

# Privacy Policy

Effective Date: October 2, 2015

## 1. Introduction

Thank you for visiting TopList and, if applicable, choosing to download and/or install our App. Please read our Terms of Service and this Privacy Policy, as you must agree to both documents in order to be permitted to use our Service.

## 2. Definitions

Throughout this Agreement, we may use certain words or phrases, and it is important that you understand the meaning of them. The list is not all-encompassing and no definition should be considered binding to the point that it renders this Agreement nonsensical:

- “Agreement” refers to the Terms of Service;
- “Service” refers to the services that we provide through our Site or App, including our Site and App;
- “Site” refers to our website, [www.gettoplist.com](http://www.gettoplist.com);
- “TopList” refers to our company, known as “TopList, LLC”; our Site; our App; our Service; or a combination of all or some of the preceding definitions, depending on the context in which the word is used;
- “User” refers to anyone who uses our Service, including users of our App and general visitors to our Site;
- “You” refers to you, the person who is entering into the Agreement with TopList.

## 3. Information Collected

### Identifying Information

We collect certain personal information from you when you sign up to our Service that can be used to identify you, such as your name, e-mail address, username, password, unique device ID, Facebook profile (if you choose to register using your Facebook account), and any other requested information that we deem necessary for the purpose of providing you with our Service or which you provide to us voluntarily. The App or Service may provide you with the opportunity to send recommendations to other Users. For this feature to work, we will need to collect the username of the other User if that person already has an account. If the person does not already have an account, we will need to collect the name, phone number, and email address of the person to whom you want to send a recommendation in order to invite that person to use the Service. The personally identifiable information we collect from you is disclosed only in accordance with our Terms of Service and/or this Privacy Policy.

## Non-Identifying Information

Whenever you visit our Site, we may collect non-identifying information from you, such as your IP address, referring URL, browser, operating system, cookie information, and Internet Service Provider. Without a subpoena, voluntary compliance on the part of your Internet Service Provider, or additional records from a third party, this information alone cannot usually be used to identify you.

## 4. Use of Your Information

We may use your information to:

- Enhance or improve User experience, our App and Site, or our Service.
- Send e-mails about our App and Site or respond to inquiries.
- Send e-mails and updates about TopList, including our electronic newsletter.
- Perform any other function that we believe in good faith is necessary to protect the security or proper functioning of our Site or Service.

## 5. Accessing, Editing, and Removing Your Information

Users may in some cases be able to review and edit the personal information they have provided to us by logging into their account on the Site or App and editing their account. Although most changes may occur immediately, information may still be stored in a web browser's cache. We take no responsibility for stored information in your cache, or in other devices that may store information, and disclaim all liability of such. In addition, we may, from time to time, retain residual information about you in our backup and/or database.

## 6. Cookies

We use cookies to remember your preferences. For this reason, it is necessary that you enable cookies in your browser, and you hereby acknowledge that we have informed you of our use of cookies and that you consent to our use of cookies in relation to your computer system.

Please note that we also permit third party cookies to be used on our Site.

## 7. Third Party Websites

TopList may post links to third party websites on its Site. These third party websites are not screened for privacy or security issues by TopList, and you release us from any liability for the conduct of these third party websites.

Please be aware that this Privacy Policy, and any other policies in place, in addition to any amendments, does not create rights enforceable by third parties or require disclosure of any personal information relating to members of the Service or Site.

TopList bears no responsibility for the information collected or used by any advertiser or third party website. Please review the privacy policy and terms of service for each site you visit through third party links.

## **8. Third Party Access to Your Information**

Although you are entering into an Agreement with TopList to disclose your information to us, we do use third party individuals and organizations to assist us, including contractors, web hosts, and others.

Throughout the course of our provision of our Service to you, we may delegate our authority to collect, access, use, and disseminate your information. For example, our web host stores the information that you provide us, and we may hire outside contractors to perform maintenance or assist us in securing our website.

It is therefore necessary that you grant the third parties we may use in the course of our business the same rights that you afford us under this Privacy Policy. For this reason, you hereby agree that for every authorization which you grant to us in this Privacy Policy, you also grant to any third party that we may hire, contract, or otherwise retain the services of for the purpose of operating, maintaining, repairing, or otherwise improving or preserving our website or its underlying files or systems. You agree not to hold us liable for the actions of any of these third parties, even if we would normally be held vicariously liable for their actions, and that you must take legal action against them directly should they commit any tort or other actionable wrong against you.

Without limiting the generality of the foregoing, you authorize us to collect, share, store, and otherwise use your information in conjunction with:

- Google Analytics
- Mixpanel

## **9. Release of Your Information for Legal Purposes**

At times it may become necessary or desirable to TopList, for legal purposes, to release your information in response to a request from a government agency or a private litigant. You agree that we may disclose your information to a third party where we believe, in good faith, that it is desirable to do so for the purposes of a civil action, criminal investigation, or other legal matter. In the event that we receive a subpoena affecting your privacy, we may elect to notify you to give you an opportunity to file a motion to quash the subpoena, or we may attempt to quash it ourselves, but we are not obligated to do either. We may also proactively report you, and release your information to, third parties where we believe that it is prudent to do so for legal reasons, such as our belief that you have engaged in fraudulent activities. You release us from any damages that may arise from or relate to the release of your information to a request from law enforcement agencies or private litigants.

## **10. Commercial and Non-Commercial Communications**

By providing information to the Site that forms the basis of communications with you, such as contact information, you waive all rights to file complaints concerning unsolicited e-mails from TopList since, by providing such information, you agree to receive communications from us or anyone else covered under this Privacy Policy. However, you may unsubscribe from certain communications by notifying TopList that you no longer wish to receive solicitations or information and we will endeavor to remove you from the database.

## **11. Security Measures**

We take certain measures to enhance the security of our Site and Service, as it is in our interest to do so. However, we make no representations as to the security or privacy of your information. It is in our interest to keep our Service secure, but we recommend that you use anti-virus software, firewalls, and other precautions to protect yourself from security threats.

## **12. Your California Privacy Rights**

TopList permits residents of California to use its Service. Therefore, it is the intent of TopList to comply with the California Business and Professions Code §§ 22757-22759. If you are a California resident you may request certain information regarding our disclosure of personal information to any third parties for their direct marketing purposes. Various provisions throughout this Privacy Policy address requirements of the Californian privacy statutes. In summary, you must presume that we collect electronic information from all visitors. You may contact us at [info@gettoplist.com](mailto:info@gettoplist.com) with any questions.

## **13. International Transfer**

Your information may be transferred to—and maintained on—computers located outside of your state, province, country or other governmental jurisdiction where the privacy laws may not be as protective as those in your jurisdiction. If you are located outside the United States and choose to provide information to us, TopList transfers Personal Information to the United States and processes it there. Your consent to this Privacy Policy followed by your submission of such information represents your agreement to that transfer.

## **14. Notice Regarding Children**

The App and Service are intended for a general audience and are not directed to children under the age of 13. We understand and are committed to respecting the sensitive nature of children's privacy. If we learn or have reason to suspect that a user

is under the age of 13, we will promptly delete any personal information in that User's account.