

## AVOLVE SPORTS PRIVACY POLICY

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Welcome to Avolve Sports and thank you for accessing our services. Test Train Develop, LLC d/b/a Avolve Sports (“Avolve Sports,” “we,” “our,” or “us”) respect your privacy and are committed to protecting it through our compliance with this Privacy Policy (the “Policy”).

Here we describe the privacy practices for our mobile and web applications, software, websites, APIs, and services (collectively, the “Services”). You will learn about the data we collect, how we use it, the controls we give you over your information, and the measures we take to keep it safe. Please read this Policy carefully to understand our policies and practices regarding your information and how we will treat it. If you do not agree with our policies and practices, your choice is not to use our Services. By accessing, downloading, registering with or using our Services, you agree to this Policy. This Policy may change from time to time. Your continued use of the Services after we make changes is deemed to be acceptance of those changes, so please check the Policy periodically for updates.

Please remember that we provide many of our Services to Organizations that have their own privacy practices, which may also govern your data in different ways. This Policy applies only to our own data practices, and not to the practices of third parties that we do not control.

### **Children Under the Age of 13.**

The Services are not intended for children under 13 years of age, and we do not knowingly collect personal information from children under 13. If you are under 13, do not use or provide any information on or through the Services or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received personal information from a child under 13 without verification of parental consent, we will delete that information.

### **Types of Personal Information and How We Collect It.**

We collect certain personal information in support of our effort to help athletes, coaches, and trainers record, track, and utilize athletic testing data through the Service. This personal information is collected through a variety of ways, such as through the registration and use of our software, mobile and web applications, when you use or visit our websites, or attend an Avolve Sports hosted or sponsored training event. We may receive your personal information if you are an Avolve Sports supplier or partner. We may also receive your information from third party partners. The type of information we collect will depend on your interactions with Avolve Sports. It may include:

***Registration Information.*** We may collect personal information such as your first and last name, date of birth, employer, title, phone number, physical address, email address, username and password, and other contact information when you register for an Avolve Sports account, or if you correspond with us. If you purchase any of our paid Services, you provide your payment information, including your name, credit or debit card number, card expiration date, CVV code, and billing address. We use a third-party payment processor (currently Stripe, Inc.) and do not store this payment information; however, such third-party payment processor(s) may retain this information in accordance with their own privacy policies and terms. We may also ask you for information when you enter a contest or promotion sponsored by

us, and when you report a problem with our Service. If you call our customer support, your call may be recorded.

**Profile Information.** After you set up your account, you may be able to provide additional information which may be shared through your public profile, such as your height, weight, photograph and/or video and other biographical or personal information (collectively, “Profile Information”), and information about your athletic performance or information relating to your team, league, combine, event manager, gym, training organization or other organization (collectively, “Organization”). Profile Information may be provided by a third-party, such as a coach, trainer, event manager or Organization, or it may be provided by you directly.

**Usage Data.** When you visit our website, download, access, and use our app, or otherwise use the Service, we may use automatic data collection technologies to collect:

**Usage Details.** When you access and use apps or website, we may automatically collect certain details of your access to and use of the apps or website, including traffic data, location data, logs, and other communication data and the resources that you access and use on or through the apps or website.

**Device Information.** We may collect information about your computer or mobile device and internet connection, including your Internet Protocol (IP) address and geographic areas derived from your IP address, the device’s unique device identifier, operating system, browser type, mobile network information, the device’s telephone number, and, depending on your mobile device settings, your geographical location data, including GPS coordinates (e.g., latitude and/or longitude) or similar information regarding the location of your mobile device.

**Stored Information and Files.** The apps also may access metadata and other information associated with other files stored on your computer or device.

We analyze such usage data in order to improve our Services and your experience with them. We may link this information to the personal information we have collected about you and use it for the purposes described in this Policy, and we may deliver targeted marketing and product information to you based on your usage data.

The technologies we use for this automatic data collection may include:

**Cookies (or mobile or browser cookies).** A cookie is a small file placed on your computer or mobile device. You may be able to refuse to accept cookies by activating the appropriate setting on your browser or mobile device. However, if you select this setting you may be unable to access certain parts of the Service.

**Flash Cookies.** Certain features of our website may use local stored objects (or Flash cookies) to collect and store information about your preferences and navigation to, from, and on our website. Flash cookies are not managed by the same browser settings as are used for browser cookies. For more information about managing your privacy and security settings for Flash cookies, see “Your Choices About Your Information.”

**Web Beacons.** Pages of our website and/or apps and our e-mails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit us, for example, to count users who have visited those pages or opened an e-mail and for other related website and app

statistics (for example, recording the popularity of certain website or app content and verifying system and server integrity).

*Third-Party Data.* We may receive your personal information from third party suppliers or partners. We may also receive information about you when you interact with our websites or web and mobile applications through various social media sites, for example, by logging in through or liking us on Facebook® or following us on Twitter®. This may include your name, user name or display name, public profile, and email address. We may combine information you provide with data we collect automatically and with data we receive from third parties. The data we receive is dependent upon your privacy settings with the applicable social network. You should always review, and if necessary, adjust your privacy settings on third-party websites and services before linking or connecting them to the Service.

If you decline to provide your personal information or ask us to delete it, we may be unable to continue to provide or support the Service.

### **Ways We Use Personal Information.**

We use the personal information we collect for the purposes described in this Policy, as covered in any agreement that incorporates this Policy, or as disclosed to you in connection with our websites or apps. For example, we use information that we collect about you or that you provide to us, including personal information to:

- operate, maintain, and provide to you the features of the Service;
- improve our operations, systems, and the Services;
- provide you with information, products, or services that you request from us;
- better understand you and your preferences to enhance your experience;
- respond to your comments or questions and provide customer support and troubleshooting;
- provide you with notices about your account or subscription, including expiration and renewal notices;
- carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection;
- enforce our Terms of Service or protect our business, partners, or users;
- notify you about changes to the Services and provide service and support, such as sending confirmations, invoices, notices, updates, security alerts, and administrative messages;
- allow you to participate in interactive features on our website or apps;
- communicate with you and your referrals about promotions, events, contests, and news about products and services offered by us and our selected partners;
- protect against, investigate, and deter fraudulent, unauthorized, or illegal activity;
- fulfill any other purpose for which you provide it;
- in any other way we may describe when you provide the information;
- for any other purpose with your consent;

We may use this information to communicate with you, such as to send e-mail messages, opt-in text messages, and push notifications and to permit other users of the Service to contact you. You may be able to control your receipt of e-mail and other messaging by visiting the settings page in your account, or by using the unsubscribe link in the body of such e-mail. We may also send you Service-related e-mails

and messages, such as account verification, payment confirmations, change or updates to features of the Service, technical and security notices. You may not opt-out of Service-related communications. For more information about your communication preferences, see “Your Choices About Your Information” below.

We may use the information we have collected from you to enable us to display advertisements to our advertisers’ target audiences. Even though we do not disclose your personal information for these purposes without your consent, if you click or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

### **Sharing of Personal Information.**

We do not share your personal information except in the limited circumstances described in this Policy. For example, we may share certain information to third parties:

- to fulfill the purpose for which you provide it. Our Service allows you to connect with others and share information about yourself, including your athletic testing data and other Profile Information, with other individuals and Organizations. For example, when you make information available to an Organization through the Service (e.g., by submitting the information via the Organization’s page or by sharing your profile with a coach, trainer, recruiter, combine or event manager, etc.), your personal information will be shared with that Organization and with any third-party with whom that Organization also shares information (e.g., if that Organization’s participation is sponsored by a professional team or league, the Organization may share its members’ personal information with that team’s sponsors). Each Organization may customize the manner in which the Organization collects, uses, and discloses personal information of users who submit information to the Organization, either directly or through the Service. This Policy does not apply to, and we cannot control the data collection and use practices of, these Organizations. Please consult the respective privacy policies of such Organizations or contact them for more information. Your Profile Information, including your name, photo, and other personal information, may also be available publicly to other users of the Service and may be searchable by search engines which display certain of your information publicly. You may be able to control some elements of such data sharing through your privacy settings in your account
- when you agree or direct us to disclose your information to others, such as your Organization. You may also authorize us to share your information with others, for example, with a third-party application when you give it access to your account. Remember that Organizations and other third-parties have their own data collection and use policies that we do not control, and that their use of your information will be governed by their privacy policies and terms. We encourage you to review the privacy policies of any third-party or Organization before sharing your personal information with them. Additionally, if you choose to participate in any challenge, contest, or leaderboard, some or all of your Profile Information, personal statistics, and achievements may be visible to other challenge participants and users.
- for external processing. We may transfer information to our affiliates, service providers, and other partners who process it for us, based on our instructions, and in compliance with this Policy and any other appropriate confidentiality and security measures. These partners provide us with services to support our business, including for customer support, information technology, payments, sales, marketing, data analysis, and surveys.

- Other Users. Any information that you voluntarily disclose for posting to the Service may be viewable by other users. You may be able to control some elements of data sharing through your privacy settings in your account.
- For legal reasons or to prevent harm. We may preserve or disclose your personal information to comply with legal requirements, for example, in response to a court order or a subpoena. We also may disclose your personal information in response to a law enforcement agency's request, or where we believe it is necessary to investigate, verify, prevent, enforce compliance with, or take action regarding illegal or suspected illegal activities; suspected fraud; situations involving potential threats to the physical safety of any person; protection of the rights and property of Avolve Sports, our agents, customers, users, or others; violations or suspected violations of our agreements and policies, including but not limited to the Terms and this Policy; or as otherwise required or permitted by law or consistent with legal requirements.
- For any other purpose disclosed by us when you provide the information.

We may also share your personal information:

- With our current or future affiliates, which may include parent and subsidiary companies, joint ventures, or other companies under common control, in which case we will require our affiliates to honor this Policy.
- To third parties in connection with or during negotiation of any merger, financing, acquisition, bankruptcy or similar transaction. We may also share personal information with our auditors, attorneys, or other advisors in connection with corporate functions.

We may facilitate third-party services or ways to share data through third-parties, including social media platforms, websites, applications, and services through "plug-ins," widgets, buttons, and other third-party features on and connected with our websites, apps, communications or Service. Third-parties whose services you use in connection with Avolve Sports, such as Organizations, or third-parties whose websites we link to, may have information practices that are different from ours. This Policy does not apply to the activities of third-parties when they are collecting or using data for their own purpose or on behalf of others. We are not responsible for the activities of these third-parties. We encourage you to review their privacy policies and terms to understand how they use your information.

We may also disclose aggregated information about our users, and information that does not identify any individual to third-parties for a variety of purposes.

### **User Content.**

Through the Service, users have the ability to upload and share user content, including but not limited to:

- Personal information (e.g., first and last name, age, gender, sports, positions)
- Academic Information (e.g., graduation year, GPA)
- School Information (e.g., school name, year lettered, honors/awards)
- Physical measurements (e.g., height, weight)
- Profile Image
- User photos and/or videos related to the Service

With exception to first and last name, all of the above user content is voluntary. By submitting any such content, other users may be able to view that content by viewing your profile. Photos and/or videos may be uploaded to the athlete profile through integrations with Organizations or other third-parties that provide such services. As with other user content, choosing to integrate media from Organizations or other third-parties is voluntary. Doing so may allow other users to access such content.

You may change or remove any such content at any time by logging into your profile and choosing to edit your settings. Changing or deleting any user content does not affect previously shared user content, or content that may have been archived.

### **Your Choices About Your Information.**

We strive to provide you with choices regarding the personal information you provide to us. We give you account settings and tools to access and control your personal information and communication preferences, as described below. You may update your account information and communication preferences at any time by logging into your account and changing your account settings. You can also stop receiving promotional e-mail communications from us by clicking on the “unsubscribe link” provided in such communications. We make every effort to promptly process all unsubscribe requests. As noted above, you may not opt-out of Service-related communications (e.g., account verification, purchase and billing confirmations and reminders, changes/updates to features of the Service, technical and security notices).

*Privacy Settings.* Subject to your profile and privacy settings, any information that you make public is searchable by other users and may be accessible via API(s) and viewable on search engines. You may be able to restrict some of this public sharing by visiting your privacy settings on the Service or by limiting the type of data in your profile. Changing your privacy settings will not have any effect on information that was previously shared through the Service. Remember that even if you remove information that you posted to the Service, copies may remain viewable in cached and archived pages of the Service, or if other users have copied or saved that information.

*Tracking Technologies and Advertising.* You can set your browser to refuse all or some browser cookies, or to alert you when cookies are being sent. To learn how you can manage your Flash cookie settings, visit the Flash player settings page on Adobe’s website. If you disable or refuse cookies, please note that some parts of the website, apps and/or Service may then be inaccessible or not function properly.

### **Data Storage and Retention.**

Information collected by us or on our behalf may be stored on your computers, on your mobile devices, or on our servers, and may be transferred to, accessed from, or stored and processed in, the United States or any other country in which Avolve Sports or its subsidiaries, affiliates or service providers maintain facilities, including jurisdictions that may not have data privacy laws that provide protections equivalent to those provided in your home country. However, we will protect all personal information we obtain in accordance with this Policy and take reasonable steps to ensure that it is treated lawfully. You consent to the transfer of information to the United States or any other country in which Avolve Sports or its subsidiaries, affiliates or service providers maintain their facilities and the use and disclosure of information about you as described in this Policy.

Following termination or deactivation of your user account, we may retain your Profile Information for a commercially reasonable time for backup, archival, or audit purposes. Please be aware that we will not be able to delete any content that you have shared with others on the Service or with social media sites. Please also be aware that we may not be able to delete data about you that was provided by another user or by an Organization (e.g., if an Organization lists your name and athletic statistics on a team roster, that will not be deleted). If you are an Organization, we may not be able to delete information you provided about other users, such as statistics or records, once that information has been shared with other users on the Service. In certain circumstances we may retain your personal information after you have closed your account or are no longer actively engaged with Avolve Sports. For example:

- We may retain your personal information after you have closed your account so that we can send you information about products, services and publications we think you may be interested in. You can “unsubscribe” to receiving such messages or tell us you are no longer interested;
- We may retain your personal information in order to protect our legal rights, or those of third-parties, or to comply with the law;
- We may retain personal information about how you have used our Services in order to improve and develop our business.
- If you purchased paid Services from us, we may retain your personal information for as long as we need in order to provide you with customer support, or for compliance purposes, for example, in order to comply with our record keeping requirements.
- We may also use and share aggregated, non-personally identifiable information for research, external training and marketing purposes.

### **Information Security.**

We have reasonable and appropriate physical, electronic, and managerial procedures in place to help safeguard your personal information. However, you should know that no company, including Avolve Sports, can fully eliminate security risks associated with personal information. We cannot guarantee the security of your personal information transmitted to or through the Service. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained in the Service.

To help protect yourself, use a strong password, do not use the same passwords to access your Avolve Sports accounts that you use with other accounts or services, and protect your user names and passwords to help prevent others from accessing your accounts and Services.

### **Links to Other Websites and Services.**

Our Service may integrate with or contain links to other third-party sites and services. We are not responsible for the practices employed by third-party websites or services embedded in, linked to, or linked from the Service and your interactions with any third-party website or service are subject to that third-party’s own terms, conditions, and privacy policies. You agree that we are not responsible for and we do not have any control over, any third-parties that you authorize to access your information, including the Organizations you interact with on our Service.

**Changes to our Policy.**

We may update our Policy from time to time. If we make material changes to how we treat our user's personal information, we will post the new privacy policy on this page with a notice that the Policy has been updated, and in some cases send a notification of changes via e-mail. The date the Policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable e-mail address for you and for periodically visiting this Policy to check for any changes.

**How to Contact Us.**

If you have any questions about how we use your personal information, or if you have any other privacy-related questions, please contact us at [support@avolvesports.com](mailto:support@avolvesports.com).