

## ATMOS GAMES, LLC Privacy Notice for California Residents

Effective Date: October 1st, 2020

Last Updated: November 25th, 2020

### 1. OVERVIEW

This Privacy Notice for California Residents supplements the information contained in the Atmos Games, LLC (“Atmos,” “FullTimeGameDev,” “we,” “us,” “our”) FullTimeGameDev/PrivacyPolicy (the “Privacy Policy”) and applies solely to all visitors, users, and others who reside in the State of California (“consumers” or “you”). We adopt this notice to comply with the California Consumer Privacy Act of 2018 (“CCPA”) and any terms defined in the CCPA have the same meaning when used in this notice. This notice governs each website, mobile site, application, and any service we provide, regardless of how distributed, transmitted, published, or broadcast (each, a “Service”).

### 2. INFORMATION WE COLLECT

Our Service collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“*Personal Information*”). In particular, our Service has collected the following categories of Personal Information from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver’s license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver’s license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some Personal Information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	NO
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a	NO

	template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	NO
K. Inferences drawn from other Personal Information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO

Personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, such as:
  - health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data;
  - personally identifiable information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

Atmos obtains the categories of Personal Information listed above from the following categories of sources:

- Directly from you. For example, from information you provide to gain access to some of our content or services and when completing certain forms, requesting to receive information about products and offerings from Atmos, and any other submission of information on our Services.
- Indirectly from you. For example, from observing your actions on our Services through the use of cookies, tracking pixels, and certain third-party service providers, a list of which is available upon request.
- Your use of third-party social networking service(s) that may be integrated with our Service. For example, some social networking services allow you to push content from our Service to your contacts or to pull information about your contacts so you can connect with them on or through our Service.

### **3. USE OF PERSONAL INFORMATION**

We may use or disclose the Personal Information we collect for one or more of the following purposes:

- To fulfill or meet the purpose for which you provided the information. For example, if you share your name and contact information to request a price quote or ask a question about our products or services, we will use that Personal Information to respond to your inquiry. If you provide your Personal Information to purchase a product or service, we will use that information to process your payment and facilitate delivery. We may also save your information to facilitate new product orders or process returns.
- To provide, support, personalize, and develop our Services, products, and services.
- To present our Services and their contents to you.
- To create, maintain, customize, and secure your account with us.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize experience with the Services and to deliver content and product offerings relevant to your interests, including targeted offers and ads through our Service, third-party sites, and via email or text message (with your consent, where required by law).
- For testing, research, analysis, and product development, including to develop and improve our Services and products.
- To communicate information to you (e.g., new features, products, or services).
- To help maintain the safety, security, and integrity of our Service, databases and other technology assets, and business.
- To respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- As described to you when collecting your Personal Information or as otherwise set forth in the CCPA.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which Personal Information held by us about our users is among the assets transferred. We will not collect additional categories of Personal Information or use the Personal Information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

### **4. SHARING PERSONAL INFORMATION**

We do not, and will not for the term this notice is posted in its current form, sell or rent your Personal Information. We may disclose your Personal Information to a third party for a business purpose. When we disclose Personal Information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that Personal Information confidential and not use it for any purpose except performing the contract.

We share your Personal Information with the following categories of third parties:

- Parents, subsidiaries, and affiliates of Atmos.
- Contractors, service providers, or other third parties we use to support our business. While we may seek to limit third parties' use of your Data solely to providing services to us and require that they maintain the confidentiality, security, and integrity of your Data and not make unauthorized use or disclosure of the Data, we may not have contracts mandating such measures in place with all of our third parties. A list of these contractors, service providers, or other third parties is available upon verified request.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of Atmos' assets, where Personal Information held by Atmos about our Services' users is among the assets transferred.

## **5. DISCLOSURES OF PERSONAL INFORMATION FOR A BUSINESS PURPOSE**

In the preceding twelve (12) months, Atmos has disclosed the following categories of Personal Information for a business purpose:

- Category A: Identifiers.
- Category B: California Customer Records Personal Information categories.
- Category C: Protected classification characteristics.
- Category D: Commercial information.
- Category E: Biometric information.
- Category F: Internet or other similar network activity.
- Category G: Geolocation data.
- Category H: Sensory data.
- Category I: Professional or employment-related information.
- Category J: Non-public education information.
- Category K: Inferences drawn from other Personal Information.

We disclose your Personal Information for a business purpose to the following categories of third parties:

- Parents, subsidiaries, and affiliates of Atmos.
- Contractors, service providers, or other third parties we use to support our business and who are bound by contractual obligations to keep your Personal Information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution or other sale or transfer of some or all of Atmos' assets, where Personal Information held by Atmos about our Services' users is among the assets transferred.

## **6. YOUR RIGHTS AND CHOICES**

The CCPA provides consumers (California residents) with specific rights regarding their Personal Information. Sections 8 through 13, below, describe your CCPA rights and explains how to exercise those rights.

## **7. ACCESS TO SPECIFIC INFORMATION AND DATA PORTABILITY RIGHTS**

You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past twelve (12) months. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Rights, below), we will disclose to you:

- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- Our business or commercial purpose for collecting that Personal Information.
- The categories of third parties with whom we share that Personal Information.
- The specific pieces of Personal Information we collected about you (also called a data portability request).
- If we disclosed your Personal Information for a business purpose, a separate list identifying the Personal Information categories that each category of recipient obtained.

## **8. DELETION REQUEST RIGHTS**

You have the right to request that we delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see Exercising Access, Data Portability, and Deletion Rights, below), we will delete (and direct our service providers to delete) your Personal Information from our records, unless an exception applies.

We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

1. Complete the transaction for which we collected the Personal Information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.

8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

## **9. EXERCISING ACCESS, DATA PORTABILITY, AND DELETION RIGHTS**

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us by either:

- Emailing us at thomas at fulltimegamedev (dot) com

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your Personal Information. You may also make a verifiable consumer request on behalf of your minor child. To authorize an agent to act on your behalf with respect to the rights contained in this Notice, we may require proof from the agent that you have provided the authorized agent written permission to do so, and we may require that you verify your own identity directly with us. If you have provided the agent with power of attorney, that may be sufficient.

You may only make a verifiable consumer request for access or data portability twice within a twelve (12) month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected Personal Information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you.

Making a verifiable consumer request does not require you to create an account with us, though requests may be made using the authentication procedures for your password-protected account. To verify your requests, we ask that you provide information required to match the request with the consumer about whom information has been collected or utilize authentication practices for your password-protected account. We verify requests by matching the information you provide to information that we maintain in our records.

We will only use Personal Information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

## **10. RESPONSE TIMING AND FORMAT**

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time, up to an additional forty-five (45) days, we will inform you of the reason and extension period in writing.

If you have an account with us, we will deliver our written response to that account. If you do not have an account with us, we will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the twelve (12) month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your Personal Information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

#### **11. NON-DISCRIMINATION**

We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Although certain financial incentives are permitted under the CCPA, Atmos does not currently offer financial incentives with respect to the collection and use of your Personal Information.

#### **12. OTHER CALIFORNIA PRIVACY RIGHTS**

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Services that are California residents to request certain information regarding our disclosure of Personal Information to third parties for their direct marketing purposes. To make such a request, please send an email to legal thomas at fulltimegamedev (dot) com.

#### **13. CHANGES TO OUR PRIVACY NOTICE**

Atmos reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on the Website and update the notice's effective date. Your continued use of our Services following the posting of changes constitutes your acceptance of such changes.

#### **14. CONTACT INFORMATION**

If you have any questions or comments about this notice, the ways in which Atmos collects and uses your information described above and in the Privacy Policy, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact our representative(s) at the following:

Website: [fulltimegamedev.com](http://fulltimegamedev.com)

E-mail Address: thomas at fulltimegamedev (dot) com