

Effective date: August 1, 2018

This Privacy Policy ("Policy") lets you know how Milk The Moment ("Milk The Moment", "We, "Us") collects and uses your ("User" "Users" or "Patron") Personal Information, how you can control its use, and describes our practices regarding information collected from the website related services, modules, functions, software, platforms and application for mobile devices and HTML-formatted e-mail messages (collectively, the "Services"). The App delivers consumer rewards from Sponsors to Patrons who redeem their points by refraining from using their mobile devices in participating theatres, restaurants and businesses ("Establishments"). This Privacy Policy applies to the website and all products and services offered by Milk The Moment.

We at Milk The Moment know you care about how your personal information is used and shared, and we take your privacy seriously. Please read the following to learn more about our Privacy Policy. By using or accessing the Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy, and you hereby consent that we will collect, use, and share your information in the following ways.

Remember that your use of Milk The Moment's Services is at all times subject to the Terms and Conditions, which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms and Conditions.

The Services may provide links to or the ability to connect with non-Milk The Moment websites, services, social networks or applications. Clicking on those links or enabling those connections might allow the third party to collect or share information about you. Those third-party websites or services are beyond Milk The Moment's control. Milk The Moment advises you to check the privacy policies and terms of use of any non-Milk The Moment websites or services before providing any of your Personal Information to them.

As noted in the Terms and Conditions, we do not knowingly collect or solicit personal information from anyone under the age of 18. If you are under 18, please do not attempt to register for the Services or send any personal information about yourself to us without the consent of a parent or legal guardian. If we learn that we have collected personal information from anyone under age 18 without consent, we will delete that information as quickly as possible. If you believe that anyone under the age of 18 may have provided us personal information without consent, please contact us at [info@milkmthemoment.com](mailto:info@milkmthemoment.com).

#### Invitation to Join Another User of The App To Gain Bonus Points

A User that is signed into the App can be prompted that other Users ("Other Users") are located nearby by showing the Other User's profile information and/or picture and the App will notify the other Users that if they want to join ("Joining") the Other User's in "Milking The Moment" and together earning bonus points. If a User wants to join another User in Milking The Moment it must send a joining request that can be accepted or declined by the Other User(s). The process of joining another User or Users shall cease when one of the users sign out, disconnects, deactivates or leaves a geo-fence/beacon area.

#### Will Milk The Moment ever change this Privacy Policy?

We're constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time as well, but we will alert you to changes by placing a notice in the app, by

sending you an email, and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all of the changes.

Personal and other additional information we collect about you

Through your interaction with and use of the Services, including signing up for the Services, Milk The Moment may collect Personal Information, which is information that identifies an individual or relates to an identifiable individual. Personal Information may include, but is not limited to:

Your name and physical address, email addresses, and telephone numbers

Collecting Personal Information such as your name, email address, device ID, and third-party account credentials (for example, your log-in credentials for Facebook or other third party sites)

Past transactional behavior conducted by You on the Services

Information about your company such as the name, size and location of your company and your role within the company;

Behavioral or demographic attributes, when tied to personal identifiers

Information obtained from third parties about your interests

Milk The Moment may also collect additional information through your dealings with and use of the Services and non-Milk The Moment websites, which does not disclose your specific identity or does not directly relate to an individual. Additional information may include, but is not limited to:

Internet Protocol address ("IP address") and information derived from your IP address such as your geographic location;

Geographic location showing where You are using the Services;

Information about your devices such as information contained in HTTP Headers (defined below) or other internet transfer protocol signals, browser or device type and version; operating system, user-agent strings and information about or from the presence or use of "apps" on your mobile devices, screen resolution, and your preferred language;

Unique IDs such as a cookie placed on your computer, mobile or device IDs;

Behavioral data and information about your usage of the Services, including webpages clicked, websites and content areas visited, date and time of activities;

The web search you undertook to locate and navigate to the Services.

We might also may put together additional information with Personal Information, such as gathering geographical location from your IP address and combining all of this with behavioral data about your usage of the Services with your name. If we combine additional information with personal Information, we will treat the combined information as Personal Information.

We may anonymize your Personal Information so that you are not individually identified, and provide and share that information to our partners. We may also provide aggregate usage information to our partners, who may use such information to understand how often and in what ways people use our Services, so that they, too, can provide you with an optimal online experience. However, we never disclose aggregate usage information to a partner in a manner that would identify you personally, as an individual.

Advertisers: Though we do not currently have advertisers, we may allow advertisers and/or merchant partners ("Advertisers") to choose the demographic information of users who will see their advertisements and/or promotional offers and you agree that we may provide any of the information we have collected from you in a form that is not personally identifiable to an Advertiser, in order for that Advertiser to select the appropriate audience for those advertisements and/or offers. For example, we might use the fact if you are located in Los Angeles to show you ads or offers for Los Angeles businesses, but we will not tell such businesses who you are. Or, we might allow Advertisers to display their ads to users with similar usage patterns to yours, but we will not disclose usage information to Advertisers except in aggregate form, and not in a manner that would identify you personally. Note that if an advertiser asks us to show an ad to a certain audience or audience segment and you

respond to that ad, the advertiser may conclude that you fit the description of the audience they were trying to reach.

## Use and Disclosure of Information

### Personal Information

Milk The Moment uses and shares the Personal Information it collects (unless otherwise prohibited by applicable law), to:

- (a) To promote use of our services to you. For example, if you leave your Personal Information when you visit our Website and do not sign up for any of the Services, we may send you an email inviting you to sign up. If you use any of our Services and we think you might benefit from using another Service we offer, we may send you an email about that. You can stop receiving our promotional emails by following the unsubscribe instructions included in every email we send. In addition, we may use information we collect in order to advertise our Services to you or suggest additional features of our Services that you might consider using.
- (b) To send you informational and promotional content that you may choose (or “opt in”) to receive. You can stop receiving our promotional emails by following the unsubscribe instructions included in every email.
- (c) To bill and collect money owed to us by our Customers. This includes sending you emails, invoices, receipts, notices of delinquency, and alerting you if we need a different credit card number. We use third parties for secure credit card transaction processing, and we send billing information to those third parties to process your orders and credit card payments.
- (d) To send you System Alert messages. For example, we may inform you of temporary or permanent changes to our Services, such as scheduled outages, new features, version updates, releases, abuse warnings, and changes to our Privacy Policy.
- (e) To communicate with our Customers about their account and provide customer support.
- (f) To enforce compliance with our Terms and Conditions and applicable law. This may include developing tools and algorithms that help us prevent violations.
- (g) To protect the rights and safety of our Employees, Customers and third parties, as well as our own.
- (h) To meet legal requirements, including complying with court orders, valid discovery requests, valid subpoenas, and other appropriate legal mechanisms.
- (i) To provide information to representatives and advisors, including attorneys and accountants, to help us comply with legal, accounting, or security requirements.
- (j) To prosecute and defend a court, arbitration, or similar legal proceeding.
- (k) To respond to lawful requests by public authorities, including to meet national security or law enforcement requirements.
- (l) To provide support and improve the Services we offer. This may include, for example, aggregating information from your use of the Services or visit to our Websites and sharing this information with third parties to improve our Services. When we do have to share Personal Information with third parties, we take steps to protect your information by requiring these third parties to enter into a contract with us that requires them to use the Personal Information we transfer to them in a manner that is consistent with this policy.
- (m) To provide suggestions to you. This includes adding features that compare Customers’ content or communications, using data to suggest products or services that you may be interested in or that may be relevant to you or your Recipients.
- (n) To transfer your information in the case of a sale, merger, consolidation, liquidation, reorganization, or acquisition. In that event, any acquirer will be subject to our obligations under this Privacy Policy, including your rights to access and choice. We will notify you of the change either by sending you an email or posting a notice on our Website.
- (o) Improve Milk The Moment’s Services and Customer Experiences. Milk The Moment might use your Personal Information to assess and improve our products, services, marketing, and customer relationships and experiences.
- (p) Customer Testimonials. We might at some point upload Customers testimonials on our Services that may contain Personal Information. Before doing so, we will obtain your consent

to use your name and testimonial. If you ever desire to delete a testimonial, please contact us at

(q) Provide Support or Other Services. Milk The Moment may use your Personal Information to provide you support or other services you have ordered, in addition to product updates, product patches and fixes and other similar operational communications.

(r) Respond to Your Requests. Milk The Moment may also use Personal Information in order to respond directly to your information requests.

(s) Third Party Social Networks. Milk The Moment may use your Personal Information to connect with you on third party social networks. Milk The Moment's interactions with you on any third party social network would be subject to that network's privacy policies and terms of use.

(t) For Obtaining Third Party Services. Milk The Moment may also share Personal Information and additional information with third parties who offer services to Milk The Moment, including credit card processing services, order fulfillment, analytics, website hosting and management, cloud managed services, information technology and related infrastructure provision, customer service, e-mail delivery, auditing, and other similar services. When Milk The Moment shares Personal Information with any third party service providers, we require that they use your Personal Information and additional information solely for the purpose of providing services to Milk The Moment and subject to terms consistent with this Policy.

#### How We Collect Information

Milk The Moment and our third party service providers may collect both Personal Information and additional information from an assortment of sources:

(a) Information from your use of the Service: We may receive information about how and when you visited our website or use the Services, store it in log files or other types of files associated with your account, and link it to other information we collect about you. This information may include, for example, your IP address, time, date, browser used, and actions you have taken within the application. This type of information helps us to improve our Services for both you and for all of our users.

(b) Cookies and tracking: We and our partners use cookies or similar technologies to analyze trends, administer the website, track users' movements around the website, and to gather demographic information about our user base as a whole. Users can control the use of cookies at the individual browser level. We may partner with a third party to either display advertising on our website or to manage our advertising on other sites. Our third party partner may use cookies or similar technologies in order to provide you advertising or other content based upon your browsing activities and interests. If you wish to opt out of interest-based advertising click <http://preferences-mgr.truste.com/>. Please note you might continue to receive generic ads.

(c) Web beacons and geo-fencing: We use web beacons on our Websites and in our emails. When we send emails to Customers, we may track behavior such as who opened the emails and who clicked the links. This allows us to measure the performance of our email campaigns and to improve our features for specific segments of Customers. To do this, we include single pixel gifs, also called web beacons, in emails we send. Web beacons allow us to collect information about when you open the email, your IP address, your browser or email client type, and other similar details. We also include Web Beacons in the emails we deliver for you.

Reports are also available to us when we send email to you, so we may collect and review that information.

(d) Information from other sources: We may receive more information about you such as your name, email address, demographic information, IP addresses, location, and use of social media websites, by searching the Internet or querying third parties (we refer to that information as "Additional Information").

(e) Physical Location: We use geo-fencing to track your location. Through geo-fencing, a user is alerted that they are in a "MILK ZONE" which is an Establishment where they can redeem points. The user activates the app and accrues points as long as their phone is not in use. If a user uses their phone, the app stops collecting points. Once the user accrues enough points at

PARTICULAR Establishment “MILK ZONE,” the user can redeem points from a Sponsor for a reward of their choice.

If we detect that you are collecting points without physically being inside of a theater we will consider this abuse of the app and adjust and/or take away your points in our sole discretion.

We use peer 2 peer proximity beacon technology to detect nearby devices so that users can join each other and accrue bonus points together. Users have the ability to accept or decline these group requests. Users will see that other Users are nearby, however Milk the Moment will not show a map or exact location of users for privacy reasons. Users can choose to not have their profile picture shown to the group.

We may also collect and share the physical location of your device for purposes consistent with this Policy, such as to provide you with personalized location-based services or content. In some instances, you may be permitted to allow or deny such use of your device's location, but if you choose to deny such use, we may not be able to provide you with the applicable personalized services or content. We may also use your location information to improve the Services.

Consistent with the uses of Personal Information covered under the heading, “Third Parties,” we may transfer Personal Information of you to companies that help us promote, provide, or support our Services or the services of our Customers (“Service Providers”). We do not rent or sell your Personal Information in personally identifiable form to anyone, provided certain Personal Information may be transferred in connection with business transfers, as described below. All Service Providers enter into a contract with us that protects Personal Information and restricts their use of any Personal Information consistent with this policy. As part of our Services, we may use and incorporate into features information you have provided or we have collected from you. We may share this information with third parties in line with the approved uses above.

We will retain Personal Information we process on behalf of Users for as long as needed to provide our Services or to comply with our legal obligations, resolve disputes, prevent abuse, and enforce our agreements.

#### Public Information and Third Party Websites

(a) Blog. We may at some point have public blogs on our Websites. Any information you include in a comment on our blog may be read, collected, and used by anyone. If your Personal Information appears on our blogs and you want it removed, contact us. If we are unable to remove your information, we will tell you why.

(b) Social media platforms and widgets. Our Websites include social media features, such as the Facebook Like button. These features may collect information about your IP address and which page you are visiting on our Website, and they may set a cookie to make sure the feature functions properly. Social media features and widgets are either hosted by a third party or hosted directly on our Website. We also maintain presences on social media platforms including Facebook, Twitter, and Instagram. Any information, communications, or materials you submit to us via a social media platform is done at your own risk without any expectation of privacy. We cannot control the actions of other users of these platforms or the actions of the platforms themselves. Your interactions with those features and platforms are governed by the privacy policies of the companies that provide them.

(c) Links to third-party websites. Our Websites may include links to other websites, whose privacy practices may be different from Milk The Moment. If you submit Personal Information to any of those sites, your information is governed by their privacy policies. We encourage you to carefully read the privacy policy of any Website you visit.

#### Third Parties

We may disclose Personal Information to the following types of third parties for the purposes described in this policy:

(a) Service providers. Sometimes, we need to use third party Service Providers in order to provide and support the features of our Services. For example, if it is necessary to provide you

something you have requested (like enable a feature), then we may share your Personal Information with a Service Provider for that purpose. We will tell you we are working with a Service Provider whenever reasonably possible, and you may request at any time the names of our Service Providers. Just like with the other third parties we work with, these third party Service Providers enter into a contract that requires them to use your Personal Information in a manner that is consistent with this policy. We have no control over the policies and practices of third party websites or businesses as to privacy or anything else, so if you choose to take part in any transaction or service relating to an affiliated website or business, please review all such business' or websites' policies.

(b) Sponsors. We may partner with sponsors to deliver consumer rewards to patrons who refrain from using their mobile devices in participating Establishments and may share Personal Information with them for this purpose. All third parties with which we share this information enter into a contract with us that requires them to use your Personal Information in a manner that is consistent with this policy. We or our third party partners may use technologies, such as cookies, to gather information about your activities on our Websites and other sites in order to provide you with advertising based on your browsing activities and interests. Any information, communications, or materials you submit to a sponsor is done at your own risk without any expectation of privacy. We cannot control the actions of any of these sponsors or the actions of the platforms themselves. Your interactions with sponsors are governed by the privacy policies of the companies that provide them.

(c) Advertising partners. We may partner with third parties to display advertising on our Websites or to manage our advertising on other sites and may share Personal Information with them for this purpose. All third parties with which we share this information enter into a contract with us that requires them to use your Personal Information in a manner that is consistent with this policy. We or our third party partners may use technologies, such as cookies, to gather information about your activities on our Websites and other sites in order to provide you with advertising based on your browsing activities and interests.

(d) Agents: We might employ other companies and people to perform tasks on our behalf and need to share your information with them to provide products or services to you. Unless we tell you differently, our agents do not have any right to use the Personal Information we share with them beyond what is necessary to assist us.

(e) User Profiles and Submissions: Certain user profile information, including your name, location, and any video or image content that such user has uploaded to the Services, may be displayed to other users to facilitate user interaction within the Services or address your request for our services. Your account privacy settings may allow you to limit the other users who can see the Personal Information in your user profile and/or what information in your user profile is visible to others. Please remember that any content you upload to your public user profile, along with any Personal Information or content that you voluntarily disclose online in a manner other users can view (on discussion boards, in messages and chat areas, etc.) becomes publicly available, and can be collected and used by anyone. Your user name may also be displayed to other users if and when you send messages or comments or upload images or videos through the Services and other users can contact you through messages and comments. Additionally, if you sign into the Services through a third party social networking site or service, your list of "friends" from that site or service may be automatically imported to the Services. Again, we do not control the policies and practices of any other third party site or service.

If you have privacy concerns regarding access to or the correction of your Personal Information, write to us at: [info@milkmthemoment.com](mailto:info@milkmthemoment.com).

#### Security

The security of your Personal Information is extremely important to Milk The Moment. We use physical, electronic, and administrative safeguards that are designed to protect your Personal Information from loss, misuse and unauthorized access, disclosure, alteration and destruction. In addition, Milk The Moment uses standard security protocols and mechanisms to exchange the transmission of sensitive data such as credit card details. When you enter sensitive

Personal Information such as your credit card number on our site, we encrypt it using secure socket layer (SSL) technology.

In the event that your Personal Information is acquired, or is reasonably believed to have been acquired, by an unauthorized person and applicable law requires notification, Milk The Moment will notify you by e-mail or mail. Milk The Moment will give you notice promptly, consistent with the reasonable needs of law enforcement and/or Milk The Moment to determine the scope of the breach and to investigate and restore the integrity of the data system.

#### Notice of Breach of Security

If a security breach causes an unauthorized intrusion into our system that materially affects you or people on your Recipients, then Milk The Moment will notify you as soon as possible and later report the action we took in response.

#### Safeguarding Your Information

We take reasonable and appropriate measures to protect Personal Information from loss, misuse and unauthorized access, disclosure, alteration and destruction, taking into account the risks involved in the processing and the nature of the Personal Information.

Milk The Moment accounts require a username and password to log in. You must keep your username and password secure, and never disclose it to a third party. Because the information in your Recipients is so sensitive, account passwords are encrypted, which means we cannot see your passwords. We cannot resend forgotten passwords either. We will only reset them.

#### We Operate in the US Only

Milk The Moment operates in the United States only.

#### Accuracy of Information, Transparency, and Choice

We do our best to keep your Information accurate and up to date, to the extent that you provide us with the information we need to do so. If your information changes (for example, if you have a new email address), then you are responsible for notifying us of those changes.

Upon request, we will provide you with information about whether we hold, or process on behalf of a third party, any of your Personal Information.

We will retain your information for as long as your account is active or as long as needed to provide you with our Services. We may also retain and use your information in order to comply with our legal obligations, resolve disputes, prevent abuse, and enforce our Agreements.

As explained above, Milk The Moment shares your Personal Information with Service Providers in order to provide and support our Services. With respect to Personal Information we share with our advertising partners, you have a choice. You can opt-out of this sharing with our third party advertising partners by adjusting your cookie settings as explained in more detail above.

#### Access

We will give an individual, access to any Personal Information we hold about them within 30 days of any request for that information. Individuals may request to access, correct, amend or delete information we hold about them by contacting us. Unless it is prohibited by law, we will remove any Personal Information about an individual, either you or a Recipient, from our servers at your or their request. There is no charge for an individual to access or update their Personal Information.

#### California Privacy

Under California Law, California residents have the right to request in writing from businesses with whom they have an established business relationship, (a) a list of the categories of Personal Information, such as name, email and mailing address and the type of services provided to the customer, that a business has disclosed to third parties (including affiliates that are separate legal entities) during the immediately preceding calendar year for the third parties' direct marketing purposes and (b) the names and addresses of all such third parties. To request the above information, please contact us through our contact form or at the addresses above.

#### Do Not Track Disclosure

"Do Not Track" is a standard that is currently under development. Because it is not yet finalized, Milk The Moment adheres to the standards in this policy and does not monitor or follow any Do Not Track browser requests.

## WHAT CHOICES DO I HAVE?

You can always opt not to disclose information to us, but keep in mind some information may be needed to register with us or to take advantage of some of our features.

You may be able to add, update, or delete information as explained above. When you update information, however, we may maintain a copy of the unrevised information in our records. You may delete your account by email us with a cancellation request to [info@milkmthemoment.com](mailto:info@milkmthemoment.com). Some information may remain in our records after your deletion of such information from your account. We may use any aggregated data derived from or incorporating your Personal Information after you update or delete it, but not in a manner that would identify you personally.

What if I have questions about this policy?

If you have any questions or concerns regarding our privacy policies, please send us a detailed message to [info@milkmthemoment.com](mailto:info@milkmthemoment.com) and we will try to resolve your concerns.

**Special Rules For Children.** Because of federal law, we are not permitted to knowingly collect any personal information from a child under the age of thirteen without the consent of that child's parent or guardian. The statements in this Privacy Policy about our collection and use of personal information also apply to our treatment of personal information from children under the age of thirteen. Some elements of our Services such as signing up for our Services might require the submission of a payment card number along with personal information in connection with a purchase; other elements of our Services require the submission of personal information to access or use the Services. Except in certain cases where limited contact information may be collected and not retained, these elements of our Services are not available to children under the age of thirteen. If a child who we know to be under the age of thirteen and for whom we have not received parental consent attempts to utilize a service on our Services which is not available to children, he/she will not be able to access it and may receive a message which relays that he/she is not eligible for such feature.

## Dispute Resolution

If you have any complaints regarding our compliance with this policy, you should first contact Milk The Moment. We will investigate and attempt to resolve complaints and disputes regarding use and disclosure of your personal information in accordance with this policy.

## Corporate Headquarters

Milk The Moment's corporate headquarters are located at:  
118 16th Ave S #4, Suite 398 Nashville, TN 37203

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