Privacy Policy

General Audience - Tsuki's Odyssey

Our privacy policy is designed to provide transparency into our privacy practices and principles, in a format that our guests can navigate, read and understand. HyperBeard, Inc. and its subsidiaries (collectively, "HyperBeard") is dedicated to treating your personal information with care and respect.

This privacy policy describes how HyperBeard collects, uses and discloses information from its users, including with respect to our general audience mobile games ("HyperBeard Games").

The privacy policy for our age gated mobile games can be found here.

The privacy policy for our mixed audience mobile games can be found here.

If you are a California resident, additional privacy terms set out in Appendix A also apply to the processing of information collected in the course of your playing the games.

If you are located in the European Economic Area or the UK, additional privacy terms set out in Appendix B also apply to the processing of your personal information.

1. Information About Users and Their Devices

The HyperBeard Games collect user information when:

- You access the HyperBeard Age Gated Games through a third party platform or log-in (such as Facebook). By accessing the HyperBeard Age Gated Games in this manner, you agree to share your account information associated with that third party platform, and any information you have made public in connection with that service or which the third party shares with partner services, including: your name, your unique Facebook user ID, profile picture, age range, gender, and your friends.

- You make an In-App Purchase through the HyperBeard Age Gated Games. Information collected by HyperBeard is limited to your zip or postal code and the amount of the transaction.

- You subscribe to game updates by providing your email address.

HyperBeard collects user information through the third-party advertising networks on the HyperBeard Age Gated Games. This information includes your device ID, a unique advertising ID associated with your device, and your approximate geographic location. For more information, see the “Advertising” section below.

By downloading, accessing, and/or playing our games, you consent to the collection of information about you, by us. Most of this data comes directly from you or your device, such as device information, country and region, and game play information. We use this data to provide our games and services to you, including for the purposes of optimization, preventing fraud, customizing in-game offers, and verifying purchases.

2. How We Collect Your Information

We collect your information in the following ways:

- Through in-app analytical tools.
- If you access the HyperBeard Age Gated Games through a third party platform or log-in (such as Facebook).
- If you opt-in to Cloud Save.
- If you make In-App Purchases through the HyperBeard Age Gated Games, as described in the “In-App Purchases” section below.
- If you subscribe to our newsletter, which we periodically email with updates about our games.
- If you submit information to our customer service team within the HyperBeard Age Gated Games, via email, or via our website.
- If you communicate with HyperBeard through our presence on third party platforms such as Facebook, Twitter, or Discord.
- Through third-party advertising networks, as described in the “Advertising” section below.

Please keep in mind that when you post information on a third-party site or platform, the information you provide may be separately collected by the third-party site or platform. The information we collect is covered by this privacy policy and the information the third-party site or platform collects is subject to the third-party site or platform’s privacy practices. Privacy choices you have made on the third-party site or platform will not apply to our use of the information we have collected directly through our HyperBeard Age Gated Games.

3. Use of Your Information by HyperBeard

HyperBeard will use your data for the following purposes:

- To sell advertising on the HyperBeard Age Gated Games, as described in the “Advertising” section below.
- To provide you with the products and services you request.
- To allow you to log in to HyperBeard Age Gated Games on multiple devices via Cloud Save.
- To contact you with updates about HyperBeard Age Gated Games (if you have subscribed to our newsletter).
- To ensure consistency with local law and choices and controls that may be available to you.
- To detect, investigate and prevent activities that may violate our policies or be illegal.

In addition, HyperBeard may use your data for the following purposes because these purposes are in HyperBeard’s legitimate business interests:

- To optimize or improve our products, services, and operations.
- To improve the HyperBeard Age Gated Games and user experiences and to increase the functionality of the HyperBeard Age Gated Games.
- To monitor and analyze the HyperBeard Age Gated Games usage and trends and otherwise measure the effectiveness of the services.

4. Sharing Your Information with Other Companies

HyperBeard will not share your personal information outside HyperBeard except in limited circumstances, including:

- When you allow us to share your personal information with another company, such as directing us to share your personal information with third-party sites or platforms, such as social networking sites.

- When we contract or partner with a third party to provide services on our behalf, including HyperBeard Age Gated Games development and maintenance.

- When we share personal information with third parties in connection with the sale of all or part of the HyperBeard business, to enforce our Terms of Use or rules, to ensure the safety and security of our users and third parties, to protect our rights and property and the rights and property of our users and third parties, to comply with legal process or in other cases if we believe in good faith that disclosure is required by law.

- As described in the “Advertising” section below.

- When we are legally required to disclose information, including to comply with a legal obligation or processes, enforce our terms, address issues relating to security or fraud, or protect our users.

- When we share personal information with companies within the HyperBeard corporate group who process your personal information in order to operate the HyperBeard Age Gated Games. All related group companies may only use your personal information in accordance with this privacy policy.

In addition, we may share aggregated information with third parties, however you will not be personally identifiable from such information.

Please note that once we share your personal information with another company in any of the circumstances set out above, the information received by the other company becomes subject to the other company’s privacy practices. However, when companies perform services on our behalf, like customer service, these companies are prohibited from using your personal information for purposes other than those requested by us or required by law.

You may request a notice disclosing the categories of personal information we have shared with third parties, and the names of those third parties. To request such notice, please contact legal@hyperbeard.com.

5. Advertising

HyperBeard relies on advertising to fund the development and distribution of the HyperBeard Age Gated Games, most of which are available to play at no cost to you. Accordingly, when you play the HyperBeard Age Gated Games you may see third-party advertising. This advertising is delivered to the HyperBeard Age Gated Games by advertising networks that sell advertising to interested third parties. Advertising networks collect a unique device ID or advertising ID (Apple Identifier for Advertisers (“IDFA”) on Apple devices and Google Advertising Identity (“GAID”) on Android devices) that enables the delivery of advertisements that are relevant to you. Your

advertising ID is consistent across all apps and thus allows for cross-app tracking and interest-based advertising. Advertising IDs are non-permanent, non-personal identifiers uniquely associated with your device. Similar technologies include tracking pixels within ads. These technologies allow companies (including marketers and advertisers) to recognize your device when you use websites and applications. Advertising networks may use your device's IP address to determine your approximate geographic location to enable them to deliver more relevant advertisements.

Some HyperBeard Age Gated Games reward you with in-game currency (such as coins or gems) for watching advertisements ("Rewarded Ad").

See the "Your Controls and Choices" section, below, for information on how to limit advertising tracking.

6. In-App Purchases

Certain HyperBeard Age Gated Games may allow you to make In-App Purchases. All In-App Purchases are processed by a third party payment processor that may collect information directly from you (for example, they may request your billing address and credit card information) in accordance with its own privacy policy. HyperBeard's third party payment processors do not share your financial information, like credit card number, with HyperBeard. We receive summary information about all purchases, including the amount of the transaction and your general location (such as your ZIP code).

7. Your Controls and Choices

We provide you the ability to exercise certain controls and choices regarding our collection, use and sharing of your information. In accordance with local law, you may be able to request access to the personal information we hold about you and request that we amend or delete it. You may exercise your controls and choices, or request access to your personal information, by contacting legal@hyperbeard.com.

You may limit advertising tracking by changing the settings on your mobile device. On Apple devices you can opt out by choosing the "limit ad tracking" option in the privacy settings. On Android devices you can opt out by choosing the "Opt out of interest based ads" setting. Changing these settings will impact your ability to view Rewarded Ads.

8. Children's Privacy

Children under the age of 13 are not allowed to use the HyperBeard Games. HyperBeard does not know the age of our players unless the user accesses the HyperBeard Games through a third party platform or log-in (such as Facebook). If you connect with the HyperBeard Games via Facebook, we may obtain your age information from your Facebook profile.

If HyperBeard discovers that we have inadvertently gathered personal information from a child under 13 years of age, we will take reasonable measures to promptly delete such personal information from our records.

9. Data Security, Integrity and Retention

The security, integrity and confidentiality of your information are important to us. We have implemented technical, administrative, and physical security measures that are designed to protect your information from unauthorized access, disclosure, use and, modification. Please be aware though that, despite our best efforts, no security measures are perfect or impenetrable. We will retain your personal information for the length of time needed to fulfill the purposes outlined in this privacy policy unless a longer retention period is required, or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law.

10. Data Transfers, Storage and Processing Globally

Pursuant to our contract with you to provide you with the HyperBeard Age Gated Games, your personal information will be processed on servers that may not be located where you live, including on our servers hosted in the United States. Users outside the United States should be advised that through your continued use of the HyperBeard Age Gated Games, which are governed by U.S. law, this privacy policy, and our Terms of Use, you are transferring your personal information to the United States and (where applicable) you consent to that transfer. No matter where our servers are located, we take appropriate measures to safeguard your rights in accordance with this privacy policy.

11. Changes to this Privacy Policy

From time to time, we may change this privacy policy to accommodate new technologies, industry practices, regulatory requirements, or for other purposes. If we make any material changes to this privacy policy, we will post the updated privacy policy here and notify our users. Please check this page frequently to see any updates or changes to this privacy policy.

12. Comments and Questions

If you have a comment or question about this privacy policy, please contact legal@hyperbeard.com. The HyperBeard Age Gated Games may contain links to other sites not owned or controlled by us and we are not responsible for the privacy practices of those sites. We encourage you to be aware when you leave our HyperBeard Age Gated Games and to read the privacy policies of other sites that may collect your personal information.

13. Contact Us

If you have questions about this Policy, please contact HyperBeard at legal@hyperbeard.com.

Last Updated: ***October 2021***

Appendix A - California Residents

Note: *If you are an individual in the state of California, the following additional information applies to you:*

CONTACT

Please contact legal@hyperbeard.com with any questions about this Appendix.

How We Collect and Use Your Personal Information

We primarily collect, use and share de-identified and/or aggregated consumer information, which is not considered personal information under CCPA since it does not directly or indirectly reveal your identity. Therefore, we do not have direct information about the state of residency of the individuals who engage with our games or the advertisements third parties serve within our games.

This section provides more detail on the types of personal information we collect from California residents, and why. The below table describes what we currently collect and have collected from users over the past 12 months.

Category of Information Collected (only relevant if you are located in CA)	**Personal Information**	**Use**
Identifiers	Name, email address, unique user ID, IP address, device IDs, hardware or operating system based identifiers, identifiers we assign to your account, other similar identifiers (collected from your device), and any information that you provide in communications with our support team	We use this information to deliver relevant third-party advertisements to users so that we can make our games available at no cost to users, provide customer service to users, improve our services, and provide troubleshooting, such as addressing and remediating technical issues and bugs.

Internet or other electronic network activity information	Information on your activity in our Games (for example, your game progress or your interactions with in-Game ads), Internet, gaming or other electronic network activity information – such as information regarding an individual's interaction with an advertisement (collected from your device)	We use this information to save your game progress and for HyperBeard's internal operations and internal analytics. Information regarding interactions with advertisements .
Geolocation data	Your coarse location (for example, country, state, or city), determined based on your IP address	Advertising networks may use your device's IP address to determine your approximate geographic location to enable them to deliver more relevant advertisements.
Identifiers, characteristics of protected classifications under U.S. federal and California law, and Internet or other electronic network activity information	Third-party platform account information and information made public in connection with that service (including name, unique user ID, age range, and gender)	We use this information to allow users to access Cloud Save, which permits them to log into games on multiple devices, and to communicate with users on third-party platforms, including, but not limited to, Facebook, Twitter, Discord, Instagram, and YouTube.
Identifiers and commercial information	Zip or postal code, information regarding your virtual items or currency in HyperBeard Age Gated Games, including amount of transaction and records of purchases you have made	We use this information to collect payment on in-app purchases and maintain a record of your transaction history.
Identifiers and Internet or other electronic network activity information	Email address	We use this information to contact users who have subscribed to updates about HyperBeard Age Gated Games. We also use this information to gauge the

		marketability of different game concepts and game art.
Inferences drawn from this information to create a profile about you	Your geolocation or preferences used to personalize our Games for you	We make these inferences based on the other categories of information.

We may additionally use this information for the following business purposes specified in the CCPA:

- Auditing related to an interaction with you and concurrent transactions;
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity;
- Debugging to identify and repair errors in our services;
- Short-term, transient uses;
- Performing our services;
- Internal research for technological development and demonstration; or
- Activities to verify or maintain the quality or safety of our services, and to improve, upgrade, or enhance our services.

What Personal Information We Share

We primarily collect, use, and share de-identified and/or aggregated consumer information, which is not considered personal information under CCPA since it does not directly or indirectly reveal your identity. However, CCPA defines “sale” very broadly. It includes the sharing of CCPA Covered Information (by a covered business) in exchange for anything of value. According to this broad definition, in the year before the date this policy was issued, for some HyperBeard Age Gated Games we collected, and may have sold, only the following categories of information:

- Unique and online identifiers – IP address, device IDs, or other similar identifiers (collected from your device);

- Internet, gaming or other electronic network activity information – such as browsing history, search history, and information regarding an individual's interaction with an internet website, application, or advertisement (collected from your device); and

- Location information – for example, if you access our games on your mobile device our advertisers may derive information about location from your IP address.

We may share the information with recipients such as our service providers to achieve these business purposes. This means that we may disclose the categories of personal information listed above for a business purpose.

Data Access Requests

You may request any of the following:

- the categories of personal information about you that we collected;

- the categories of sources from which the personal information was collected;

- the purpose for collecting personal information about you;

- the categories of third parties to whom we disclosed personal information about you and the categories of personal information that was disclosed (if applicable) and the purpose for disclosing the personal information about you; and

- the specific pieces of personal information we collected about you.

You may also request that we delete personal information we collected from you, unless CCPA recognizes an exception. We will not unlawfully discriminate against you for making any such requests.

We aim to fulfill all verified requests within 45 days pursuant to the CCPA. If necessary, extensions for an additional 45 days will be accompanied by an explanation for the delay.

How to Exercise Your Rights

If you are a California resident to whom the CCPA applies, you may exercise your rights, if any, to access or delete data by contacting us at legal@hyperbeard.com.

Appendix B - EEA and UK Users

Note: *If you are an individual in the European Economic Area ("EEA") or the United Kingdom ("UK"), the following additional information applies to you:*

CONTACT

For the purposes of EEA and UK data protection law, HyperBeard, Inc. is the data controller. We are a company registered at 705 Tofino Cv, Round Rock, TX 78665 USA.

PURPOSES AND LEGAL BASIS OF PROCESSING

More information about the legal basis of processing in EEA law is set out in the table below:

Type of information	Purpose of processing	Legal basis for processing
Information you provide		
Log-in details	To process, maintain and service your accounts. To communicate with you.	Contract
In-app purchase information	To fulfill orders.	Contract
Marketing information	To serve you with, or send you, marketing.	Consent
Other information	To communicate with you.	Legitimate Interests (to offer a successful product)
Information we receive from other sources		
From other people	To fulfill orders.	Contract
From other sites	To provide you with a personalized online experience.	Legitimate Interests (to offer a successful product)
Information we collect automatically		
Technical information	To improve and optimize our Games.	Legitimate Interests (to improve our Games)

We will use any of the above information to detect, investigate and prevent fraud, misuse of our services, and other illegal activities, and protect our and others' rights and properties as well as to respond to court orders, lawsuits, subpoenas, and government requests.

RIGHTS

Users in the EEA and UK have rights in relation to the personal information. Some of these only apply in certain circumstances. We have described these situations below, as well as how you can exercise your rights. To exercise any of your rights, please email legal@hyperbeard.com.

- **Access:** to enquire about and access personal data held by HyperBeard and details about how we use it and who we share it with;
- **Portability:** in certain circumstances, you have the right to receive or ask us to provide your personal data to a third party in a structured, commonly used and machine-readable format;
- **Correction:** to correct any personal data held about you that is inaccurate and have incomplete data completed;
- **Erasure:** that we erase your personal data in certain circumstances;
- **Restriction of Processing to Storage Only:** to require us to stop processing the personal data we hold about you other than for storage purposes in certain circumstances.
- **Objection:** in certain circumstances, the right to restrict or object to our processing of your personal data. You also have the right to object to marketing based on profiling;
- **Withdrawing Consent:** You can withdraw your consent at any time by entering your email address in this opt-out link; and
- **Complaints:** if you wish to make a complaint about how we process your information, please email legal@hyperbeard.com and we will deal with your request as soon as possible. This is without prejudice to your right to launch a claim with your local data protection authority.

Announcements

We may from time to time send you announcements when we consider it necessary to do so (for example, when we temporarily suspend Game access for maintenance, or security, privacy or administrative-related communications). You may not opt-out of these non-promotional, service-related announcements.