

## Animato Privacy Policy

**Last Updated:** May 24<sup>th</sup> 2023

This Privacy Policy is designed to help you understand how Animato, Inc. (“**Animato**,” “**we**,” “**us**,” or “**our**”), collects, uses, and shares your personal information, and to help you understand and exercise your privacy rights.

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### 1. SCOPE AND UPDATES TO THIS PRIVACY POLICY

This Privacy Policy applies to personal information processed by us, including on our websites, mobile applications, and other online or offline offerings. Some of our offerings may include Animato Studio, Be Santa, and Call Annie. To make this Privacy Policy easier to read, our websites, mobile applications, and other offerings are collectively called the “**Services**.”

**Changes to our Privacy Policy.** We may revise this Privacy Policy from time to time in our sole discretion. If there are any material changes to this Privacy Policy, we will notify you as required by applicable law. You understand and agree that you will be deemed to have accepted the updated Privacy Policy if you continue to use our Services after the new Privacy Policy takes effect.

### 2. PERSONAL INFORMATION WE COLLECT

The categories of personal information we collect depend on how you interact with us, our Services, and the requirements of applicable law. We collect information that you provide to us, information we obtain automatically when you use our Services, and information from other sources such as third-party services and organizations, as described below.

#### A. Personal Information You Provide to Us Directly

We may collect personal information that you provide to us.

- **Account Information.** We may collect personal information in connection with the creation and administration of your account, such as your name and email address.
- **User-Generated Content.** Much of our Services require access to your device’s camera and/or microphone. When you grant us access to your device’s camera and/or microphone, our Services may process user-generated content, including photographs, audio content, video content that you choose to make available via the Services. For clarity, we may process the audio and transcribe your conversations with Annie or other characters in the Call Annie app, including both your inputs and the outputs from Annie or other characters.

- **Interactive Features.** We and others who use our Services may collect personal information that you submit or make available through our interactive features (e.g., sharing of user-generated content, commenting functionalities, forums, blogs, and social media pages). Any information you provide using the public sharing features of the Services will be considered “public,” unless otherwise required by applicable law, and is not subject to the privacy protections referenced herein.
- **Purchases.** We may collect personal information and details associated with your purchases, including payment information. Any payments made via our Services are processed by third-party payment processors. We do not directly collect or store any payment card information entered through our Services, but we may receive information associated with your payment card information (e.g., your billing details).
- **Your Communications with Us.** We may collect personal information, such as email address, phone number, or mailing address when you request information about our Services, register for our newsletter, request customer or technical support, or otherwise communicate with us.
- **Surveys.** We may contact you to participate in surveys. If you decide to participate, we may collect personal information from you in connection with the survey.
- **Sweepstakes or Contests.** We may collect personal information you provide for any sweepstakes or contests that we offer. In some jurisdictions, we are required to publicly share information of sweepstakes and contest winners.
- **Conferences, Trade Shows, and Other Events.** We may collect personal information from individuals when we attend or host conferences, trade shows, and other events.
- **Business Development and Strategic Partnerships.** We may collect personal information from individuals and third parties to assess and pursue potential business opportunities.
- **Job Applications.** We may post job openings and opportunities on our Services. If you respond to one of these postings, we may collect your personal information, such as your application, CV, cover letter, and/or any other information you provide to us.

#### **B. Personal Information Collected Automatically**

We may collect personal information automatically when you use our Services.

- **Automatic Collection of Personal Information.** We may collect certain information automatically when you use our Services, such as your Internet protocol (IP) address, user settings, MAC address, cookie identifiers, mobile carrier, mobile advertising and other unique identifiers, browser or device information, location information (including approximate location derived from IP address), and Internet service provider. We may also automatically collect information regarding your use of our Services, such as pages that you visit before, during and after using our Services, information about the links you click, the types of content you interact with, the frequency and duration of your activities, and other information about how you use our Services.
- **Cookie Policy (and Other Technologies).** We, as well as third parties that provide content, advertising, or other functionality on our Services, may use cookies, pixel tags, and other technologies (“**Technologies**”) to automatically collect information through your use of our Services.
  - **Cookies.** Cookies are small text files placed in device browsers that store preferences and facilitate and enhance your experience.

- **Pixel Tags/Web Beacons.** A pixel tag (also known as a web beacon) is a piece of code embedded in our Services that collects information about engagement on our Services. The use of a pixel tag allows us to record, for example, that a user has visited a particular web page or clicked on a particular advertisement. We may also include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

Our uses of these Technologies fall into the following general categories:

- **Operationally Necessary.** This includes Technologies that allow you access to our Services, applications, and tools that are required to identify irregular website behavior, prevent fraudulent activity, improve security, or allow you to make use of our functionality;
- **Performance-Related.** We may use Technologies to assess the performance of our Services, including as part of our analytic practices to help us understand how individuals use our Services (*see Analytics below*);
- **Functionality-Related.** We may use Technologies that allow us to offer you enhanced functionality when accessing or using our Services. This may include identifying you when you sign into our Services or keeping track of your specified preferences, interests, or past items viewed;
- **Advertising- or Targeting-Related.** We may use first party or third-party Technologies to deliver content, including ads relevant to your interests, on our Services or on third-party digital properties.

See "[Your Privacy Choices and Rights](#)" below to understand your choices regarding these Technologies.

- **Analytics.** We may use Technologies and other third-party tools to process analytics information on our Services. These Technologies allow us to better understand how our digital Services are used and to continually improve and personalize our Services.

### C. Personal Information Collected from Other Sources

**Third-Party Services and Sources.** We may obtain personal information about you from other sources, including through third-party services and organizations. For example, if you access our Services through a third-party application, such as an app store, a third-party login service, or a social networking site, we may collect personal information about you from that third-party application that you have made available via your privacy settings.

**Referrals and Sharing Features.** Our Services may offer various tools and functionalities that allow you to provide personal information about your friends through our referral service. Our referral services may also allow you to forward or share certain content with a friend or colleague, such as an email inviting your friend to use our Services. Please only share with us contact information of people with whom you have a relationship (e.g., relative, friend, neighbor, or co-worker).

## 3. HOW WE USE YOUR PERSONAL INFORMATION

We use your personal information for a variety of business purposes, including to provide our Services, for administrative purposes, and to market our products and Services, as described below.

### A. Provide Our Services

We use your information to fulfil our contract with you and provide you with our Services, such as:

- Managing your information and accounts;

- Providing access to certain areas, functionalities, and features of our Services;
- Answering requests for customer or technical support;
- Communicating with you about your account, activities on our Services, and policy changes;
- Processing your financial information and other payment methods for products or Services purchased;
- Processing applications if you apply for a job we post on our Services; and
- Allowing you to register for events.

#### **B. Administrative Purposes**

We use your information for various administrative purposes, such as:

- Pursuing our legitimate interests such as direct marketing, research and development (including marketing research), network and information security, and fraud prevention;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent or illegal activity, and prosecuting those responsible for that activity;
- Measuring interest and engagement in our Services;
- Improving, upgrading, or enhancing our Services;
- Developing new products and services;
- Ensuring internal quality control and safety;
- Authenticating and verifying individual identities, including requests to exercise your rights under this Privacy Policy;
- Debugging to identify and repair errors with our Services;
- Auditing relating to interactions, transactions, and other compliance activities;
- Sharing personal information with third parties as needed to provide the Services;
- Enforcing our agreements and policies; and
- Carrying out activities that are required to comply with our legal obligations.

#### **C. Marketing and Advertising our Products and Services**

We may use personal information to tailor and provide you with content and advertisements. We may provide you with these materials as permitted by applicable law.

Some of the ways we market to you include email campaigns, text messages, custom audiences advertising, and “interest-based” or “personalized advertising,” including through cross-device tracking.

If you have any questions about our marketing practices, you may contact us at any time as set forth in “[Contact Us](#)” below.

#### **D. With Your Consent**

We may use personal information for other purposes that are clearly disclosed to you at the time you provide personal information or with your consent.

#### **E. Other Purposes**

We also use your personal information for other purposes as requested by you or as permitted by applicable law.

- **Automated Decision Making.** We may engage in automated decision making, including profiling. Animato’s processing of your personal information will not result in a decision based solely on automated processing that significantly affects you unless such a decision is necessary as part of a contract we have with you, we have your consent, or we are permitted by law to engage in such automated decision making. If you have questions about our automated decision making, you may contact us as set forth in “[Contact Us](#)” below.

- **De-identified and Aggregated Information.** We may use personal information to create de-identified and/or aggregated information, such as demographic information, information about the device from which you access our Services, or other analyses we create. De-identified and/or aggregated information is not personal information, and we may use, disclose, and retain such information as permitted by applicable laws including, but not limited to, for research, analysis, analytics, and any other legally permissible purposes.

#### 4. HOW WE DISCLOSE YOUR PERSONAL INFORMATION

We disclose your personal information to third parties for a variety of business purposes, including to provide our Services, to protect us or others, or in the event of a major business transaction such as a merger, sale, or asset transfer, as described below.

##### A. Disclosures to Provide our Services

The categories of third parties with whom we may share your personal information are described below.

- **Service Providers.** We may share your personal information with our third-party service providers and vendors that assist us with the provision of our Services. This includes service providers and vendors that provide us with IT support, hosting, payment processing, customer service, and related services.
- **Individuals or Third Parties You Share or Interact With.** The Services may allow you to share or interact with other individuals or third parties. For example, you may be able to use the Services to display your avatar to other individuals or third parties via a video chat service. Any information shared with or otherwise collected by a third party may be subject to the third party's privacy policy. We are not responsible for the processing of personal information by other individuals or third parties you share or interact with.
- **Third-Party Services You Share or Interact With.** Certain features and functionalities of the Services may link to or allow you to interface, interact, or share information with, access and/or use third-party websites, services, products, and technology (collectively, "**Third-Party Services**").

For example, when you speak with Annie, we may share transcriptions of your recorded conversations with OpenAI or another similar provider.

Any information shared with or otherwise collected by a Third-Party Service may be subject to the Third-Party Service's privacy policy. We are not responsible for the processing of personal information by Third-Party Services.

- **Business Partners.** We may share your personal information with business partners to provide you with a product or service you have requested. We may also share your personal information with business partners with whom we jointly offer products or services.
- **Affiliates.** We may share your personal information with our corporate affiliates.
- **Advertising Partners.** We may share your personal information with third-party advertising partners. These third-party advertising partners may set Technologies and other tracking tools on our Services to collect information regarding your activities and your device (e.g., your IP address, cookie identifiers, page(s) visited, location, time of day). These advertising partners may use this information (and similar information collected from other services) for purposes of delivering personalized advertisements to you when you visit digital properties within their networks. This practice is commonly referred to as "interest-based advertising" or "personalized advertising."

## **B. Disclosures to Protect Us or Others**

We may access, preserve, and disclose any information we store associated with you to external parties if we, in good faith, believe doing so is required or appropriate to: comply with law enforcement or national security requests and legal process, such as a court order or subpoena; protect your, our, or others' rights, property, or safety; enforce our policies or contracts; collect amounts owed to us; or assist with an investigation or prosecution of suspected or actual illegal activity.

## **C. Disclosure in the Event of Merger, Sale, or Other Asset Transfers**

If we are involved in a merger, acquisition, financing due diligence, reorganization, bankruptcy, receivership, purchase or sale of assets, or transition of service to another provider, your information may be sold or transferred as part of such a transaction, as permitted by law and/or contract.

## **5. YOUR PRIVACY CHOICES AND RIGHTS**

**Your Privacy Choices.** The privacy choices you may have about your personal information are determined by applicable law and are described below.

- **Email Communications.** If you receive an unwanted email from us, you can use the unsubscribe link found at the bottom of the email to opt out of receiving future emails. Note that you will continue to receive transaction-related emails regarding products or Services you have requested. We may also send you certain non-promotional communications regarding us and our Services, and you will not be able to opt out of those communications (e.g., communications regarding our Services or updates to our Terms or this Privacy Policy).
- **Text Messages.** If you receive an unwanted text message from us, you may opt out of receiving future text messages from us by following the instructions in the text message you have received from us or by otherwise contacting us as set forth in "Contact Us" below.
- **Mobile Devices.** We may send you push notifications through our mobile application. You may opt out from receiving these push notifications by changing the settings on your mobile device. With your consent, we may also collect precise location-based information via our mobile application. You may opt out of this collection by changing the settings on your mobile device.
- **"Do Not Track."** Do Not Track ("DNT") is a privacy preference that users can set in certain web browsers. Please note that we do not respond to or honor DNT signals or similar mechanisms transmitted by web browsers.
- **Cookies and Personalized Advertising.** You may stop or restrict the placement of Technologies on your device or remove them by adjusting your preferences as your browser or device permits. However, if you adjust your preferences, our Services may not work properly. Please note that cookie-based opt-outs are not effective on mobile applications. However, you may opt-out of personalized advertisements on some mobile applications by following the instructions for [Android](#), [iOS](#), and [others](#).

The online advertising industry also provides websites from which you may opt out of receiving targeted ads from data partners and other advertising partners that participate in self-regulatory programs. You can access these and learn more about targeted advertising and consumer choice and privacy by visiting the [Network Advertising Initiative](#), [the Digital Advertising Alliance](#), [the European Digital Advertising Alliance](#), and [the Digital Advertising Alliance of Canada](#).

Please note you must separately opt out in each browser and on each device.

**Your Privacy Rights.** In accordance with applicable law, you may have the right to:

- **Request Access to and Portability of Your Personal Information**, including: (i) obtaining access to or a copy of your personal information; and (ii) receiving an electronic copy of personal information that you have provided to us, or asking us to send that information to another company in a structured, commonly used, and machine readable format (also known as the “right of data portability”);
- **Request Correction** of your personal information where it is inaccurate or incomplete. In some cases, we may provide self-service tools that enable you to update your personal information;
- **Request Deletion** of your personal information;
- **Request Restriction of or Object to** our processing of your personal information; and
- **Withdraw your Consent** to our processing of your personal information. Please note that your withdrawal will only take effect for future processing, and will not affect the lawfulness of processing before the withdrawal.

If you would like to exercise any of these rights, please contact us as set forth in [“Contact Us”](#) below. We will process such requests in accordance with applicable laws.

## **6. INTERNATIONAL DATA TRANSFERS**

All personal information processed by us may be transferred, processed, and stored anywhere in the world, including, but not limited to, the United States or other countries, which may have data protection laws that are different from the laws where you live.

If we transfer personal information which originates in the European Economic Area, Switzerland, and/or the United Kingdom to a country that has not been found to provide an adequate level of protection under applicable data protection laws, one of the safeguards we may use to support such transfer is the [EU Standard Contractual Clauses](#).

For more information about the safeguards we use for international transfers of your personal information, please contact us as set forth below.

## **7. RETENTION OF PERSONAL INFORMATION**

We store the personal information we collect as described in this Privacy Policy for as long as you use our Services, or as necessary to fulfill the purpose(s) for which it was collected, provide our Services, resolve disputes, establish legal defenses, conduct audits, pursue legitimate business purposes, enforce our agreements, and comply with applicable laws.

## **8. SUPPLEMENTAL NOTICE FOR NEVADA RESIDENTS**

If you are a resident of Nevada, you have the right to opt-out of the sale of certain personal information to third parties who intend to license or sell that personal information. If applicable, you can exercise this right by contacting us at the email address listed in [“Contact Us”](#) below with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your personal information as sales are defined in Nevada Revised Statutes Chapter 603A. If you have any questions, please contact us as set forth in [“Contact Us”](#) below.

## 9. CHILDREN'S INFORMATION

The Services are not directed to children under 13 (or other age as required by local law), and we do not knowingly collect personal information from children.

If you are a parent or guardian and believe your child has uploaded personal information to our site without your consent, you may contact us as described in "[Contact Us](#)" below. If we become aware that a child has provided us with personal information in violation of applicable law, we will delete any personal information we have collected, unless we have a legal obligation to keep it, and terminate the child's account, if applicable.

## 10. OTHER PROVISIONS

**Third-Party Websites/Applications.** The Services may contain links to other websites/applications and other websites/applications may reference or link to our Services. These third-party services are not controlled by us. We encourage our users to read the privacy policies of each website and application with which they interact. We do not endorse, screen, or approve, and are not responsible for, the privacy practices or content of such other websites or applications. Providing personal information to third-party websites or applications is at your own risk.

**Supervisory Authority.** If your personal information is subject to the applicable data protection laws of the European Economic Area, Switzerland, or the United Kingdom, you have the right to lodge a complaint with the competent supervisory authority if you believe our processing of your personal information violates applicable law.

- [EEA Data Protection Authorities \(DPAs\)](#)
- [Swiss Federal Data Protection and Information Commissioner \(FDPIC\)](#)
- [UK Information Commissioner's Office \(ICO\)](#)

## 11. CONTACT US

Animato is the controller of the personal information we process under this Privacy Policy.

If you have any questions about our privacy practices or this Privacy Policy, or to exercise your rights as detailed in this Privacy Policy, please contact us at:

Animato, Inc.  
PO Box 2932, 94087 Sunnyvale CA

[privacy@animato.ai](mailto:privacy@animato.ai)