

**Easy Tempo, INC.**  
**PRIVACY POLICY**  
**(EFFECTIVE AS OF December 1, 2013)**

SOUNDMACHINE operates a business to business music service available through the web: www.sound-machine.com, mobile phones, tablets, our own proprietary players and other consumer electronic devices (the "**SOUNDMACHINE Service** or "**Service**"). As we use it in this policy, "**SOUNDMACHINE**" refers to Easy Tempo, Inc. and its subsidiaries. This policy applies to all SOUNDMACHINE-authorized operations of the Service in any country where the service is available. We may refer to SOUNDMACHINE as "**we**", "**us**", or "**our**". We may refer to you as "**listener**", "**you**", or "**your**". The purpose of this policy is to inform you about the information we collect, how we use and share that information, and the ways in which you can control how we use and share that information.

**Information We Receive or Collect**

**Information We Receive or Collect From You Directly**

**Registration Data:** When you register, we ask you to provide certain information, which includes your name and last name, your Company name, address, email address, and zip code (the "**Registration Data**"), as well as a password for your listener account.

**Payment Information:** If you choose to purchase a subscription(s) to the Service you will also be asked to provide (at a minimum) your name and credit card information ("**Payment Information**").

**Information You Choose to Provide to SOUNDMACHINE:** You have the ability to provide a variety of information during your interactions with us and the SOUNDMACHINE Service, such as emails you may send us, polls or surveys you choose to participate in, and emails or newsletters that you sign up to receive. SOUNDMACHINE receives data from you whenever you provide us with any of this type of information.

**Listening Activity:** When you use the Service, we keep track of your listening activity, which may include the number and title of songs you have listened to, the songs that you like (thumb up) or dislike (thumb down), the mixes you create or listen to, the number of songs you skip, and how long you listen to a playlist or mix.

**Community Posting:** You might have in the future the ability to post comments and information in community networking features available on or accessible through the Service, such as your public profile, artist and album forums, our blog, and our social networking pages. Unless you affirmatively delete the content you post, SOUNDMACHINE collects this content and stores it on our servers.

**Technical Information:** As is true of many websites and mobile and tablet applications, SOUNDMACHINE may collect certain non-personally identifiable technical information through the use of log files and servers. Web and application servers create log files automatically as part of their setup and configuration. Information in a log file may include IP address, browser type, Internet service provider, date/time stamps, MAC address, file requested, and other usage information and statistics.

**Information We Receive or Collect From Devices You Use To Access The Service**

**Device Information:** If you access and listen to the Service from a computer, mobile phone, tablet, or other consumer electronic device, we may collect information about those devices. For example, our servers receive and record information about your computer and browser, including your Internet Protocol (IP) address, browser type, and other software or hardware information. If you access the Service from a mobile phone, tablet, or other consumer electronic device, we may collect information such as device type, operating system version and type, unique identifiers (such as Android ID, VIN, MAC address, and IDFA), and carrier or other transactional information for that device.

**Location Information:** Apart from your zip code, we currently do not ask you for, nor do we access or track, any real-time location-based information from your mobile phone, tablet, or other consumer electronics device. If at some point we enable GPS or near-real location tracking technology, you will be asked to consent to allow such collection and use.

### **Information We Receive or Collect From Third Parties**

We may receive or collect information about you from third parties and store it on our servers with other information we may have already received or collected from you. These third parties include:

- Service partners that make features or content available through the Service;
- Marketing companies and data providers that create professional marketing lists or sell other marketing data;
- Third party social media websites, applications or services that you have registered to use, when we allow those websites, applications, or services to interact through the Service to provide personalized services to you. In some cases, those websites, applications, or services may automatically provide us with information about you to facilitate personalization unless you use the controls available on those websites, applications, or services to opt-out of such sharing; and

SOUNDMACHINE is not responsible for, and will assume no liability, if a business partner or other entity whom you have authorized collects, uses or shares any information about you in violation of its own privacy policy or any applicable laws, rules, or regulations.

### **Transfer to other countries**

SOUNDMACHINE processes information about our users on servers located in a number of countries. SOUNDMACHINE may also subcontract processing or share your information to a third parties located in countries, other than your home country. Information collected within the European Economic Area (“EEA”) and Switzerland may, for example, be transferred to, and processed in, a country outside of the EEA and Switzerland. You expressly consent to this.

### **Information Collection Technologies**

**Our use of Cookies:** SOUNDMACHINE uses a technology that is commonly known as "cookies." A cookie is a file our server writes to your hard drive that contains a small alphanumeric identifier. We use the identifier in a cookie to help us manage and report on your interaction with the Service. Through cookies, we are able to collect non-personally identifiable information that we use to improve the Service, keep count of return visits to our website or our advertisers' or partners' websites, collect and report on aggregate statistical information, authenticate your login credentials, or manage multiple instances of the Service in a single browser. We may also collect other data such as the page or site that referred you

to the Service, the date and time you visited the Service, and your current IP address. The cookies we place on your hard drive are known as "first party cookies."

We use both session cookies and persistent cookies. A session cookie expires when you close your browser. A persistent cookie remains on your hard drive for an extended period of time. You can remove persistent cookies by following directions provided in your browser's "help" documentation. If you do not accept first party cookies you may still use our Service, but your ability to use some areas of our website, and the ability to stay logged in will be limited.

### **How We Use The Information We Receive or Collect**

**In General:** In general, SOUNDMACHINE may use your Registration Data and other non-personally identifiable information we receive or collect for the following purposes:

- To analyze Service usage and enhance the listener experience on our Service. We use tracking information to determine how well each page and station performs overall, based on aggregate listener demographics and traffic patterns to those pages and stations. This helps us continue to build a better service for you.
- To fulfill your requests for certain products and services, such as distributing electronic newsletters and enabling you to participate in and renew paid services, surveys, and public forums.
- To send you information that you agreed to receive.
- To alert you to the latest developments and features on our Service.
- To invite you to participate in events or special promotions related to services or products we think you may like or in which you may be interested.
- To pay artists and copyright owners for tracks you hear, by reporting listening information to copyright licensing agencies. These reports contain aggregated data only, and do not include any personally identifiable information.

**Email:** With regards to email, we do not sell or give your email address to other companies for their own marketing purposes without your permission. However, we may use your email address or other Registration Data to provide you with technical support, send you notices about the Service or other promotional offers you have elected to receive.

### **How We Share Information We Receive or Collect With Others**

**How Your Information Is Shared:** SOUNDMACHINE may share information we receive or collect in a variety of ways, such as:

- When you give SOUNDMACHINE permission through an affirmative election.
- If applicable, when you participate in community and social networking features on the SOUNDMACHINE Service, such as forums, station sharing, listener opinions and reviews, or other forms of communication and interaction which you elect to make public or share on public profiles or in other public forums.
- If we hire or partner with third parties to provide specialized services on our behalf, such as credit card processors, customer support, bulk email processors who send out emails on our behalf, or parties who assist us with sweepstakes management and prize fulfillment. These companies are authorized to use your personal information only as necessary to provide these services to SOUNDMACHINE. They are not authorized to use your personal information for their own purposes.

- Information about the artists, tracks, and stations you have created or listened to via the Service, or that are associated with your account, if you have elected to share publicly should this option become available in the future.
- If you elect to take advantage of certain features or services provided jointly by SOUNDMACHINE and third parties, we may share your registration information with those third parties for account authentication and management, and to enable the Service on their platforms. These service partners may have their own data collection, use, and sharing practices that may also be applicable to your personal information. You should review their applicable privacy policies and methods for changing the privacy or sharing settings on such services.
- If you have given permission to a third party for us to share your data with them. For example, if you participate as a panelist in a survey with an analytics company. You may, as part of your agreement with that company, have authorized that company to receive data from us about you.

**Sharing of Personally Identifiable Information:** We do not share personally identifiable information with third parties other than as described in this policy. However, we may share your information, including personally identifiable information, in order to (i) protect or defend the legal rights or property of SOUNDMACHINE, or the legal rights of our business partners, employees, agents, and contractors (including enforcement of our agreements); (ii) protect the safety and security of SOUNDMACHINE users or members of the public including acting in urgent circumstances; (iii) protect against fraud or risk management purposes; or (iv) comply with the law or legal process. Additionally, we may share your data, including any personally identifiable information, with our successor in interest in the event of a corporate reorganization, merger, or sale of all or substantially all of our assets.

**Sharing of Device Data:** SOUNDMACHINE may share information from devices you use to access the Service with its third party vendors or service providers, manufacturing or distribution partners, or its advertising partners. We share this information for a variety of purposes including mobile listening capping, advertising frequency capping, tracking advertising conversion events, estimating the number of unique users, security and fraud detection, debugging problems with the SOUNDMACHINE Service, and for providing you with more relevant advertisements if applicable.

**Sharing of Anonymized, Non-Personally Identifiable or Aggregated**

**Data:** SOUNDMACHINE may share non-personally identifiable information we receive or collect from you with third parties. Such anonymous, non-personally identifiable or aggregated data may include general demographic or location information (derived from zip code or IP address), information about the computer or device from which you access the Service, or information about the stations, tracks, and artists you listen to, or bookmark. Additionally, we may de-identify personally identifiable information, such as listening data and share it in a de-identified or aggregated form with third parties, advertisers, and/or business partners in order to analyze Service usage, improve the SOUNDMACHINE Service and your listener experience, or for other similar purposes. The use and disclosure of such information is not subject to any restrictions under this policy.

**Managing Your Information**

**To Modify Your Registration Data and Personal Information:** We provide you with the ability to modify your Registration Data, which you may do so at any time through the Account section of our Service. For detailed instructions on how to modify your Registration Data or to otherwise access your personal information, visit our support section Support once you have

logged in. We generally respond to email requests within 24 hours of receiving a request, but it may take up to 30 days depending on the volume of requests we receive.

We will retain your information for as long as your account is active or as needed to provide you services. We will retain and use your information as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.

**Your Email Preferences:** When you register for the Service, you may elect to receive promotional, marketing, or other similar emails tailored to your interests. You have the option to change this election in the Settings section of our Service.

We will send you transaction confirmation emails and other strictly Service-related announcements on rare occasions when it is necessary to do so. For instance, if our Service is temporarily suspended for maintenance, we might send you an email. Generally, you may not opt-out of these communications, which are not promotional in nature. If you do not wish to receive them, you have the option to deactivate your account.

**Deactivation of Accounts:** If you would like to request the deactivation of your account, or to request the deactivation of an unauthorized profile, you can email us at [support@sound-machine.com](mailto:support@sound-machine.com)

**Cached Profiles on Search Engines:** Please note that although we may deactivate your account or make your profile private at your request, Internet search engines such as Google and Bing cache publicly available webpages for a period of time beyond the control of SOUNDMACHINE, and may make your deactivated or formerly public profile available to users of their services on their platforms until such time they refresh their webpage cache. Please consult with the applicable search engine to determine how you may remove webpages from their webpage cache.

### **Security and Content From Other Websites**

**Protection of Data From Loss:** We have implemented commercially reasonable physical and electronic security measures, in addition to personnel training programs to protect against the loss, misuse, and alteration of the information we collect or receive from you. For example, when you enter sensitive information (such as a credit card number) on our order forms, we encrypt the transmission of that information using secure socket layer technology (SSL). However, despite our efforts, no security measures are perfect or impenetrable. If you have any questions about security on our Service, you can contact us at [support@sound-machine.com](mailto:support@sound-machine.com).

**Links to Other Web Sites:** Our Service may include links to other websites whose privacy practices may differ from those of SOUNDMACHINE. If you submit personal information to any of those websites, the privacy statements of those websites govern their use of your information. We encourage you to carefully read the privacy statement of any website you visit.

**Use of Framing Techniques:** Some of our third party partners may utilize framing techniques to serve content to and from webpages accessible through our Service while preserving the look and feel of our website. Please be aware that if a partner utilizes framing techniques that you are providing your personal information to these third party partners and not to SOUNDMACHINE.

### **Our Policies Concerning Children**

The SOUNDMACHINE Service is not intended for children under the age of 13 and we do not knowingly collect any personal information from children under the age of 13. Children under the age of 13 should not use our Service at any time. In the event we obtain actual knowledge that we have collected information from children under the age of 13, we will take prompt and reasonable measures to erase such information from our servers. It is a violation of our Terms of Use for children under the age of 13 to use the SOUNDMACHINE Service.

### **Your California Privacy Rights**

California Civil Code Section 1798.83 permits users who are California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we disclosed their personal information (if any) for direct marketing purposes in the preceding calendar year and the categories of personal information disclosed to those third parties. If you are a California resident and you wish to make such a request or have any questions about SOUNDMACHINE's information sharing practices, you may contact us by sending us an email at [support@sound-machine.com](mailto:support@sound-machine.com), or write to us at Attn: Customer Support, Easy Tempo Inc., 8033 Sunset Blvd, Suite 349, Los Angeles, CA 90046, USA.

### **Changes to our Privacy Policy**

We will continue to evaluate this policy against new technologies, business practices, and our listeners' needs, and may make changes to the policy accordingly. Please check this page periodically for updates. If we make any material changes to this policy, we will post the updated terms of the policy.

### **Contact Us**

If you have any questions about this privacy policy, or the privacy practices of SOUNDMACHINE, email [support@sound-machine.com](mailto:support@sound-machine.com), or write to us at Attn: Customer Support, Easy Tempo Inc., 8033 Sunset Blvd, Suite 349, Los Angeles, CA 90046, USA.