

# AdMarvel Privacy Policy

**Effective: 15 October 2010**

**Last Updated: December 5, 2011**

AdMarvel Inc. ("AdMarvel" or "we", "us", "our") is a technology company that simplifies the delivery of mobile advertising. This privacy statement ("the Policy") explains how information is collected and used by AdMarvel and applies to both: 1- the AdMarvel website at [www.admarvel.com](http://www.admarvel.com), (the "Site") and, 2-AdMarvel's mobile advertising technology services ("Technology"). AdMarvel strives to collect, use and disclose personal information in a manner consistent with the laws of the countries in which it does business. To this end this Privacy Policy serves as our Safe Harbor Privacy Policy and sets forth the privacy principles that AdMarvel follows with respect to the transfer of personal information from the European Union (EU) and Switzerland to the United States. If you have any concerns about this policy, your privacy when using our Site or our technical services, please send an email to [privacy@admarvel.com](mailto:privacy@admarvel.com) and we will try to address it.

## **SCOPE**

This Policy applies to all personal information received by AdMarvel in the United States from the EU, Switzerland and all other geographies in any format including electronic, paper or verbal.

## **SAFE HARBOR**

The United States Department of Commerce and the European Commission have agreed on a set of data protection principles and frequently asked questions (the "Safe Harbor Principles") to enable U.S. companies to satisfy the EU law requirement that personal information transferred from the EU to the United States be adequately protected. Consistent with our pledge to protect personal privacy, AdMarvel adheres to the Safe Harbor Principles.

AdMarvel, Inc. complies with the U.S.-EU Safe Harbor Framework and the U.S.-Swiss Safe Harbor Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information from European Union member countries and Switzerland. AdMarvel has certified that it adheres to the Safe Harbor Privacy Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement. To learn more about the Safe Harbor program, and to view AdMarvel's certification, please visit <http://www.export.gov/safeharbor/>

AdMarvel, Inc. participates in the EU and Swiss Safe Harbor Privacy Framework as set forth by the United States Department of Commerce. As part of our participation in the safe harbor, we have agreed to TRUSTe dispute resolution for disputes relating to our compliance with the Safe Harbor Privacy Framework. If you have any complaints regarding our compliance with the Safe Harbor you should first contact us (as provided above). If contacting us does not resolve your complaint, you may raise your complaint with TRUSTe by [Internet here](#), fax to

415-520-3420, or mail to Watchdog Complaints, TRUSTe, 55 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor, San Francisco, CA, USA 94105. If you are faxing or mailing TRUSTe to lodge a complaint, you must include the following information: the name of company, the alleged privacy violation, your contact information, and whether you would like the particulars of your complaint shared with the company. For information about TRUSTe or the operation of TRUSTe's dispute resolution process, click [here](#) or request this information from TRUSTe at any of the addresses listed above. The TRUSTe dispute resolution process shall be conducted in English.

## **DEFINITIONS**

The following definitions apply throughout this Policy:

- "AdMarvel" means AdMarvel Inc., its successors, subsidiaries, divisions and groups.
- "Personal information" When AdMarvel uses the term personal information in this policy, AdMarvel is referring to information that specifically identifies an individual (such as an individual's name, address, telephone number or e-mail address), and information about that individual or such individual's activities or preferences when such information is directly linked to personal information. Personal information does not include aggregate information, which is data we collect about the characteristics and activities of users of this Site and AdMarvel's other services or the services of our customers, from which any personal information has been removed. This privacy policy in no way limits or restricts our collection of aggregate information or of non-personal information.
- "Sensitive personal information" means personal information that reveals race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or that concerns the individuals health or sex life. AdMarvel does not collect "sensitive personal information".

## **PRIVACY PRINCIPLES**

The privacy principles in this Policy are based on the Safe Harbor Principles.

- NOTICE: When AdMarvel collects personal information directly from individuals, it will inform them about the purposes for which it collects and uses their personal information, the types of non-agent third parties, if any, to which AdMarvel discloses that information, and the choices and means, if any, that we offer individuals for limiting the use and disclosure of their personal information. Notice will be provided in clear and conspicuous language when individuals are first asked to provide personal information, or as soon as practicable thereafter, and in any event before AdMarvel uses the information for a purpose other than that for which it was originally collected. If AdMarvel receives personal information from its subsidiaries, affiliates or other entities, it will use such information in accordance with the notices such entities provided and the choices made by the individuals to whom such personal information relates.

- **CHOICE:** AdMarvel will offer individuals the opportunity to choose (opt-out) whether their personal information is (a) to be disclosed to a non-agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual.
- **DATA INTEGRITY:** AdMarvel will use personal information only in ways that are compatible with the purposes for which it was collected or subsequently authorized by the individual. AdMarvel will take reasonable steps to ensure that personal information is relevant to its intended use, accurate, complete, and current.
- **TRANSFERS TO AGENTS:** AdMarvel will obtain assurances from its agents that they will safeguard personal information consistently with this Policy. If AdMarvel has knowledge that an agent is using or disclosing personal information in a manner contrary to this Policy, AdMarvel will take reasonable steps to prevent or stop the use or disclosure.
- **ACCESS AND CORRECTION:** Upon request, AdMarvel will grant individuals reasonable access to personal information that it holds about them, and AdMarvel will take reasonable steps to permit individuals to correct, amend, or delete information that is demonstrated to be inaccurate or incomplete.
- **SECURITY:** AdMarvel will take reasonable precautions to protect personal information in its possession from loss, misuse and unauthorized access, disclosure, alteration and destruction.
- **ENFORCEMENT:** AdMarvel will conduct compliance audits of its relevant privacy practices to verify adherence to this Policy. Any employee that AdMarvel determines is in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Dispute Resolution - Any questions or concerns regarding the use or disclosure of personal information should be directed to the AdMarvel Privacy Office at the address given below. AdMarvel will investigate and attempt to resolve complaints and disputes regarding use and disclosure of personal information in accordance with the principles contained in this Policy. For complaints that cannot be resolved between AdMarvel and the complainant, AdMarvel has agreed to participate in the dispute resolution procedures of a neutral third party True Ultimate Standards Everywhere, Inc. (a Delaware corporation) ("TRUSTe") ([www.truste.com](http://www.truste.com)).

## **WEB SITE PRIVACY POLICY**

The primary purpose of our Web Site ([www.admarvel.com](http://www.admarvel.com)) is to offer information about AdMarvel and to enable our advertising and publisher partners (collectively, our "Partners") to use our Technology.

- What Information do you Collect on the Web Site and How is it Used?

We collect Personally Identifiable Information ("Personal Information") from the Web Site. Personal Information includes, for example, your

name; home and/or business address; e-mail address; home and/or business telephone, wireless and/or fax number; and/or other information that may enable us to contact or identify you as an individual. For example, you may choose to send us Personal Information about yourself in an email or by completing an online form on this Web Site. We use this information only to contact you to respond to your inquiry. Once collected, we will store your Personal Information for a reasonable time for record keeping purposes. The information that we store is usually deleted as space requires or in the normal course of business. You may also choose to send us Personal Information if you apply to be an AdMarvel Business Partner. We use this information to process your application and to administer your Partner account. We may combine the information that you submit on our Site with information about you that we receive from other online and offline sources in order to provide you with a better experience and to improve the overall quality of AdMarvel's services.

We also collect Non-Personally Identifiable Information ("Non-PII") from visitors to this Web Site. The Non-PII may include, without limitation, information such as a Web user's IP address, Web pages viewed by a Web user, date and time, domain type and the Web user's computer's operating system (e.g., Windows XP). We use this information for internal system administration, to help diagnose problems with our server, and to administer the Web Site. Such information may also be used to gather demographic information, such as country of origin and Internet Service Provider from visitors to this Web Site. We automatically receive and store certain other types of information whenever you interact with us. For example, our servers track the type of Web browser you are using, where you travel within the Site, and the page to which you link from the Site. This type of collective data enables us to figure out how often customers use parts of the Site, so we can make the Site appealing to as many customers as possible.

AdMarvel may share your personal information in connection with any merger, sale of AdMarvel assets, or a financing or acquisition of all or a portion of our business to another company. Aggregate Information: AdMarvel may share aggregate information about you and/or your customers with advertisers, publishers, business partners, sponsors, and other third parties.

- Other ways we collect information

Cookies -We may use "cookies" in connection with this Web Site. Cookies are small data files that are sent to your browser or related software from a Web server and stored on your computer's hard drive. We use cookies to help us manage this Web Site, to customize the Web Site to your interests, and to help manage your log in preferences. Most Web browsers can be set to inform you when a cookie has been sent to you

and provide you with the opportunity to refuse that cookie. However, refusing a cookie may, in some cases, preclude you from using the Web Site, or negatively impact the display or function of, the Web Site or certain areas or features of the Web Site. The cookies from our Site do not collect personal information, however, we may combine information collected through certain cookies we issue on our Site with other personal information that you provide to us on the Site.

Clear GIFs - We may use "clear GIFs" (aka "Web beacons" or "pixel tags") and/or similar technologies, in the Web Site and/or in our communications with you to enable us to evaluate how visitors are navigating through the Web Site. 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.

- Third Party "Linked-To" Web Sites - When you are on the Web Site you may have the opportunity to visit, or link to, other sites not operated by AdMarvel, including other Web sites operated by unaffiliated third parties. These sites may collect Personal Information about you. AdMarvel does not control sites that are operated by these entities and is not responsible for the information practices of these sites. This Privacy Policy does not address the information practices of those other Web sites.
- Accessing, Updating and Deleting Your Information - If you would like us to update, correct, delete, or deactivate any Personal Information that you provided to us on the Web Site, please send your request to [privacy@admarvel.com](mailto:privacy@admarvel.com). After receipt we will process your request within a reasonable period of time. If you are a Business Partner, you may review and edit the Personal Information that is stored in your user account on the Web Site (e.g., address, telephone number and other contact details) by visiting the "My Profile" area of your account or by e-mailing [admin@admarvel.com](mailto:admin@admarvel.com). After receipt of your request to review your Personal Information we will send you a copy of the Personal Information we have on file in your user account (if any). You may send us new or updated information at any time. We will respond to your request to access, update or delete your information as soon as practicable. Before we are able to provide you with any information, correct any inaccuracies or delete any information, however, we may ask you to verify your identity and to provide other details to help us to respond to your request.

## **TECHNOLOGY PRIVACY POLICY**

AdMarvel provides an advertising platform and advertising mediation service to interconnect mobile publishers with multiple ad sources. Our Technology facilitates the efficient serving of advertisements within mobile messages (e.g. SMS) the mobile web and within mobile applications by collecting information

associated with these services that you visit or use and the advertisements that you see associated with such services. You may encounter our technology when AdMarvel or one of our Business Partners places advertisements on a mobile web site or application that you visit or use. We use the information collected by our technology in order to help us efficiently deliver those ads, and for reporting purposes (e.g., to tell our partners how many ads we delivered in a day.)

- Ways we collect information

AdMarvel does not collect personal information directly from individuals but rather receives information via partners' mobile messages, mobile web sites and mobile applications as well as from third party service providers (e.g., mobile carrier operators). In this light, AdMarvel relies on our customer partners and these third party service providers to inform their users about the purposes for which it collects and uses their personal information. To the best of our ability we inform our partners the need to offer individuals the opportunity to choose (opt-out) whether their personal information is (a) to be disclosed to a non-agent third party, or (b) to be used for a purpose other than the purpose for which it was originally collected or subsequently authorized by the individual. Consistent with the U.S. Children's Online Privacy Protection Act of 1998 (COPPA), we will never knowingly collect personally identifiable information from anyone under the age of thirteen (13) without requiring parental consent. When AdMarvel receives personal information from the entities described above (in the EU, Switzerland or elsewhere), we will use such information only in accordance with the principles set forth here, the notices such entities provided and the choices made by the individuals to whom such personal information relates.

When our customer partner's end users connect to the technical service on their mobile device, AdMarvel may automatically receive from their mobile phone service provider or our customer partner information identifying the user's unique mobile device, their phone number and/or other unique identifiers for their device ("Mobile Device Information"). For the avoidance of doubt, end users are not "Users" covered by this Privacy Policy, and any private information that we collect from the end users is governed by the customer partner or mobile phone service provider privacy policies, if any, and not this Privacy Policy.

AdMarvel does use a "pixel tags" and/or similar technologies, in our communications to enable us to evaluate when and if advertisements are viewable on the mobile device. A pixel tag is typically a one-pixel, transparent image (although it can be a visible image as well), located within the advertising creative, 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.

- What information is collected by our Technology and how is it used?

While AdMarvel does not store or maintain personal Information via our technology, our technology does collect and use Non-PII, including: location and service provider information garnered via the IP address used to access the mobile Internet or other means, device identifiers, the type of phone or other mobile device used (e.g., iPhone, Blackberry 8800 etc.), the date and time of a user's mobile internet session, whether one of the mobile ads we facilitate was delivered and, if applicable, a record if that ad was "clicked."

AdMarvel on occasion receives personal information for processing but does not retain that information in an identifiable form. Specifically, AdMarvel, may receive users' telephone numbers if the mobile operator facilitates the delivery of that number to our partner customer. In those cases AdMarvel will transmit the number through to the partner customer on the behalf of the mobile carrier operator. In a similar manner AdMarvel may receive IP addresses of users but does not retain the full set of IP address octets after processing.

AdMarvel uses the collected information to analyze usage trends and patterns that will enable the efficient delivery of optimized advertising placements on behalf of our business partners. Our technology also uses the information to provide reports and measurement analytics to our business partners. We may also aggregate this performance information and share it with AdMarvel's affiliates, advertisers, customers and Business Partners.

## **GENERAL INFORMATION ABOUT ADMARVEL'S PRIVACY PRACTICES**

- Disclosure of information to third parties

Service Providers - We may use third party partners to help us manage the Web Site and our Technology, and may share usage information with those third party partners. (e.g., Web Site or database hosting companies, e-mail service providers, and Web Site analytics companies). We disclose only that information which is reasonably necessary for our partners to perform the tasks we have assigned, and we require our partners to adhere to this privacy policy.

Aggregate Statistics - We may disclose aggregate statistics regarding usage as a measure of interest in, and use of, the Web Site and our services in the form of aggregate data, such as overall patterns or reports that do not describe or identify any individual user.

Compelled Disclosure - We may disclose any information we have to government authorities, and to other third parties when compelled to do so

by government authorities or otherwise as required or permitted by law, including but not limited to in response to court orders and subpoenas. We also may disclose user information in connection with investigations or when we have reason to believe that someone is causing injury to or interference with our rights or property, other users of the Web Site, mobile Application or mobile messaging service or anyone else that could be harmed by such activities.

- Business Transfer- If AdMarvel should ever file for bankruptcy or have its assets sold to, merged with another entity or substantially all of its assets are, acquired by one or more third parties as a result of an acquisition, merger, sale, reorganization, consolidation or liquidation, information AdMarvel received from this site or from services provided to our customers is an AdMarvel asset and may be transferred to any such entity.
- Consent to Worldwide Transfer and Processing of Personal Information - Personal Information given to AdMarvel may be processed by AdMarvel in all countries in which AdMarvel operates or in which its affiliates and partners operate. Each of these countries has different privacy laws that afford varying levels of protection for your Personal Information. Regardless of the laws in place in these countries, AdMarvel will treat the privacy of your information in accordance with this Privacy Policy. By providing your Personal Information to AdMarvel, you consent to AdMarvel transmission to, and processing of your information in, any jurisdiction, in accordance with this Privacy Policy.
- Information Relating to Children - We do not knowingly collect Personal Information from anyone under the age of 18. If we are made aware that we have received Personal Information from someone under 18, we will use reasonable efforts to remove that information from our records.
- Security - The security of your information is important to us. We have implemented reasonable security measures to protect the information in our care, both during transmission and once we receive it. However, due to the inherent nature of the Internet as an open global communications means, we cannot guarantee that your information, during transmission through the Internet or while stored on our system or otherwise in our care, will be absolutely secure from intrusion by others, such as hackers. If you contact us by e-mail, a "contact us" or a similar feature on our Web site, you should be aware that your transmission might not be secure and that a third party could view information you send by these methods in transit. Passwords used on our Web site are encrypted and AdMarvel policies preclude access to passwords by anyone at AdMarvel except on a need-to-know basis.

If you create a username and password, 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 Web Site 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 AdMarvel of any unauthorized use of your password or account or any other breach of security, and (b) ensure that you exit and log out/off from your account at the end of each session. It is your sole responsibility to protect your password, control access to and use of your account, and notify AdMarvel when you desire to cancel your account on this Web Site. We will not be responsible or liable for any loss or damage arising from your failure to comply with this provision. We will have no liability for disclosure of your information due to errors or unauthorized acts of third parties during or after transmission.

You have access to your personal information and you may update, correct, or delete your member information and email preferences at any time by logging-in to your account and changing the information on file or by e-mailing AdMarvel at [adsupport@AdMarvel.com](mailto:adsupport@AdMarvel.com) with your request. To protect your privacy and security, we take reasonable steps to verify your identity before granting Users profile access.

**YOU ARE RESPONSIBLE FOR MAINTAINING THE SECRECY OF YOUR UNIQUE PASSWORD AND ACCOUNT INFORMATION AT ALL TIMES.**

### **CONTACT INFORMATION**

Questions or comments regarding this Policy should be submitted to the AdMarvel Privacy Office by mail or e- mail as follows:

AdMarvel Privacy Office  
1875 South Grant St.  
Suite 750  
San Mateo CA 94402

Email: [privacy@admarvel.com](mailto:privacy@admarvel.com)

### **CHANGES TO THIS PRIVACY POLICY**

This Policy may be amended from time to time, consistent with the requirements of the Safe Harbor Principles and other privacy requirements. When we do, we will also revise the “Last Updated” section above. We encourage you to periodically review this Privacy Policy to stay informed about how we are protecting the personal information we collect. Your continued use of this Site constitutes your agreement to this Privacy Policy and any updates.