

## Privacy Policy

*Last Updated: February 4, 2019*

Pomvom Ltd. (“**Pomvom**”, “**we**”, “**our**” or “**us**”) respects the privacy of (i) visitors to its website located at <https://pomvom.com> (the “**Visitors**” and “**Website**”); (ii) Customers who wish to use the Pomvom Services for their event(s) (the “**Customer**”); (iii) Customers’ End User(s) who attended a Customer’s event and wish to use the Pomvom Services (“**End User**”); and we are committed to protect the personal information that is collected from or shared by our Users (The Customers, End User, and visitors are also referred to collectively in this document as “**You**”, “**User**” and “**Your**”).

This Privacy Policy (the “**Privacy Policy**”) is intended to describe our practices regarding the information we may collect from you or to which we may have access when you use or interact with the Pomvom Website and/or the Pomvom image identifier solution (the “**Service**”) in relation with images captured by the Customers during their events (“**Events**”) and the manners in which we may use such information, and the options and rights available to you.

Capitalized terms which are not defined herein, shall have the meaning ascribed to them in our Terms of Use available at [Terms](#) which this Privacy Policy is incorporated thereto by reference (together, the “**Terms**”).

### 1. Your Consent (Please Read Carefully)

BY ACCESSING AND/OR USING THE WEBSITE AND/OR SERVICE, YOU AGREE TO THE TERMS AND CONDITIONS SET FORTH IN THIS PRIVACY POLICY, INCLUDING TO THE COLLECTION AND PROCESSING OF YOUR PERSONAL INFORMATION (AS DEFINED BELOW). IF YOU DISAGREE TO ANY TERM PROVIDED HEREIN, YOU MAY NOT USE OR ACCESS THE SERVICES OR THE WEBSITE.

PLEASE NOTE: you are not obligated by law to provide us with any personal information.

### 2. Which Information we may collect with respect to Users

**We may collect two types of data and information from our Users.** The first type of information is non-identifiable and anonymous information (“**Non-Personal Information**”). **We are not aware of the identity of the User from which we have collected the Non-Personal Information.** Non-personal Information which is being gathered consists of aggregated, statistical or otherwise any technical information and behavioral analysis which is not associated with any identified or identifiable individual. Such Non-Personal Information may consist of technical information and behavioral information, and may contain, among other things, aggregated information concerning Users’ type of operation system and browser, type of mobile device, and operating system version, User’s screen resolution, duration of usage of the App, User's 'click-stream' on the Site and/or Service, keyboard language, etc.

The second type of information is related to an identified or identifiable living individual, or such information that, with reasonable efforts, or together with additional information, we have access to, enables the identification of an individual (“**Personal Information**”). For the avoidance of doubt, any Non-Personal Information connected or linked to any Personal Information shall be deemed as Personal Information as long as such connection or linkage exists.

The Personal Information that we do process consists of the following types of information:

- Information provided by Customers following Events, such as photos and videos of End Users and related geo-location and time in which such photo/video was taken.
- Information voluntarily provided by End User’s such as identifying profile picture taken by him/her (“**Selfie**”), E-mail (optional), Paypal (optional), credit card (optional).
- Information voluntarily provided by Customers such as full name, E-mail, phone number (optional) and login credentials to the Customers Dashboard (as defined on Terms of Use).
- Any information of Visitors voluntarily provided by Users through the Website’s “Contact Us” option.
- Information that is provided to us by job candidates, when they apply for work with us.

### 3. How Do We Collect Information on Our Users?

There are two main methods we use:

**We collect information automatically through your use of the Services and the Website.** When you use the Service, we collect Non-Personal Information derived from information we receive from third party providers, issuing a unique user ID to each User and associate different information points with such ID, and by using “cookies” and other tracking technologies as detailed below under *Third Party Services/Software, Cookies and Other Tracking Technology*. In other words, we are aware of your usage of the Service and may gather, collect and record the information relating to such usage, either independently or through the help of third-party services as detailed below.

**We collect information which you provide us voluntarily.** For example, we collect the Personal Information that End Users actively provide when taking a Selfie, or when Website Visitors send requests via the Website’s “contact us” option to request and receive assistance from our customer support team, applying for a job with us, etc.

**PLEASE NOTE - If you give us personal information about someone else through use of the Pomvom Services, you must do so only with that person’s express authorization. You should inform them how we collect, use, disclose, and retain their personal information according to this Privacy Policy before you provide us with their personal information.**

**IMPORTANT - In addition, if you are a Customer, you must obtain all authorizations, consents and approvals and perform all actions, required for the lawful collection, capturing and processing of End Users images, as contemplated hereunder, in connection with use of the Pomvom Services, prior to such collection, capturing and processing. Specifically, you are required to comply with all laws applicable to you with respect to taking images of individuals in public places, taking into account special categories of End Users such as minors (including in accordance with *Minors* Section below), and in any event you must post legible and evident notices of photographing, notifying the public attending your Event, and within the perimeter in which individuals may be photographed pursuant to your use of the Pomvom Services.**

#### **4. What are the Purposes of the Collection and the Processing of Personal Information?**

**Legal basis for collecting and processing of Personal Information.** We collect, process and use your information for the purposes described in this Privacy Policy, based at least on one of the following legal grounds:

- **When performing an agreement with you:** Your information may be processed on the basis that such processing is necessary for the establishment and performance of our contractual engagements with you. Under the engagement between Pomvom and you, we shall provide you with the Services (if you are a Customer or End User), maintain and improve the Services, develop new services and features for our Users’ use, and personalize the Services in order to provide Users with a better user experience.
- **Legitimate interests:** We process your information for our legitimate interests while applying appropriate safeguards that protect your privacy. This means that we process your information for things like detecting, preventing or otherwise addressing fraud, abuse, security, usability, functionality or technical issues with our Services or Website, protecting against harm to the rights, property or safety of our properties, or our users, or the public as required or permitted by law; enforcing and protecting against legal claims, including investigation of potential violations of this Privacy Policy; in order to comply and/or fulfil our obligation under applicable laws, regulation, guidelines, industry standards and contractual requirements, legal process, subpoena or governmental request, as well as our various terms of use or other agreements to which you are a party.
- **With your consent:** Through this Privacy Policy we ask for your consent to process certain portions of your information for specific purposes and you have the right to withdraw your consent at any time.

#### **Personal Information is collected in order to:**

(i) to provide, improve and operate the Services and related services;(ii) Use it to create cumulative statistical data and other cumulative information analysis and/or other conclusive information that is non-personal, in

which we might make use in order to operate and improve the Services. (iii) to develop, improve and customize the Services and offering available through the Services; (iv) to be able to contact Users for the purpose of providing them with technical assistance, support, and collect feedback; (v) to prevent, detect, mitigate, and investigate fraud, security breaches or other potentially prohibited or illegal activities, including any breaches of this Privacy Policy, of our various Terms of Use, or of any other agreement which you are a party to; (vi) for customization and improvement of the Services' accuracy and interface; and (vii) to comply with any applicable rule or regulation and/or to respond or defend against legal proceedings brought against us or our affiliates.

## 5. Where Do We Store Personal Information?

Information regarding our Users will be maintained and processed by Pomvom and our authorized affiliates and service providers in the United States and in Israel, and as necessary, in other territories, in secured cloud storage, provided by our third party service providers.

While the data protection laws in the above jurisdictions may be different than the laws of your residence or location, please know that Pomvom, its affiliates and service providers that store or process your Personal Information on our behalf are each committed to keeping it protected and secured, pursuant to this Privacy Policy, applicable law and industry standards, regardless of any lesser legal requirements that may apply in their jurisdiction. Specifically, each of our services providers who stores or processes your Personal Information either (i) assured us that it provides adequate safeguards to protect your rights to privacy, (ii) holds and processes such information on our behalf in a jurisdiction which has been determined to ensure an adequate level protection by the EU Commission, or (iii) if in the US, is certified under the EU-US Privacy shield framework.

You hereby accept the transfer and storage of information as described above.

## 6. Sharing Information with Third Parties

Pomvom may share your Personal Information with third parties (or otherwise allow them access to it) only in the following manners and instances:

- **Third Party Services Providers:** We are partnering with a number of selected service providers, whose services and solutions complement, facilitate and enhance our own and are required for us to provide our Services as contemplated hereunder. These include any of the third parties providing hosting, database and server co-location services (e.g., Google Cloud), photos storage (e.g., firebase storage), payments processing (e.g., stripe and Paypal) and our business, legal and financial advisors (collectively, "**Third Party Service Providers**").

Such Third Party Service Providers may receive or otherwise have access to your Personal Information, depending on each of their particular roles and purposes in facilitating and enhancing the Pomvom Services, and may only use such Personal Information for such purposes and in accordance with this Privacy Policy. Such disclosure or access is strictly subject to the relevant Third Party Services Provider's undertaking of confidentiality obligations, and the prevention of any independent right to use this data except as required to help us to facilitate or enhance the Services, unless you otherwise provide them directly with your express and separate consent. We remain responsible and liable for any Personal Information processing done by Third Party Service Providers on our behalf, except for events outside of its reasonable control.

- **Governmental/Law Enforcement Agencies and Legal Requests or Duties:** We may disclose or otherwise allow access to your Personal Information pursuant to a legal request, such as a subpoena, search warrant or court order, or in compliance with applicable laws, with or without notice to you, if we have a good faith belief that we are legally required to do so, or that disclosure is appropriate in connection with efforts to investigate, prevent, or take action regarding actual or suspected illegal activity, counter terrorist financing verification requirements, fraud, or other wrongdoing or otherwise in legal procedures held between Pomvom and you or anyone on your behalf.
- **Protecting Rights and Safety:** We may share your Personal Information with others, with or without notice to you, if we believe in good faith that this will help protect the rights, property or personal safety of Pomvom, its staff, any of our Users or any member of the general public.

- **Pomvom Subsidiaries and Affiliated Companies:** We may share Personal Information internally within our family of companies or with our affiliated marketing partners (who represent us in your territory), for the purposes described in this Privacy Policy and in accordance with its terms, for which we remain responsible. In addition, should Pomvom or any of its affiliates undergo any change in control, including by means of merger, acquisition or purchase of all or substantially all of its assets, your Personal Information may be shared with the parties involved in such event under the same protective terms. If we believe that such change in control might materially affect your Personal Information then stored with us, we will notify you of this event and the choices you may have via e-mail (if such is provided) and/or prominent notice within the Services.

For avoidance of doubt, Pomvom may transfer and disclose or otherwise use Non-Personal Information or information which is linked to anonymous random identifiers or information that is aggregated in a non-identifiable way, at its own discretion.

## **7. User Rights - Deletion, Withdrawal of Consent or modification of Personal Information**

If the law applicable to you grants you such rights, you may ask to access, correct, or delete your personal information that is stored in our systems or that we otherwise control. You may also ask for our confirmation as to whether or not we process your Personal Information or ask to withdraw any consent you have previously provided to Pomvom in connection with our use and processing of your Personal Information.

Subject to the limitations in law, you may request that we update, correct, or delete inaccurate or outdated information. You may also request that we suspend the use of any Personal Information the accuracy of which you contest while we verify the status of that data.

Subject the limitations in law, you may also be entitled to obtain the Personal Information you directly provided us in a structured, commonly used and machine-readable format and may have the right to transmit such data to another party.

If you wish to exercise any of these rights or withdraw your consent, please contact us at: [support@pomvom.com](mailto:support@pomvom.com). When handling these requests, we may ask for additional information to confirm your identity and your request. Please note, upon request to delete your Personal Information, we may retain such data in whole or in part to comply with any applicable rule or regulation and/or respond to or defend against legal proceedings brought against us or our affiliates, or as we are otherwise permitted under such law applicable to you.

To find out whether these rights apply to you and on any other privacy related matter, you can contact your local data protection authority if you have concerns regarding your rights under local law.

## **8. Data Retention**

We may retain your Personal Information for as long as legitimately necessary to provide the Services and for the period requested by our Customers, for the achievement of the purposes listed under Section 4 above, including without limitation, as reasonably necessary to comply with our legal obligations and/or protect our legitimate interests, for as long as we have your consent. We then either delete such Personal Information from our systems or anonymize it without further notice to you.

## **9. Minors**

To use our Services, you must be over the age of sixteen (16). Therefore, Pomvom does not knowingly collect Personal Information from minors under the age of sixteen (16) and does not wish to do so, except with respect to public photos to the extent they include images of individuals under the age of sixteen (16). We reserve the right to request proof of age at any stage so that we can verify that minors under the age of sixteen (16) are not using the Services. In the event that it comes to our knowledge that a person under the age of sixteen (16) is using the Services, we will prohibit and block such User from accessing the Pomvom Services and will make all efforts to promptly delete any Personal Information stored with us with regard to such User.

For the sake of clarify, providing Pomvom with Personal Information of children under the age of sixteen (16), including by photographing such underaged individuals within use of our Services, is permitted solely and strictly under verified parental consent, and all in accordance with applicable law.

## **10. Information Security**

We take great care in implementing and maintaining the security of our Services, the Customers' and the End Users' Personal Information Pomvom collects and processes. Pomvom employs industry-standard procedures and policies to ensure the protection of Personal Information and to prevent unauthorized use of any such information.

Please note, however, that regardless of the measures we take and the efforts we make, we cannot and do not guarantee the absolute protection and security of any Personal Information.

We strongly encourage you to set strong passwords for your Customer's dashboard and protect your account against unwanted access on your end (for example, do not share your login credentials with others, or allow them free access to your logged-in device).

If you have any questions regarding the security of our Services, please feel free to contact us at [support@pomvom.com](mailto:support@pomvom.com).

## **11. Third Party Software/Service, Cookies and Other Tracking Technology**

Pomvom may use certain monitoring and tracking technologies, including ones offered by Third Party Service Providers in order to collect and process certain portions of the Personal Information we specified above. These technologies are used in order to maintain, provide and improve the Services on an ongoing basis, in order to provide a better experience and more personalized offers to our Users as well as to track and monitor interaction with our Services. For example, these technologies enable us to (i) keep track of and apply Pomvom Services and/or Website preferences of our Users, (ii) better secure our Services and detect abnormal behaviors, (iii) identify technical issues and improve the overall performance of the Services, (iv) create and monitor analytics relating to use of the Services, (v) monitor and improve the overall performance of the Pomvom Services.

**Cookies:** A cookie is a small data file that is downloaded and stored on your computer or mobile device when you visit our Website. Learn more about cookies here: [www.allaboutcookies.org](http://www.allaboutcookies.org).

**Pixel Tags:** Pixel tags (also commonly known as web beacons) are transparent images, iFrames, or JavaScript placed on our Website or emails, that our Third Party Service Providers use to understand how the Website, and suchemails are interacted with.

Some of these tracking technologies are provided to us by our Third Party Service Providers who collect and process Personal Information on our behalf. These Third Party Service Providers may have direct contractual relationship with you (such as Google). Additionally, the services provided to us by such Third Party Service Providers may entail collection and processing of Personal Information by such Third Party Service Providers, in a scope which is broader than the scope of Personal Information we are eventually provided with by such Third Party Service Providers. This means that sometimes these Third Party Service Providers have more access to your Personal Information than we do. For example, Google Analytics has broad access to your information, while we only receive access to aggregate statistical information, in order to better protect your rights. To the extent you have direct contractual relationship with any of our Third Party Service Providers, any rights you may have with respect to your information, collected by such Third Party Service Providers, shall be governed by such contractual relationship. Otherwise the terms of this Privacy Policy shall fully apply.

### **Learn more about your choices and how to opt-out of tracking technologies:**

In order to delete or block any tracking technologies, please refer to the "Help" area on your internet browser for further instructions. You may also opt out of third party tracking technologies by following the instructions provided by each Third Party Service Provider in its privacy policy listed above or by visiting [www.youronlinechoices.eu](http://www.youronlinechoices.eu) or <http://www.aboutads.info/choices/>. Please note however that deleting any of our tracking technologies or disabling future tracking technologies may prevent you from accessing certain

areas or features of Pomvom Services or may otherwise adversely affect your user experience. Please also note that we do not respond to the 'Do Not Track' setting on your browser as the protocol and form for such setting has not yet been generally accepted.

## **12. Direct Marketing**

You hereby agree that we may use your E-mail (if provided by you) for the purpose of informing you regarding our products and services which may interest you, and to send to you other marketing material. You may withdraw your consent via sending us written notice by email to the following address: [support@pomvom.com](mailto:support@pomvom.com) or by pressing the "Unsubscribe" button in the email.

Please note that the Company may also contact you with important information regarding our Website. For example, we may notify you (through any of the means available to us) of changes or updates to our Website, payment issues, service maintenance, etc. You will not be able to opt-out of receive such service messages.

## **13. Updates to the Privacy Policy**

The terms of this Privacy Policy are un-separated part of the Services and the Website and will govern the use of the Services and any information collected in the scope of such use. This Privacy Policy should not be separated in any way from any Terms of Use of the Services and/or Website, and/or any other agreement between you and Pomvom which incorporates this Privacy Policy by reference.

Pomvom reserves the right to change this Privacy Policy at any time and in its sole discretion, so please re-visit this page frequently. We will notify you regarding substantial changes of this Privacy Policy by sending you an e-mail regarding such changes to the e-mail address that you provided during registration and/or through a notice in our Services/Website. Substantial changes will take effect seven (7) days after such notice was provided on our Services and/or Website or sent by email. Otherwise, all other changes to this Privacy Policy are effective as of the stated "Last Revised" date and your continued use of the Services and/or Website after the Last Revised date will constitute acceptance of, and agreement to be bound by, those changes with respect to such use, as applicable.

## **14. General**

This Privacy Policy, its interpretation, and any claims and disputes related hereto, shall be governed by the laws of the State of Israel, without respect to its criminal law principles. Any and all such claims and disputes shall be brought in, and you hereby consent to them being litigated in and decided exclusively by, a court of competent jurisdiction located in Tel Aviv, Israel.

This Privacy Policy was written in English, and may be translated into other languages for your convenience. If a translated (non-English) version of this Privacy Policy conflicts in any way with the English version, the provisions of the English version shall prevail.

## **15. Have any Questions?**

If you have any questions (or comments) concerning this Privacy Policy, you are welcome to send us an email to [support@pomvom.com](mailto:support@pomvom.com) and we will make an effort to reply within a reasonable timeframe.

By contacting Pomvom, and accessing the Services and the Website, you warrant and agree that you are free to do so, and that you are not providing Pomvom with information which violate any third party intellectual or privacy rights.