

MODEST SPARK PRIVACY AND DATA SECURITY POLICY

Our Privacy and Data Security Policy may update from time to time.

This Privacy and Data Security Policy describes how we collect, use, and protect the personal information you provide when you use the Services. Unless otherwise defined here, capitalized terms used have the same meaning as in our mutual Modest Spark, LLC Application Services Agreement.

INFORMATION COLLECTION AND USE

In order to access and use the Services, you and/or your End Users will need to register and provide us your registration and other information, which will contain personally identifiable information ("PII"). "PII" means information or data about you or your End Users.

We use and disclose PII only as follows:

- Facilitate the creation of and secure your account;
- Identify you as a user in our system;
- To analyze usage, run and improve the Services;
- Send you administrative e-mail notifications, such as security or support and maintenance advisories and communications relevant to your use of the Services;
- To fulfill your requests for certain products and services;
- For market research, project planning, troubleshooting problems, detecting and protecting against error, fraud or other criminal activity;
- To third-party contractors that provide services for us and who are also bound by the Privacy and Data Security Policy;
- As otherwise set forth in this Privacy and Data Security Policy.

If you provide us feedback or contact us via e-mail, we will collect your name and e-mail address, as well as any other content included in the e-mail, in order to send you a reply.

To make our Site and Services more useful to you, our servers (which are hosted by a third party service provider) collect information from you, including your browser type, operating system, Internet Protocol address (a number that is automatically assigned to your computer when you use the Internet, which may vary from session to session), domain name, and/or a date/time stamp for your visit. We also use cookies and URL information to gather information regarding the date and time of your visit, the information for which you searched and which you viewed, pages visited and the average time spent on our Site.

"Cookies" are small pieces of information that a website sends to your computer's hard drive while you are viewing a web site. We may use both session Cookies (which expire once you close your web browser) and persistent Cookies (which stay on your computer until you delete them) to provide you with a more personal and interactive experience on our Site. We may set and access Cookies on your computer to track and store preferential information about you. Please note that most internet browsers will allow you to stop Cookies from being stored on your computer and to delete Cookies stored on your computer. If you choose to eliminate Cookies, the full functionality of the Services may be impaired for you or your End Users.



DISCLOSURE OF INFORMATION IN CERTAIN CIRCUMSTANCES

We reserve the right to share or disclose your PII when we reasonably determine, in our sole discretion, that the disclosure of such information is necessary or appropriate:

- To enforce our rights against you or in connection with a breach by you or your End Users of the ASA
- To prevent any activity we consider to be prohibited or illegal or damaging to our Service or other End Users; or
- When required by any applicable law, rule regulation, subpoena or other legal process.

In addition, your PII may be transferred to a third party as a result of an asset sale, acquisition, merger, reorganization or other change of control or if we sell, merge or transfer any part of our business, part of the sale may include your PII.

ACCESSING AND CHANGING YOUR INFORMATION

You can review, update, and correct your information you provide us through the Modest Spark Site. You can also remove account through the Modest Spark Site.

SECURITY

We take precautions - including technical, administrative and physical measures - to safeguard your Content. We use data encryption techniques and authentication procedures, among others, to maintain the security of your online session and to protect PII, account information and our systems from unauthorized access.

Your PII is stored and located on secured servers. We only authorize access to PII for those employees, contractors and agents who need to know that information in order to operate, develop or improve our Services. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination and criminal prosecution, if they fail to meet these obligations. We use AES-256 bit encryption for all of your PII, in storage and when in transit. While Modestspark uses these and other reasonable efforts to protect PII, no method of transmission over the Internet, or method of electronic storage, is 100% secure. Therefore, Modestspark cannot guarantee absolute security of PII.

LINKS

The Modestspark Site may contain links to other websites. Modestspark does not endorse and is not responsible for the privacy practices or the Content of these third party websites. We exercise no control over how your information is stored, maintained or displayed by third parties or on third-party sites.

OUR POLICY TOWARDS CHILDREN

The Service is not directed to children. We do not knowingly collect PII from children. If you, as a parent or guardian, become aware that your child has provided us with PII without your consent, please contact us. If we become aware that a user is under the age of 13 and has provided us with PII without verifiable parental consent, we will delete such information from the Service.

CHANGES

We reserve the right, in our sole discretion, to modify this Privacy and Data Security Policy at any time. If we modify this Privacy and Data Security Policy, we will notify you of such changes by posting them on the Modest Spark Site or providing you with notice of the modification. We will try, when possible, to provide at least 30 days notice prior to any changes taking effect. By continuing to access or use the Service after we have posted a modification or have provided you and/or your End Users with notice of a modification, you are indicating that you agree to be bound by the modified Privacy and Data Security Policy. If the modified Privacy and Data Security Policy is not acceptable to you, your only recourse is to cease using the Services.

SYSTEM OUTAGES AND DATA LOSS

We are committed to protecting the integrity and availability of the Services. We employ industry standard back-up procedures to help protect PII from accidental loss or deletion. While Modestspark uses these and other reasonable efforts to preserve PII, the Services may experience maintenance periods or system outages from time to time, and no method of back-up or electronic storage is 100% reliable. Therefore, we cannot guarantee absolute availability of PII and recommend that you create additional back-up copies for all PII provided to us.

LOST PASSWORDS

If you believe that your or any End User password has been stolen, misused or made known to others, you agree to contact us immediately at support@modestspark.com, and to change your or your End User's password as soon as possible.