

SmartPin Privacy Policy

Last Updated and Effective: July 11, 2024

1. Welcome

This is the Privacy Policy (“Policy”) of Ace Golf Technologies, LLC, DBA SmartPin, a Minnesota limited liability company (collectively, “we,” “us,” “our”, or “SmartPin”). This Policy is here to help you understand how we collect, process, and share your Personal Information (as defined below). We also describe our security practices with respect to your Personal Information, as well as your rights and choices with respect to how we process that Personal Information. Please read this Policy carefully.

2. Scope & Acknowledgment

This Policy applies to our website, <https://smartpingolf.com> (the “Site”), mobile app (“App”), and any other website, application, or service where we post or link to this Policy as well as offline services where we collect Personal Information from you (collectively, our “Services”).

This Policy does not apply to information processed by third parties, for example, when you visit a third-party website or interact with third-party sites, except to the extent those parties collect or process information on our behalf. Please review any relevant third party’s privacy policy for information regarding their privacy practices.

Your use of our Services indicates your acknowledgment of the notices provided in this Policy.

3. Contact Us

The controller of your Personal Information under this Policy is Ace Golf Technologies, LLC. You may contact our Data Privacy Team as follows:

General Inquiries and Data Updates: privacy@smartpingolf.com

4. Categories and Sources of Personal Information

Categories of Personal Information We Process

In order to provide our Services, we may collect and process information that relates to identified or identifiable individuals (“Personal Information”). We collect and process the following categories of Personal Information (note, specific Personal Information elements are examples and may change):

Audio/Visual Data: Audio, video, and image files and records, such as voicemails, call recordings, and the like, as well as Videos recorded in the App and by the SmartPin.

Contact Data: Identity Data used to contact an individual, e.g. email address or mobile phone numbers.

Device/Network Data: Personal Information relating to your device, browser, or application e.g. device identifiers, identifiers from cookies, session history and navigation metadata, and other data generated through applications and browsers via cookies and similar technologies.

General Location Data: Non-precise location data, e.g. location information derived from IP addresses.

Identity Data: Personal Information about you and your identity, such as your name or IP address.

Inference Data: Personal Information we create or use as part of a profile reflecting your preferences, characteristics, aptitudes, likes, favorites or your interests.

Payment Data: Information such as bank account details, payment card information and relevant information in connection with a financial transaction.

Precise Location Data: Data from GPS, WiFi triangulation, certain localized Bluetooth beacons, or technologies used to locate you at a precise location and time.

Transaction Data: Information about the products and services we provide to you and about transactions you make with us and similar information.

User Content: Personal Information included in content provided by users of the Service in any free-form or unstructured format, such as in a “contact us” box, free text field, in a file or document, or messages to us.

Sources of Personal Information

We collect Personal Information from various sources based on the context in which the Personal Information will be processed:

You: We collect Personal Information from you directly, for example, when you create your account on our App, input information into an online form, or contact us directly.

Other Players: We may receive your Personal Information from other players or participants in a SmartPin game, for example, when another player records you taking a shot on their device.

Automatic Collection: We may collect certain Personal Information automatically. For example, we collect Device/Network Data automatically using cookies and similar technologies when you access or use our Services, or when you open our marketing communications.

Service Providers: We receive Personal Information from service providers performing services on our behalf.

Data we create or infer: We, certain partners, and third parties operating on our behalf create and infer Personal Information such as Inference Data based on our observations or analysis of other Personal

Information processed under this Privacy Policy, and we may correlate this data with other data we process about you.

Social Media Companies: We receive Personal Information from Meta (e.g. Facebook and Instagram) and other social media companies when you interact with us on that social media company's platform (e.g. our company page or account) on or in connection with our Services.

5. Data Processing Contexts / Notices at Collection

Website and App

Account Registration

We process Identity Data, Inference Data, Device/Network Data, and Contact Data when you register and create an account on our App or prior to playing a Game. We may also process Payment Data if you associate payment information with that account. We use this Personal Information to create and maintain your account, to provide the products and services you request, send you transactional communications relating to our Services, to send Marketing Communications, and for our Business Purposes and Commercial Purposes.

Entries and Playing the Game

We process Audio/Visual Data, Identity Data, Device/Network Data, Transaction Data, and Payment Data when you sign up to participate and play a SmartPin game ("Game") or create a video recording associated with your entry ("Highlight Video"). We may process Precise Location Data with your consent where required by law.

We use this Personal Information to facilitate the Game, including to track when you hit a shot, record, track, and locate your shot, locate you on a course, and to create a Highlight Video (defined [below](#)). We may also use this Personal Information for our Business Purposes, and we may use the Highlight Video and related Audio/Visual Data in our [Marketing Content](#). **Please note:** we may require you to provide Precise Location Data to the extent required by law to ensure that users are in a location where the use of our Service is allowed by law.

General Usage

When you use our services, we may automatically collect and process Identity Data, Inference Data, General Location Data, and Device/Network Data. We use this data as necessary to initiate or fulfill your requests for certain features or functions through our Service, such as operating our App, delivering webpages, logging activities for security purposes, etc. We may also process this Personal Information for our Business Purposes (as defined below).

Cookies and Similar Tracking Technologies

We process Identity Data, Device/Network Data, Contact Data, Inference Data, Transaction Data, and General Location Data in connection with our use of cookies and similar technologies on our Service. We may collect this data automatically.

We and authorized third parties may use cookies and similar technologies to process such data for the following purposes:

- for “essential” purposes necessary for our Service to operate (such as maintaining user sessions, content delivery, and the like);
- for “functional” purposes, such as to enable certain features of our Service (for example, to allow a customer to stay signed in to our Service or similar tool); and
- for “analytics” purposes and to improve our Service, such as to analyze the traffic to and on our Service (for example, we can count how many people have looked at a specific page, or see how visitors move around the Service when they use it, and to distinguish unique visits/visitors to our Service, and use this information to understand user behaviors and improve the design and functionality of the Service).

We may also process this Personal Information for our Business Purposes. See the your “Rights and Choices” section below for information regarding opt-out rights for cookies and similar technologies.

Please note, in some cases, third parties may view, edit, or set their own cookies or place web beacons on our Service. We, or third party providers, may be able to use these technologies to identify you across Service, devices, sites, and services. Third parties have their own privacy policies and their processing is not subject to this Policy.

Contact Us

When you contact us through the App using a contact phone number, contact us box, or via email, to learn about our Services, or ask for support, we process Personal Information such as Identity Data, Device/Network Data, and any Personal Information contained within any User Content. We may also collect Audio Data if you contact us via phone and/or leave a voicemail. We use Identity Data, Contact Data, User Content, and Audio Data as necessary to communicate with you about the subject matter of your request and related matters. We may also process this Personal Information for our Business Purposes.

Posts and Social Media

We process Identity Data, Contact Data, and User Content if you interact with or identify us in the App on social media, or on any other communication service (e.g. if you post User Content that engages with or tags our official accounts). We process this Personal Information for our Business Purposes.

Posts may be public, or reposted on our Service. Content, including your Highlight Video (defined below) and content you provide may be publicly available on our Service, including when we post it, you post it, or in some cases, if you reference, engage, or tag our official social media accounts or communications platforms.

Marketing Communications

We may process Identity Data, Device/Network Data, and Contact Data in connection with email or SMS communications or push notifications that we send in relation to our Services (“Marketing Communications”). For example, we send Marketing Communications to you if you subscribe to our service, make a purchase or play our Game, or in connection with our delivery of services that you request. Additionally, you may receive promotional email communications if you contact us, choose to receive them,

or interact with us in a way that allows us to send you those communications. We may also automatically collect Device/Network Data when you open or interact with those communications so that we can better understand engagement with our communications. We may also process this Personal Information as necessary to deliver our Marketing Communications, to understand engagement and interest, and for our Business Purposes. You can opt out of Marketing Communications at any time as specified in the “Your Choices” section below.

Feedback and Reviews

We process Identity Data, Contact Data, and User Content collected in connection with user feedback and customer reviews. We process Audio/Visual Data if you provide it, such as if your review includes photos. We process this Personal Data as necessary to respond to your feedback or concerns, for our Business Purposes, and other legitimate interests, such as analyzing user satisfaction or for marketing purposes.

6. Purposes of Processing

Business Purposes

In addition to the processing described above, we generally process Personal Information for several common purposes in connection with our business. Please see below for more information regarding the purposes for which we process your Personal Information.

Operate our Service and Fulfill Obligations

We process any Personal Information as is necessary to provide the Service, and as otherwise necessary to fulfill our obligations to you, e.g. to provide you with the information, features, and Service you request.

Internal Processes and Service Improvement

We may use any Personal Information we process through our Service as necessary in connection with our improvement of the design of our Service, understanding how the Service is used or functions, for customer service purposes, in connection with the creation and analysis of logs and metadata relating to the use of our Service, and for ensuring the security and stability of the Service. Additionally, we may use Personal Information to understand what parts of our Service are most relevant to users, how users interact with various aspects of our Service, how our Service performs or fails to perform, etc., or we may analyze use of the Service to determine if there are specific activities that might indicate an information security risk to the Service or our users.

Security and Incident Detection

We may process Personal information in connection with our legitimate interest in ensuring that our Service is secure, identify and prevent crime, prevent fraud, and verify or authenticate users/individuals, and ensure the safety of our guests. Similarly, we process Personal information as necessary to detect security incidents, protect against, and respond to malicious, deceptive, fraudulent, or illegal activity. We may analyze network traffic, device patterns, and characteristics, maintain and analyze logs and process similar Personal information in connection with our information security operations and related.

Aggregate Analytics

We process Personal Information as necessary in connection with our creation of aggregate analytics relating to how our Service is used, the pages and content users view, and to create other reports regarding the use and performance of our Service, and other similar information and metrics. The resulting aggregate data will not contain information from which an individual may be readily identified.

Compliance, Safety & Public Interest

Note that we may, without your consent or further notice to you, and to the extent required or permitted by law, process any Personal Information subject to this Policy for purposes determined to be in the public interest or otherwise required by law. For example, we may process information as necessary to fulfil our legal obligations, to protect the vital interests of any individuals, or otherwise in the public interest or as required by a public authority. Please see the data sharing section for more information about how we disclose Personal Information in extraordinary circumstances.

Corporate Events

Your Personal Information may be processed as part of routine corporate operations, as part of corporate reorganizations, or any business transition, such as a merger, acquisition, liquidation, or sale of assets.

Other Processing of Personal Information

If we process Personal Information in connection with our Service in a way not described in this Policy, this Policy will still apply generally (e.g. with respect to your rights and choices) unless otherwise stated when you provide it.

Commercial Purposes

We and certain third parties use Personal Information to further our commercial or economic interests (“Commercial Purposes”) depending on the context of collection and your rights and choices.

Marketing Content

Subject to our [Terms of Use](#) and [Game Rules](#), we may create highlight videos from your tee shot video recorded through the SmartPin app and pin video (“Highlight Videos”) when you participate in a Game. We may use Highlight Videos to create marketing materials, publish on YouTube or social media channels, or as part of other marketing or promotional materials relating to our Service (“Marketing Content”) in order to increase interest in our Game and to market our Services. Marketing Content may include your name, image, likeness or other Personal Information. To exercise your rights with respect to our use of your Personal Information or other rights of publicity relating to Marketing Content, please review your [Rights and Choices](#) below. For more information, see our [Terms of Use](#) and [Game Rules](#).

Profiles and Direct Marketing

We work to help you have more fun playing golf. In order to understand your preferences, and better recommend products and services that are personalized to you, we may create a “**Profile**” by linking together and analyzing Personal Information processed in the following contexts:

- [Account Registration](#)
- [Entries and Playing the Game](#)
- [Website and App General Usage](#)
- [Contact Us](#)
- [Social Media Posts](#)

We may augment Profiles with Personal Information that we receive from Other Players, or third parties (including social media companies or event operators), e.g. information about Services you have used or purchased previously, or demographic data and data from your publicly available social media profiles.

We use Profiles for our legitimate interests in market research and statistical analysis in connection with the improvement of our Services. For example, we may analyze the Personal Information of customers who have played a Game at a specific golf course, and then compare them with other customers in our database. If we identify other customers in our database who have similar Personal Information to the original purchasers, we may direct marketing about playing a Game at that golf course to the similar customers. We may conduct the profiling and send the direct marketing emails automatically. Profiles involve processing that is automated, in whole or in part.

7. Data Sharing

Personal Information we collect may be shared with a variety of parties, depending upon the purpose for and context in which that information was provided. We generally transfer data to the categories of recipients or in connection with specific business purposes, described below.

Service Providers

In connection with our general business operations, product improvements, to enable certain features, and in connection with our other lawful business interests, we may share Personal Information with service providers or subprocessors who provide certain services to us, or process data on our behalf. For example, we may use third party hosting providers to host our sites or content, we may use video editing platforms to create highlight videos, we may share information with Facility (e.g. golf course) Operators or Event Operators (e.g. non-profit tournaments) to operate our Service, or we may disclose information as part of our own internal operations, such as security operations, internal research, etc.

Social Media Companies

We may share certain Personal Information with social media companies when you interact with SmartPin on social media. We may allow these third parties to operate through our Service, such as through a social media icon link on our homepage. We do not share Contact Data collected in connection with SmartPin's promotional communications with these parties.

Public Disclosure

If you play a Game and record content via the App, or otherwise interact with us or our Services via social media, we may include your content in a Marketing Video, or otherwise make your post available on our Services or to the general public. We may share, rebroadcast, or redisplay Personal Information or other information in the post to the extent permitted by the relevant social media service or other public platform.

Corporate Events

Your Personal Information may be disclosed to a third party in the event that we go through a business transition, such as a merger, acquisition, liquidation, or sale of all or a portion of our assets. For example, Personal Information may be part of the assets transferred, or may be disclosed (subject to confidentiality restrictions) during the due diligence process for a potential transaction.

Affiliates

In order to streamline certain business operations and develop products and Service that better meet the interests and needs of our customers, we may share your Personal Information with any of our current or future affiliated entities, subsidiaries, and parent companies.

Legal Disclosures

In limited circumstances, we may, without notice or your consent, access and disclose your Personal Information, our correspondence with you, and any other information that we may have about you to the extent we believe such disclosure is legally required, to prevent or respond to a crime, or in the vital interests of us or any person. Note, these disclosures may be made to governments that do not ensure the same degree of protection of your Personal Information as your home jurisdiction. We may, in our sole discretion (but without any obligation), object to the disclosure of your Personal Information to such parties.

8. Your Rights & Choices

Your Rights

Applicable law may grant you rights in your Personal Information. These rights vary based on your location, state/country of residence, and may be limited by or subject to our own rights in your Personal Information. You may submit requests to exercise rights you may have by [contacting us](#).

Note: We are able to fulfill rights requests regarding Personal Information that we control or process. We may not have access to or control over Personal Information controlled by third parties. Please contact the third party directly to exercise your rights in third party-controlled information.

Verification of Rights Requests

We verify all rights requests to ensure that the individual making the request is authorized to make that request, to reduce fraud, and to ensure the security of your Personal Information. For example, we may require that you verify that you have access to the email on file in order to verify your identity. If an agent is submitting the request on your behalf, we reserve the right to validate the agent's authority to act on your behalf.

Your Choices

You may have the following choices regarding the Personal Information we process, to the extent required under applicable law:

Consent

If we rely on your consent to our processing of Personal Information, you may withdraw your consent at any time. You may be required to close your account in order to withdraw consent where your consent is necessary to perform essential aspects of our Services. You can withdraw your consent to receive marketing communications by clicking on the unsubscribe link in an email (for email), by responding with "OPT-OUT", "STOP", or other supported unsubscribe message (for SMS), by adjusting the push message settings for our mobile apps using your device operating system (for push notifications), or for other communications, by contacting us using the information below. To opt-out of the collection of information relating to email opens, configure your email so that it does not load images in our emails.

Email Marketing

You have the choice to edit your email preferences or opt-out of or withdraw your consent to email marketing communications. You may exercise your choice via the links in our email communications.

Marketing Content

If you wish to opt-out of being included in future Marketing Content, please email us at privacy@smartpingolf.com with the subject line "Marketing Content Opt-Out." Please note that any opt-out for Marketing Content will not apply to Marketing Content published or made available prior to the opt-out. Your opt-out rights may also be subject to additional grants of rights or limitations as established in the Terms of Service or Game Rules, and except as required under applicable privacy laws, the conditions set forth in the Terms of Service or Game Rules and any supplemental privacy notices therein will control to the extent of any conflict with this Policy.

Cookies & Similar Tech

If you do not want information collected through the use of cookies and similar technologies, you can manage/deny cookies and certain similar technologies using your browser's settings menu. You must opt out of the use of some third party services directly via the third party.

To learn more about Google Analytics, please click [here](#). To opt-out of Google's analytic services, you may use the [Google Analytics Opt-Out](#), or use your [device's settings](#).

Do Not Track

Our Sites do not respond to your browser's do not track signal.

9. Data Security

We implement and maintain reasonable security measures to safeguard the Personal Information you provide us. However, we sometimes share Personal Information with third parties as noted above, and though we may take certain measures to help ensure the security of your Personal Information, we do not control third parties' security processes. We do not warrant perfect security and we do not provide any guarantee that your Personal Information or any other information you provide us will remain secure.

10. Data Retention

We retain information for so long as it, in our discretion, remains relevant to its purpose, and in any event, for so long as is required by law. We will review retention periods periodically, and may sometimes pseudonymize or anonymize data held for longer periods, if appropriate.

11. International transfers

We operate in and use service providers located in the United States. If you are located outside the U.S., your Personal Information may be processed in the U.S. The U.S. may not provide the same legal protections guaranteed to Personal Information in foreign countries. Contact us for more information regarding transfers of data to the U.S.

12. Children

Our Services are neither directed at nor intended for use by persons under the age of 18 in the U.S. We do not knowingly collect information from such individuals. If we learn that we have inadvertently done so, we will promptly delete such Personal Information if required by law. Do not access or use our Services if you are not of the age of majority in your jurisdiction unless you have the consent of your parent or guardian.

13. Changes to Our Policy

We may change this Policy from time to time. Please visit this page regularly so that you are aware of our latest updates. Your use of the Service following notice of any changes indicates acceptance of any changes.