please e-mail us at [support@hipdigital.com](mailto:support@hipdigital.com) with the alternative contact information you wish to be used.

## **7. Accessing Your Personal Information**

You may request access to your Personal Information and information about our collection, use and disclosure of that information by sending your request to us at the addresses noted below or email at [info@hipdigital.com](mailto:info@hipdigital.com). Subject to certain exceptions and limitations prescribed by applicable law, you will be given reasonable access to your Personal Information, and will be entitled to challenge the accuracy and completeness of the information and to have it amended as appropriate. You can help us maintain the accuracy of your information by notifying us of any changes to your Personal Information.

## **8. Minors**

We do not knowingly collect Personal Information from minors and ask that children under 18 years of age not submit Personal Information on this Website without parental consent. Although we cannot prevent children under 18 from submitting Personal Information, we will destroy such information if we are made aware that proper consent was not given.

## **9. Limiting Principles**

We collect, use and disclose Personal Information only to the extent necessary to fulfill purposes for which it was collected and as required or permitted by law. Your Personal Information is retained only as long as is necessary to fulfill those purposes, subject to reasonable legal limitations or statutory retention requirements and legitimate business requirements.

#### **10. Third Party Websites**

The Service may contain links to other websites or Internet resources. When you click on one of those links you are contacting another website. We have no responsibility or liability for or control over those other websites or their collection, use and disclosure of your Personal Information. Unless we clearly indicate otherwise at the time of collection, we do not share Personal Information with third party websites. Please be aware however that these websites may collect information about you. Please see the third parties privacy notices to better understand what information is collected, how it is used and shared, and your choices regarding control. These websites have separate privacy and data collection practices, independent of this Notice. We do not monitor, control, or endorse the information collection or privacy practices of any third party website. We encourage you to read the privacy policies of each and every website that you visit when linking from the Website. This Privacy Notice applies solely to information collected by us.

#### **11. Changes to this Notice**

To accommodate changes in the Service, changing technology, and legal developments, this Notice may be changed from time to time in our discretion and without any prior notice or liability to you or any other person. Our collection, use, and disclosure of your Personal Information will be governed by the version of this Notice in effect at that time. New versions of the Notice will be posted on the Website and are available upon request. Your continued dealings with us or your use of the Service subsequent to any changes to this Notice will signify your consent to the collection, use, and disclosure of your Personal Information in accordance with the changed Notice. Accordingly, when you use the Service you should check the date of this Notice and review any changes since the last version. You should also bookmark this page and periodically review this Notice to ensure that you are familiar with the most current version. If we make a change in our data collection policy that would result in a materially more permissive use of your Personal Information, we will obtain your consent before implementing the change with respect to your Personal Information. If you stop using the Service or your permission to use the Service is terminated, we may continue to use and disclose your Personal Information in accordance with this Notice as amended from time to time.

#### **12. California Privacy Rights**

We do not share Personal Information with third parties for their direct marketing purposes unless you affirmatively agree to such disclosure, typically by “opting in” to receive information from a third party that is participating in a advertising campaign, sweepstakes or other promotion on our Service. If you do ask us to share your Personal Information with a third party for its marketing purposes, we will only share your information for that particular marketing promotion. To prevent the disclosure of your Personal Information for use in third party marketing, do not “opt in” to such use when you provide Personal Information to register for this Service.

**13. Contact Information**

If you believe we are not adhering to our Privacy Notice or you have any questions in connection with this Privacy Notice, please contact us at:

Email: [Info@hipdigital.com](mailto:Info@hipdigital.com)

Fax: 214-975-6136

Hip Digital, Inc.

Attn: Privacy Officer

800 Menlo Avenue, Ste 220

Menlo Park, CA 94025