

PRIVACY POLICY

Last Updated: November 23, 2022

This Privacy Policy (“**Policy**”) explains how Tilting Point Media LLC and Tilting Point Media S.L. (collectively referred to as “Tilting Point”, “we”, “us”, or “our” in this Policy) collects, stores, uses, or otherwise processes personal data of end users of our Services as defined below (referred to as “you” or “your” in this Policy), and what rights you have if we are processing your personal data. If you are playing one of our Apple Arcade Games, please review our [Apple Arcade privacy policy](#), which apply specifically to our Apple Arcade games. In this Policy, “**Services**” refers to our Games, Websites, and any related services or properties we directly control. “**Games**” refers to online games or applications that we own and operate and to some third-party games or applications that we actively manage and publish. Some of the games or applications available through our page on various platform stores are nonetheless managed directly by their respective developers. For such games or applications the developer and not Tilting Point controls personal data processing and those games are subject to their respective developers’ privacy policies, not Tilting Point’s. Please review the [list of Games](#) that are governed by this Policy. “**Websites**” refers to websites and other online properties we control, including www.tiltingpoint.com. For important information regarding our practices related to children’s information, please see the Section below titled “Children’s Privacy” and our [Children’s Privacy Policy](#) . We use the term “**your data**” or “**personal data**” to refer to data that relates to you as an identified or identifiable individual (such as your name or email address), including non-personal data that can be combined with other data to potentially identify you. You must read and accept this Policy before accessing or using our Services so that you are aware of how and why we may use data relating to you. In addition to this Policy, we encourage you to carefully review our [Terms of Service or other terms and conditions that you enter into](#), which govern your use of our Services.

1. DATA CONTROLLER

By “data controller”, we mean an entity that determines how and why personal data is processed. With regard to the personal data we process as described in this Policy, we are the data controller. While operating the Services, we may share your data with partners we work with. Some of these partners are data controllers independently of us and, therefore, independently determine how and why they process your data. For more information on these partners and the ways in which they may process your data, please refer to section 6 of this Policy.

2. CONTACT INFORMATION

In matters related to this Policy, you can reach us by email at privacy@tiltingpoint.com. You can also reach us by mail at Tilting Point Media LLC, 521 Fifth Avenue Floor 21 New York, NY 10175, USA.

3.WHY DO WE PROCESS YOUR DATA AND ON WHAT BASIS?

3.1. LEGAL BASIS

When we process or collect your data, we ensure that we have a legal basis to do so. Below, you can find examples of the different purposes for which we process your data and the legal basis we have for each of those reasons: To perform our contract with you (e.g. the license we grant to you to use our Services in accordance with the [Terms of Service or other legal agreement that applies to the Services you use](#)), we may process your data as necessary to:

- create and maintain an account for you in our Games or other Services where applicable,
- enable you to play our Games or use our other Services, and provide their correct versions (for example, selecting an appropriate language version for you),
- verify your purchases or other transactions in our Games or other Services,
- where available, enable you to communicate with other users in our Games or other Services (for example, by providing chat, forums, or other similar features),
- where available, provide social features (for example, clans, matchmaking, or leaderboards) or events in our Games or other Services,
- personalize your gameplay experience and provide you with offers and rewards in our Games based on your activity in those Games,
- where available, enable you to save and synch your gameplay across multiple devices (for example, by giving you the option to connect a third-party account with our Games for that purpose),
- send you service-related communications (for example, technical notices, security alerts, or administrative messages), or

- handle your support requests or otherwise manage our relationship with you.

Based on our legitimate interest to constantly improve our Services, we may process your data to:

- operate and maintain our Services (for example, by making sure our Services are secure and function as intended),
- troubleshoot or debug any bugs, errors, or other issues in our Services,
- measure and analyze the use of our Services or data we collect through our Services (for example, to discover trends or other insights or to inform our operations),
- create data that is not identifiable to you for statistical or research purposes (for example, anonymized or aggregate data),
- conduct surveys or other research to learn more about our users,
- improve our current Services or develop new Services,
- keep track of installations of our Games (including the source of each install),
- measure, analyze, and improve the effectiveness of our advertising (including our advertising outside of our Services), or
- send you communications about offers, rewards, events, or other news related to our Services.

Based on our legitimate interest to make sure our Services are a fair and safe environment for all users, and to maintain security for our Services and business, we may process your data to:

- moderate and monitor the use of our Games or other Services (including any messages sent through the Services), either automatically or manually,
- ensure that our [Terms of Service](#) and other terms and conditions are followed,
- detect, investigate, or prevent fraud or fraudulent or otherwise unauthorized behavior,
- audit our operations or processes (for example, to verify that they function as intended and according to regulatory or contractual requirements), or
- establish, exercise, or defend our legal rights to the extent permitted by applicable laws and regulations.

With your consent, we may process your data to:

- send you newsletters or other similar communications if you have subscribed to them (for example, through a subscription form on our Websites or link in our Games),

- ask our advertising partners to show or not show our ads to you based on your activity (including by limiting the number of times you see our ads),
- ask our advertising partners to advertise our Games or other Services to audiences who they believe have interests similar to yours,
- keep track of your activity in our Games to learn about your interests and improve the advertising in our Games, or
- personalize, or ask our advertising partners to personalize, the ads you see in our Games to make them more relevant to you,
- place cookies on your device when you use the Websites (through our cookie consent manager/banner), or
- for other purposes explained to you when we ask for your consent.

Finally, we may process your data as necessary to:

- comply with legal obligations which apply to us (including accounting and tax requirements and requirements to provide information to competent authorities upon due request), or
- protect your vital interests or the vital interests of another person.

In addition, we may process your data for additional purposes which are compatible with any of the purposes listed above.

3.2. ADVERTISING

Advertising is one of the tools that helps fund our Services and enables us to make our Games available free of charge. In some of our Games, we may show our own ads and also ads from third parties. We also advertise our Games outside of our Services on third-party properties such as websites or applications. This section provides more information on how we may use your data for advertising purposes, and how you can control the use of your data for these purposes.

Mobile advertising relies on the use of certain online identifiers, in particular Advertising IDs but also IP addresses or other identifiers. An “**Advertising ID**” is an alphanumeric string of digits provided by the operating system of your mobile device (e.g. your phone or tablet). It is consistent across applications from different publishers. The Advertising ID is known as the Identifier for Advertisers (“**IDFA**”) on iOS devices and Google Advertising Identifier (“**GAID**”) on Android devices. Advertising IDs are used for interest-based advertising and other advertising related purposes. You can control the extent to which your Advertising ID is used for these purposes. Using the privacy settings on your device, you can typically reset and/or limit the use of your Advertising ID. For example, you can “limit ad tracking” on iOS devices or “opt out of interest-based ads” on Android devices. These settings are specific to each device, which means that you should set them as you prefer on each of

your devices individually. It may take some time for your updated settings to take effect.

Please consider that resetting or limiting the use of your Advertising ID will not stop you from seeing ads or necessarily reduce the number of ads you see, but the ads you see may be less relevant to you and will not be served based on your personal data.

When you see ads in our Games, we may share your Advertising ID and IP address with our advertising partners if you have given your consent to the use of your data for personalized ads. Our advertising partners may also collect non-personal information directly from our Games through technologies such as software development kits (SDKs). In each case, they may use such data for a number of purposes, including to limit the number of times you see an ad or to personalize the ads you see to make them more relevant to you (for example, based on the past activity they have associated with your Advertising ID). For more information, please refer to the privacy policies of our advertising partners listed [here](#).

When you see our ads outside of our Services (for example, on third-party properties such as websites or applications), the ad network involved in delivering that ad to you may, based on information such as the past activity they have associated with your Advertising ID, have determined that you may be interested in our Services. When ad-networks use your Advertising ID in these ways, they do so based on their respective privacy policies or notices. Ad networks may also use your data to:

- limit the number of times you see our ads,
- inform users who have previously played our Games about new content, updates, or other news related to those Games, or
- refrain from showing our ads to users who already play the Game being advertised.

For both ads in our Games and our ads outside of our Services, Advertising IDs or other identifiers are also used for ad measurement, which involves the collection of metrics such as total views, clicks, or installs generated by an ad. Measurement data may be directly or indirectly collected or received by multiple parties involved in ad delivery (including us and our advertising partners), for example through technologies such as web beacons inserted into ads. This data is used for purposes such as to provide measurement services, to detect, investigate and prevent fraud or fraudulent behavior, or to settle payments between the parties involved in ad delivery.

3.3. COOKIES AND SIMILAR TECHNOLOGIES ON OUR WEBSITE

Like most websites today, our Websites may use cookies or similar technologies (for example, local shared objects or web beacons). A “**cookie**” is a small file your browser stores when told to do so by a website. Cookies can be set by either the website you visit (“**first-party cookies**”) or a third party involved in providing content, functionality, or services such as analytics or advertising for the website you visit (“**third-party cookies**”). Cookies are typically used to identify or “remember” your device, for example to enable functionality, facilitate audience measurement, improve performance, or store your preferences.

As explained in the cookie banner seen when you first visit the Websites, we may only collect essential (necessary to enable functionality of the Website) and analytical (useful to improve our Websites by using information on its usage) cookies.

Using your browser or device settings or making a choice through our cookie banner, you can control the use of cookies, for example by disabling some or all cookies or configuring your browser or device to notify you when cookies are being set. However, please consider that disabling essential cookies may affect your ability to use the Services.

4. WHAT DATA DO WE PROCESS?

We may process the following data relating to you:

- your name, email address, or other contact information if you have provided them to us (for example, when registering an account or subscribing to our communications),
- online identifiers such as your in-game alias, IP address, internal identifiers we assign to your account, or hardware or operating system based identifiers including your Advertising ID or device ID,
- technical information about the device you use to play our Games or use our other Services (for example, information about its type, model, manufacturer, operating system, language, display, processor, or memory),
- your coarse location (for example, country, state, or city), inferred from your IP address,
- information about your use of the Services (for example, information about your progress in our Games, your visits to our Websites, or your interactions with ads in our Games),
- information about your interactions with our ads outside of the Services (for example, on third-party websites or applications), including information on how you were referred to our Games or other Services,
- crash logs or other information related to bugs, errors, or other issues in our Services,
- inferences we make based on your activity in our Services,

- messages or other communications you send to us or through the Services (for example, your chat messages in our Games or emails you send to our support team),
- if you choose to connect a third-party account (for example, a social media account) with our Services, information we receive from the third-party account provider (for example, an account name, identifier, or email address to enable cross-device gameplay or a profile name, picture, or friends' information to provide social features),
- if you make purchases in our Games, information we receive from third-party payment service providers to validate those purchases (but not your actual payment information such as credit card numbers),
- cryptocurrency wallet address, which may become associated with your personal data when you use our Services,
- if you make non-fungible token (“NFT”) or similar purchases, information associated with those purchases, such as cryptocurrency or other payment details and records of NFT purchases you have made,
- if you participate in our surveys or other research, any comments, feedback, responses, or other information you provide to us when doing so (for example, information about your background or experience with our Games),
- any other information you choose to submit to us through our Services or otherwise, and
- with your consent, other information explained to you when asking for your consent.

We do not expect or intend to collect or otherwise process any special categories of data relating to you. By special categories of data, we mean genetic, biometric or health information, information revealing racial or ethnic origin, sex life or sexual orientation, political opinions, religious or philosophical beliefs or trade union membership, or information about your criminal offences or convictions. Please do not provide this kind of information to us or use the Services to make it available to others.

5. WHERE DO WE COLLECT YOUR DATA FROM?

We may collect data relating to you from the following sources:

- directly from you when you submit it to us (for example, when registering an account with us, subscribing to our communications, sending support enquiries to us, or responding to our surveys),
- directly from you and/or your device by automatic means when you use our Services or interact with our ads outside of our Services (for example, on third-party websites or applications), including through cookies or similar technologies or software development kits (SDKs),

- from our advertising partners involved in the delivery and measurement of ads when you interact with third-party ads in our Games or Tilting Point's ads outside of our Services (for example, on third-party websites or applications),
- from publicly available sources, such as activity that is publicly visible or accessible on the blockchain in connection with any NFT purchases you may make,
- if you choose to connect a third-party account (for example, a social media account or third-party wallet) with our Services, from the third-party account provider,
- if you make purchases in our Services, from the third-party payment service provider involved in those transactions, or
- with your consent, from other sources explained to you when asking for your consent.

Providing data to us is not mandatory. However, we are unable to provide the Services, or some parts or features of the Services, without processing your data. If you use our Services, we will collect data relating to you for some or all of the purposes described in this Policy, depending on the Services you decide to use and your choices when using them.

You have a number of options to limit or control the extent to which your data is processed. For example, you can choose to not connect your third-party accounts with our Games, use your device settings to reset or limit the use of your Advertising ID, withhold consent for customized advertising, or disable some or all cookies from your browser settings.

6. WHO DO WE SHARE YOUR DATA WITH?

We may share your data with third parties to achieve the purposes described in this Policy. This may include sharing data with the following types of recipients:

- other companies in the Tilting Point group (which includes our parents and subsidiaries) or our Game or Services related affiliates, for example where they help us develop or operate our Games or other Services;
- persons or companies outside of the Tilting Point group that provide services to us and process data on our behalf when providing those services (for example, providers of hosting services, analytics services, services that add functionality to the Services, or other services that help us develop and operate our Services);
- other partners we work with while providing the Services (who may process your data independently of us), including advertising partners, IP licensors, and others listed [here](#);

- prospective or actual buyers or investors (including their agents or advisors) in the context of a planned or actual acquisition, merger, or other business restructuring,
- competent courts of law or other government authorities where disclosure is necessary as a matter of applicable law or regulation,
- any person or entity where we believe disclosure is necessary to exercise, establish or defend our legal rights or to protect your or another person's vital interests, or
- with any other person or entity with your consent.

In addition, please consider that some information you submit or make available through the Services may be visible to other users of our Services. This typically applies to, for example, your public profile information in our Games (such as your in-game alias), your chat messages in our Games, and information used to provide social features such as clans or leaderboards. We encourage you to carefully consider what information you wish to share in this manner.

7. HOW LONG DO WE KEEP YOUR DATA?

We will keep your data for as long as necessary to achieve the purpose(s) for which it was collected, including to provide you with the Services or to comply with any legal, accounting, or reporting requirements. We may periodically delete or de-identify inactive accounts or other data in our Games or other Services. After the applicable retention period necessary for safe performance of Services, we will either delete or de-identify your data or, if neither deletion or de-identification is possible (for example, due to data being stored on a backup server), isolate your data from further processing until deletion or de-identification is possible. We may continue to use data that is not identifiable to you (for example, aggregate data).

8. HOW DO WE KEEP YOUR DATA SECURE?

We have adopted measures to provide your data a level of security appropriate for the degree of risk involved with the data processing activities described in this Policy. These measures are designed to protect your data against accidental or unlawful destruction, loss, or alteration as well as unauthorized disclosure or access. The specific measures we employ vary depending on the sensitivity of the data, but typically include, for example, encryption, pseudonymization of identifying data where feasible, physical and technological controls to limit access to services or systems that contain personal data, and maintaining procedures to handle any suspected security incidents.

9. YOUR RIGHTS

With respect to our processing of your data, you may:

- access, correct, or request the deletion of your data,

- request us to restrict our processing of your data,
- object to our use of your data for automated decision-making for direct marketing purposes,
- be informed about which third parties have received your data,
- request a copy in machine-readable format of the personal data we have collected from you pursuant to this Policy,
- where technically feasible, request that your data is transmitted to another controller.

You may also withdraw your consent for processing your data at any time. Please be aware that we may continue processing your data despite your withdrawal of consent if we also have another lawful basis for doing so. To access your data in our Games or to request its deletion, please contact us at privacy@tiltingpoint.com. To unsubscribe from our marketing communications, please use the unsubscribe link provided in the messages we send. The unsubscribe link is typically found at the end of the message. To exercise any of your rights, you may also contact us at privacy@tiltingpoint.com. When you submit a request to exercise your rights, we are required to verify that you are the consumer to whose personal information the request relates or a person authorized to act on that consumer's behalf. If you submit your request using the automated tools provided in our Games, we will usually not need additional information to verify your request. For requests submitted by other means (for example, by email), we may ask you to provide additional information about the account to which the request relates to enable us to confirm that you are the account holder or acting on their behalf.

While we will usually not do so, we reserve the right to charge you an appropriate fee for the exercise of your rights where permitted by applicable laws and regulations. If you believe that we have infringed your privacy rights, please contact us at privacy@tiltingpoint.com so we can try to resolve the issue. If you are an EU resident, you have the right to lodge a complaint with your [local supervisory authority](#), and you may also reach our EU representative (Tilting Point Media S.L.) via mail (c/ Laforja, 12, pral 1a 08006, Barcelona, Spain).

10. INTERNATIONAL TRANSFER

Tilting Point is a company based in the United States and, in order to provide you the Services, your data will be transferred to the US for processing and will be stored on Amazon Web Services. By using Tilting Point's Services you acknowledge and consent to the processing of your data in the United States.

Since the United States is considered a country that does not ensure "an adequate level of protection," according to the art. 45 of the General Data

Protection Regulation (“**GDPR**”), Tilting Point relies on specific appropriate safeguards as well as derogations for safe transfer provided in the art. 46 and 49 of the GDPR. Namely, Tilting Point collects and transfers your data to the United States only due to the following circumstances: 1) because we entered into a contract with the Amazon Web Services or another service provider incorporating standard data protection clauses; 2) to perform a contract (providing you with the Services under our [Terms of Service or other terms and conditions](#)); 3) your consent.

11. NOTE FOR CALIFORNIA RESIDENTS

If you are a California resident, please be aware that under the California Consumer Privacy Act of 2018, as amended (“**CCPA**”), you are entitled to specific rights regarding your data. Besides other rights outlined in this Policy, California residents have the following rights:

– **The right to opt out of the sale of your personal information.** We do not sell your personal information in exchange for money. However, we may disclose a limited amount of your personal information (i) to our advertising partners to enable them to deliver an ad that is relevant to you, or (ii) to our marketing or licensing partners to enable them to send you relevant offers when you have opted in to such communication.

This includes the following categories of your personal information:

- identifiers (generally including an advertising ID and your IP address for ad partners and name and email for marketing or licensing partners); and
- internet or other electronic network activity information (including technical information required to select and deliver the appropriate ad type and format).

Because this disclosure of information could be deemed a “sale” in the meaning of the CCPA, we ask for your explicit consent to disclose your personal information to our advertising or marketing partners for the above purposes. You have several options to exercise your right to opt-out:

- contact us at privacy@tiltingpoint.com;
- decline to give consent to such sharing within a Game or a cookie banner on the Websites when you see a message asking for consent; or
- if you initially opted-in for personalized ads within a Game, you may opt-out by going to the settings menu.

– **Non-Discrimination.** You have the right to not be discriminated against for exercising your rights under the CCPA.

12. NOTE FOR NEVADA RESIDENTS

Nevada Revised Statutes Chapter 603A allows Nevada residents to opt-out of the “sale” of certain types of personal data. Subject to several exceptions,

Nevada law defines “sale” to mean the exchange of certain types of personal data for monetary consideration to another person. If you are a Nevada resident who wishes to exercise your “sale” opt-out rights, you may submit a request to us using the contact information listed at the top of this Policy.

13. CHILDREN’S PRIVACY

Tilting Point recognizes the importance of protecting children’s privacy. Please visit our [Children’s Privacy Policy](#) for more information about how we collect, use, and disclose personal information of children in connection with certain of our Services, and the additional rights that parents and legal guardians may have in respect of their child’s information.

14. CONTROLLING LANGUAGE

This Policy may be provided as a courtesy in multiple languages, however, the English language version of this Policy shall control in the event of any ambiguity between the English version and a version provided in another language.

15. CHANGES

We may update this Policy from time to time, for example due to changes in our operations or the legal obligations that apply to us. Updates will be made available here. We may also inform you of any changes by other means that are appropriate to the significance of the changes.