

## MUSICAL OVERTURE, LLC

### Privacy Policy

**Updated: March 2021**

Welcome to the Musical Overture, LLC (“Company”) website located at [www.musicaloverture.com](http://www.musicaloverture.com) (“Site”). This Privacy Policy addresses the Company’s practices regarding information collected voluntarily from users of the Site, including users who register with the Site to obtain certain products and services (a “Member”).

The Company is committed to protecting the privacy of its users and Members and we respect the rights of our users worldwide. This Privacy Policy complies with policies in the United States, as well as the European Commission’s General Data Protection Regulation (“GDPR”), and the Children’s Online Privacy Protection Rule (“COPPA”). This Privacy Policy therefore details how we collect, store, and use any information relating to an identified or identifiable natural person who can be identified by things like a name, identification number, address, etc. (“Personal Information”).

The Company can be contacted at [contact@musicaloverture.com](mailto:contact@musicaloverture.com) or by telephone at 404-538-8487. This Privacy Policy is incorporated into the Company’s Website Terms of Service which governs your use of the Site.

THE FOLLOWING IS GENERAL PRIVACY COMPLIANT INFORMATION. PLEASE ALSO SEE THE COMPANY’S CURRENT PRIVACY POLICY AND THE CHILDREN’S ONLINE PRIVACY POLICY BELOW, WHICH PROVIDES THE COMPANY’S CURRENT INFORMATION.

#### **General Privacy Policy Information**

1. Types of Personal Information that Company Collects from Site Users and Members
  - 1.1. Who is collecting and receives your Personal Information: For information on who receives Personal Information, please see the Company’s current Privacy Policy below.
  - 1.2. Why we collect Personal Information: the Company may, from time to time, collect Personal Information about you that you voluntarily consent to submit to the Site in order to become a Member of the Site, to purchase products or services from the Site, or to participate in online surveys, sweepstakes, contests, to receive newsletters or other activities. Processing of Personal Information may also occur if it is necessary for the purposes of the legitimate interests pursued by the Company, except where such interests are overridden by the interests or fundamental rights and freedoms of the user and/or Member, which require protection of Personal Information. If you do not wish to provide such information to the Site, you may be unable to register and/or to obtain products or services from the Site.
  - 1.3. Categories of Personal Information collected: Company may collect or track Personal Information as listed in the Company’s Current Privacy Policy below.
2. How We Use Your Personal Information
  - 2.1. Personal Information collected by the Company is always voluntarily submitted by you, the user. The information may subsequently be used by the Company for many reasons,

for example, for recordkeeping, to fill orders, editorial and feedback purposes, statistical analysis of users' composite anonymous behavior, product development, content improvement, or to customize the content and layout of the Site. Aggregate data on visitors' home servers may be used for internal purposes, and individually identifying information, such as names, postal and email addresses, phone numbers, and other Personal Information which visitors voluntarily provide to Company may be added to Company's databases and used for future calls and mailings regarding Site updates, new products and services, and upcoming events, contingent on users opting in to receive such information.

- 2.2. Company also may use Site visitor data to contact the Site visitors regarding registration and account status and changes to the Terms of Use, Privacy Policy, and any other policies or agreements relevant to Site visitors.
  - 2.3. The Company may retain the Personal Information collected from you only for as long as necessary to fulfill the Company's purposes, or as permitted by law. If the Company no longer needs the Personal Information, the Company may delete the Personal Information.
3. Sharing Your Personal Information with Other Entities
    - 3.1. Except as provided herein, individually identifying Personal Information provided through the Site will not be sold, exchanged, transferred or otherwise disclosed to third parties not affiliated with the Company without your consent, other than for the express purpose of delivering the applicable purchased product or service or information requested.
4. Your Rights Regarding Your Personal Information
    - 4.1. Applicable privacy law gives users certain rights to their Personal Information as follows:
      - 4.1.1. Right of access and right to rectification: Users and Members have the right, via postal mail, email, or telephone, to request that Company provide you with a summary of any Personal Information retained by Company that has been voluntarily provided by you through online forms, registration forms, surveys, email, or another online avenue. You may modify, correct, change or update your Personal Information by contacting the Company via postal mail, email, or telephone at the addresses or number listed below.
      - 4.1.2. Right of portability: Users and Members have the right to request their Personal Information be ported to another controller (a controller being someone who determines the purposes and means of processing Personal Information).
      - 4.1.3. Right to be forgotten: Users and Members have the right to erasure of their Personal Information upon request.
      - 4.1.4. Extra safeguards: Users and Members have the right to extra safeguards if sensitive information is being processed (e.g., health, race, sexual orientation, religion, and political beliefs).
    - 4.2. How to exercise one of these rights: Contact the Company's Data Protection Officer listed below. If you reside in the European Union, the Company is the controller of your Personal Information for the purposes of the GDPR.
5. Your Consent: Controls and Choices
    - 5.1. Opt-in right: You have the right to consent freely to the processing of your Personal Information through a clear affirmative act, which may include ticking a box when visiting our Site, choosing technical settings, or other statements or conduct which indicates acceptance of the processing of your Personal Information.

- 5.2. Opt-out right: You have the right to withdraw your consent at any time by the opt-out process.
- 5.3. Managing your controls and choices: You may have the following controls and choices on our Site. Please see the Company's current Privacy Policy below for details.
  - 5.3.1. Account Changes: If the Company's Site allows personal account registrations, you can make changes to your Personal Information, including password changes, etc.
  - 5.3.2. Data Portability: If the user and/or Member has provided to the Company any Personal Information, the user and/or Member shall be able to request to receive that Personal Information in a commonly used, machine-readable format. If technically feasible, the user and/or Member shall be able to request that their Personal Information be transmitted to another controller.
  - 5.3.3. Removal of Personal Information: If you have an account on our Site, you have the option of deleting your account and/or Personal Information.
  - 5.3.4. Marketing: If the Company conducts marketing, you can opt-in or opt-out to marketing as described below. This will allow you to choose whether you would like to receive promotions, products, or services that might be of interest to you.
  - 5.3.5. Advertising: You can opt-in or opt-out of receiving advertising, if the Company's Privacy Policy includes sending advertising to registered users of this Site.
  - 5.3.6. Subscriptions, Alerts, and Newsletters: You can opt-in or opt-out of receiving subscriptions, alerts, or newsletters from the Company, if the Company's Privacy Policy includes the aforementioned.
  - 5.3.7. Sharing your Personal Information with Third Parties: The Company only shares your Personal information if the Company's current Privacy Policy states that it does. You can opt-in or opt-out of whether the Company is allowed to send your Personal Information to third parties so they can send you products and services that might be of interest to you.
  - 5.3.8. Cookies: If cookies are used in such a way as to identify you either directly or indirectly, we will confirm that in the Company's current Privacy Policy below and you will be able to opt-in or opt-out of consent to the use of cookies on our Site.
6. Links to Third Party Websites
  - 6.1. The Site may also contain links to third party websites. If you access a third party website from a link on this Site, any information you disclose on that website is not subject to this Privacy Policy. It is possible that these links may be used by third parties or others to collect personal or other information about you. Company is not responsible for the privacy practices of such websites, advertisers, or third parties or the content of such websites and it is your sole obligation to review and understand the privacy practices and policies of these other websites. Company does not control these third parties' use of cookies, collection of information, or how they manage such information.
7. Comments, Notices, and User Content
  - 7.1. Any materials or comments posted to any of our webpages, if allowed on our Site, are public. As such, the Company assumes no liability for the accuracy of such information, no duty to update or correct such information, and no liability for such communications arising under the laws of copyright, libel, privacy, obscenity, or otherwise.
8. Cookies and Similar Technologies
  - 8.1. We may contract with third party service providers to assist us in better understanding our Site visitors. These service providers are not permitted to use the information collected on

our behalf except to help us conduct and improve our business. When a visitor performs a search within the Site, Company may record information identifying the visitor or linking the visitor to the search performed and recording information related to the search request. Company may place Internet "cookies" on your hard drive. Internet cookies are small amounts of data that contain a unique identifier that many websites frequently send to your web browser to be stored on your computer's hard drive in order to save data about you, such as your name, password, username, screen preferences, and the pages of a website you have viewed. When you revisit the Site, the Company may recognize you by your Internet cookies and customize your experience accordingly. Company may use Google Analytics or a similar service to gather, store, and track certain information related to your visit to and activity on the Site.

9. Marketing and Advertising
  - 9.1. The Company may contact you with information applicable to our services and products. We may use Personal Information that we have collected from you in order to send you the most relevant information.
10. Processors
  - 10.1. The Company may use Processors who process Personal Information. The Company will use its best efforts to ensure that any Processor engaged by the Company complies with applicable laws
11. Privacy of Children
  - 11.1. The Company is committed to protecting the privacy of children who use our Site. Our Children's Online Privacy Policy (as detailed below in the Company's Current Children's Online Privacy Policy explains the Company's information collection, disclosure, and parental consent practices with respect to information provided by children under the age of 13 ("Child" or "Children"). This policy is in accordance with COPPA.
12. Security Measures
  - 12.1. Company has implemented physical, electronic and procedural security features that are designed to prevent the unauthorized release of or access to Personal Information. Despite Company's efforts to protect your Personal Information, there is always a risk that an unauthorized third party may circumvent such procedures or that transmissions of your information over the Internet may be intercepted. The confidentiality of any communication or material transmitted to or from Company via this Site or via email cannot be and is not guaranteed. Accordingly, the Company is not responsible for the security of information transmitted via the Internet.
  - 12.2. The Company has implemented policies in case a breach does occur. Users and Members will be notified, as well as the appropriate local authorities if a breach ever does occur. In case of a personal data breach, the Company shall without undue delay, and where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the appropriate local authorities, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the appropriate local authorities is not made within 72 hours, it shall be accompanied by reasons for the delay.
  - 12.3. Instead of communicating with Company via email or the Internet, visitors can contact Company by telephone at 404-538-8487 or by U.S. mail at Privacy, c/o Musical Overture LLC, PO Box 95, Carrollton, GA 30112 or via email at [contact@musicaloverture.com](mailto:contact@musicaloverture.com).
13. Your California Privacy Rights

- 13.1. If you are a California resident, California Civil Code Section 1798.83 provides you with the right to request certain information regarding disclosure of your Personal Information to third parties for direct marketing purposes, including a description of the categories of Personal Information disclosed. In order to obtain such information, please email your request to [contact@musicaloverture.com](mailto:contact@musicaloverture.com) or write us at Privacy, c/o Musical Overture, LLC, PO Box 95, Carrollton, GA 30112.
14. **Governing Law and Jurisdiction**
  - 14.1. As stated in our Terms of Use, available on our Site, our Privacy Policy is governed by the law of the state of Georgia, with exclusive jurisdiction and venue in the state and federal courts located in and near, Atlanta, Georgia. Nothing in our Privacy Policy, including any references to the laws of the European Union and the European Commission's GDPR, shall constitute any waiver of governing law or jurisdiction or agreement to be bound by laws other than those governing in the United States.
15. **Changes to Our Privacy Policy**
  - 15.1. The Company may change this Privacy Policy at any time. It is the obligation of users returning to the Site to learn of changes to the Privacy Policy since their last visit. Any change to this Privacy Policy shall be effective as to any visitor who has visited the Site before the change was made.
16. **How to Contact Us**
  - 16.1. Please see the Company's current Privacy Policy for information.

## **Our Current Privacy Policy**

1. **Types of Personal Information that Company Collects from Site Users and Members**
  - 1.1. **Who is collecting and receiving your Personal Information:**
    - 1.1.1. The Company collects and receives your Personal Information. The Company only requests users and Member Personal Information in order to provide the information and services requested by the user and/or Member with their consent. Those services requested by users and/or Members provided by the Company may include information and news on the Company and related matters, event registration, etc. The Company does not sell, market, or provide any user or Member data to third parties for any other purposes.
  - 1.2. **Why we collect Personal Information**
    - 1.2.1. The Company is a Unified Communications as a Service Platform (UCaaS); therefore, the Company collects Personal Information in order to establish connections between users and/or Members when requested such as in the case of The Gig Room™ sessions. The data collected is also used to prevent unwanted parties from entering secure The Gig Room™ sessions.
2. **Categories of Personal Information collected: The categories of Personal Information collected for the above purposes, with the consent of Site users include:**
  - 2.1. Email Address
  - 2.2. Username
  - 2.3. Password

- 2.4. First and Last Name
  - 2.5. Gender
  - 2.6. Date of Birth
  - 2.7. Musical Preferences and Instruments Played
3. How We Collect and Retain Your Personal Information
    - 3.1. How we collect your Personal Information:
      - 3.1.1. The Company collects cookies when you visit the site. Cookies may be turned off by the user. The Company also collects information from you when you enroll as a Member of the Company, and further when you voluntarily complete the optional Member profile information.
    - 3.2. Retention of your Personal Information:
      - 3.2.1. The Company retains Personal information for the purposes of search optimization, tag recognition, and to meet Member and/or user experience expectations and therefore keeps the Personal information. If the Company finds that Personal Information collected is no longer necessary for its purposes, it will delete the Personal Information.
4. Your Consent: Controls and Choices
    - 4.1. Our current controls and choices on our Site, as detailed below, include the voluntary Member profile, which may be changed or deleted at any time by the Member in the Member profile window of the Site.
    - 4.2. Account Management
    - 4.3. Marketing, Subscriptions, Alerts, and Newsletters
    - 4.4. Cookies: The Company uses the following types of Cookies: user analytics, Google analytics and browser session optimization. You may accept or decline Internet Cookies at the login screen.
5. How to Contact Us
    - 5.1. Data Protection Officer  
  
Privacy  
c/o Musical Overture LLC  
PO Box 95  
Carrollton, GA 30112  
404-538-8487  
[contact@musicaloverture.com](mailto:contact@musicaloverture.com)

### **Our Current Children's Online Privacy Policy**

1. The Types of Personal Information the Company Collects from Children
  - 1.1. Email Address
  - 1.2. Username
  - 1.3. Password
  - 1.4. Affiliated Parent or Guardian Email

- 1.5. The Site allows a Child to post videos of musical performances, however a Child is only allowed to post these videos privately. The Site does not allow a Child to post public videos of a musical performance.
2. How the Company Collects and Uses Personal Information Collected from Children
  - 2.1. Where authorized by the parent under the Company's Children's Online Privacy Policy, the Company collects Personal Information from the Child;
  - 2.2. The Company uses the Personal Information collected from the Child to validate user authenticity, to process Gig Room invitations, to make information publicly available through a chat room, for search engine customization, and tags for video sorting.
  - 2.3. Below is a list of third party operators who collect Personal Information from the Child as part of the Company's services in order to establish peer-to-peer connections used by the Gig Room feature.
    - 2.3.1. Twilio
3. Parental Rights, Controls and Choices
  - 3.1. The Company will not require a Child to disclose more information than is reasonably necessary to participate in an activity;
  - 3.2. A parent of a Child can agree to the collection and use of their Child's Personal Information, but still not allow disclosure to third parties unless it is part of the Company's services; and,
  - 3.3. A parent of a Child has the following controls and choices regarding their Child's Personal Information;
    - 3.3.1. A parent can review their Child's Personal Information;
    - 3.3.2. A parent can direct the Company to delete their Child's Personal Information; and,
    - 3.3.3. A parent can refuse to allow any further collection or use of the Child's Personal Information;
  - 3.4. In order to exercise any of the aforementioned rights, please contact the Company using the information listed below in Section 6.
4. Direct Notice to Parents
  - 4.1. COPPA requires that companies give parents of a Child direct notice ("Direct Notice") of the Company's information practices before collecting information from a Child. In addition, if the Company makes a material change to our practices previously agreed to by a parent, the Company will send an updated Direct Notice. The Company's Direct Notice to parents will state the following:
    - 4.1.1. that the Company collected their online contact information for the purpose of getting their consent;
    - 4.1.2. that the Company wants to collect Personal Information from their Child;
    - 4.1.3. that their consent is required for the collection, use, and disclosure of the Personal Information;
    - 4.1.4. the specific Personal Information the Company wants to collect and how it might be disclosed to others;
    - 4.1.5. a link to the Company's online privacy policy;
    - 4.1.6. how the parent can give their consent; and
    - 4.1.7. that if the parent doesn't consent within a reasonable time, the Company will delete the parent's online contact information from its records.

5. Verifiable Consent

5.1. Before collecting, using, or disclosing a Child's Personal Information, the Company will obtain "verifiable consent" from the parent through email verification known as the "email plus" method. Parents will have the option of allowing the Company to collect and use the Child's Personal Information without agreeing to disclose that information to third party operators. If the Company makes changes to the collection, use, or disclosure practices that a parent has agreed to, the Company will send the parent a new notice to get their consent.

6. How to Contact Us

Privacy  
c/o Musical Overture LLC  
PO Box 95  
Carrollton, GA 30112  
404-538-8487  
[contact@musicaloverture.com](mailto:contact@musicaloverture.com)