

## Character Encounters

## Website Privacy Policy

### **Introduction**

Character Encounters, LLC (“**Company**” or “**We**”) respect your privacy and are committed to protecting it through our compliance with this policy.

This policy describes the types of information we may collect from you or that you may provide when you visit the website [itstherealsanta.com](http://itstherealsanta.com) (our “**Website**”) and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This policy applies to information we collect:

- On this Website.
- In email, text, and other electronic messages between you and this Website.
- Through mobile and desktop applications you download from this Website, which provide dedicated non-browser-based interaction between you and this Website.
- When you interact with our advertising and applications on third-party websites and services, if those applications or advertising include links to this policy.
- Through delivery of our services

It does not apply to information collected by:

- us offline or through any other means, including on any other website operated by Company or any third party (including our affiliates and subsidiaries); or
- any third party (including our affiliates and subsidiaries), including through any application or content (including advertising) that may link to or be accessible from or on the Website

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 Website. By accessing or using this Website, you agree to this privacy policy. This policy may change from time to time (see [Changes to Our Privacy Policy](#)). Your continued use of this Website after we make changes is deemed to be acceptance of those changes, so please check the policy periodically for updates.

### **Children’s Online Privacy and Protection Act**

We take our duty to protect the privacy of children with the highest regard. To that end, this policy (“**COPPA Policy**”) seeks to comply with the Children’s Online Privacy and Protection Act, which applies to operators of commercial websites and online services (including mobile apps) directed to children under 13 that collect, use, or disclose personal information from children.

### *What Information We Collect About the Child*

- Age
- City and State (but never zip code street, house, or apartment number)
- Number of Siblings
- Terms used for grandparents
- Gifts requested for Christmas

### *Who Collects the Information About the Child*

Character Encounters, LLC d/b/a It's The Real Santa operates the Site and Services and will collect children's personal information as described in this COPPA Policy and our Privacy Policy. We can be contacted at:

3200 Steck Ave., Suite #250

Austin, Texas, 78757

[support@characterencounters.com](mailto:support@characterencounters.com)

(512) 580-3432

### *Information We Collect Directly.*

From children under 13, we utilize the date of birth to verify the child's age but do not store the age. We only store whether or not they are under 13. If a child is under 13, we collect the child's first name, and last initial. We do not ask children for their full last name. Parents may ask us to stop collecting personal information from their child by emailing us at [support@characterencounters.com](mailto:support@characterencounters.com) however, in such cases the child will not be able to use the services again. If a parent directs us to stop collecting and using a child's personal information, we must disable his or her use of our services to ensure that no information is collected.

### *How We Use Children's Information*

We use personal information collected from children for the following purposes:

- To provide our Services; and
- To respond to customer service and technical support issues and requests.

*Unique Identifiers.* We only collect and use unique identifiers, such as IP addresses, as necessary to operate our Site or Services, including to maintain or analyze their functioning; perform

network communications; authenticate users or personalize content; and protect the security or integrity of users and our Site and Services. We never use unique identifiers to track users across third-party apps or websites.

*Aggregate or De-identified Information.* We may use aggregate or de-identified information about children for research, analysis, and similar purposes. When we do so, we strip out names, e-mail, contact information, and other personal identifiers. We may use aggregate or de-identified information for the following purposes:

- To better understand how users access and use our Site and Services;
- To improve our Site and Services and respond to user desires and preferences; and
- To conduct research or analysis, including research and analysis by third parties.

### ***How We Share Children's Information***

We do not sell children's personal information, and a child may not make his or her personal information public through our services. In general, we may disclose the personal information that we collect about children to provide our Services, to comply with the law, and to protect Character Encounters, LLC and other users of our Services. For example, we may share children's personal information as follows:

- ***Service Providers.*** We may disclose the information we collect from children to third-party vendors, service providers, contractors, or agents who perform functions on our behalf.
- ***Business Transfers.*** If we are acquired by or merged with another company, if substantially all of our assets are transferred to another company, or as part of a bankruptcy proceeding, we may transfer the personal information we have collected from our users to the other company.
- ***In Response to Legal Process.*** We also may disclose the personal information we collect in order to comply with the law, a judicial proceeding, court order, subpoena, or other legal process.
- ***To Protect Us and Others.*** We also may disclose the personal information we collect where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms of Service, Privacy Policy, or this COPPA Policy, or as evidence in litigation in which Character Encounters, LLC is involved.
- ***With Parents.*** Parents may request information about the information we have collected from their child by contacting us at [support@characterencounters.com](mailto:support@characterencounters.com)
- ***Aggregate and De-Identified Information.*** We may also use and share aggregate or de-identified information about users with third parties for marketing, research, or similar purposes.

### ***Your Rights to Review, Delete, and Control Our Use of Children's Personal Information***

Parents have a right to review the information we have collected about their children and to delete it, and to tell us to stop using it. To exercise these rights, you may contact us at support@characterencounters.com. You will be required to authenticate yourself as the child's parent to receive information about that child. Please note that copies of information may remain in cached or archived form on our systems after you request us to delete it.

### ***Changes to This COPPA Policy***

This COPPA Policy is current as of the Effective Date set forth above. We may change this COPPA Policy from time to time, so please be sure to check back periodically. We will post any changes to this COPPA Policy on our Site, at itstherealsanta.com. If we make any changes to this COPPA Policy that materially affect our practices with regard to the personal information we have previously collected from a child, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Site

### **Information We Collect About You and How We Collect It**

We collect several types of information from and about users of our Website, including information:

- by which you may be personally identified, such as name, postal address, e-mail address, telephone number, or any other identifier by which you may be contacted online or offline ("**personal information**");
- that is about you but individually does not identify you, such as location region; and/or
- about your internet connection, the equipment you use to access our Website and usage details.

We collect this information:

- Directly from you when you provide it to us.
- Automatically as you navigate through the site. Information collected automatically may include usage details, IP addresses, and information collected through cookies, web beacons, and other tracking technologies.
- From third parties, for example, our business partners.

### **Information You Provide to Us.**

The information we collect on or through our Website may include:

- Information that you provide by filling in forms on our Website. This includes information provided at the time of requesting services, registering to use our Website, subscribing to our service, posting material, or requesting further services. We may also ask you for information when you enter a promotion sponsored by us, and when you report a problem with our Website.
- Records and copies of your correspondence (including email addresses), if you contact us.

- Your responses to surveys that we might ask you to complete for research purposes.
- Details of transactions you carry out through our Website and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website.

### **Information We Collect Through Automatic Data Collection Technologies.**

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including:

- Details of your visits to our Website, including traffic data, location data, logs, and other communication data and the resources that you access and use on the Website.
- Information about your computer and internet connection, including your IP address, operating system, and browser type.

The information we collect automatically is statistical data and may include personal information, or we may maintain it or associate it with personal information we collect in other ways or receive from third parties. It helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Website according to your individual interests.
- Recognize you when you return to our Website.

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

- **Cookies (or browser cookies).** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you may be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.
- **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.
- **Web Beacons.** Pages of our the Website 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 the Company, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

### **How We Use Your Information**

We use information that we collect about you or that you provide to us, including any personal

information:

- To present our Website and its contents to you.
- To provide you with information, products, or services that you request from us.
- To fulfill any other purpose for which you provide it.
- To provide you with notices about your account, including expiration and renewal notices.
- To carry out our obligations and enforce our rights arising from any contracts entered into between you and us, including for billing and collection.
- To notify you about changes to our Website or any products or services we offer or provide through it.
- To allow you to participate in interactive features on our Website.
- To deliver our services
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

We may also use your information to contact you about our own and third-parties' goods and services that may be of interest to you. If you do not want us to use your information in this way, please check the relevant box located on the form on which we collect your data (the order form).

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 on or otherwise interact with an advertisement, the advertiser may assume that you meet its target criteria.

### **Disclosure of Your Information**

We may disclose aggregated information about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries and affiliates.
- To contractors, service providers, and other third parties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To a buyer or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Character Encounters, LLC's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Character Encounters, LLC about our Website users is among the assets transferred.
- To third parties to market their products or services to you if you have consented to these disclosures. We contractually require these third parties to keep personal information confidential and use it only for the purposes for which we disclose it to them.
- To fulfill the purpose for which you provide it. For example, if you give us an email address to use the "Message From Santa" service offered through our Website, we will

transmit the contents of that email and your email address to the recipients.

- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including to respond to any government or regulatory request.
- To enforce or apply our terms of use or terms of sale and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Character Encounters, LLC, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

### **Choices About How We Use and Disclose Your Information**

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your 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 this site may then be inaccessible or not function properly.
- **Disclosure of Your Information for Third-Party Advertising.** If you do not want us to share your personal information with unaffiliated or non-agent third parties for promotional purposes, you can also always opt-out by sending us an email stating your request to [support@characterencounters.com](mailto:support@characterencounters.com).
- **Promotional Offers from the Company.** If you do not wish to have your email address used by the Company to promote our own or third parties' products or services, you can opt-out by checking the relevant box located on the form on which we collect your data (the order form) or at any other time by sending us an email stating your request to [support@characterencounters.com](mailto:support@characterencounters.com). If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions. This opt out does not apply to information provided to the Company as a result of a product purchase, warranty registration, product service experience or other transactions.
- We do not control third parties' collection or use of your information to serve interest-based advertising. However these third parties may provide you with ways to choose not to have your information collected or used in this way. You can opt out of receiving targeted ads from members of the Network Advertising Initiative ("NAI") on the NAI's website.

### **Europe**

*General Data Protection Regulation Privacy Statement* ("GDPR Statement")

This GDPR Statement applies to persons in the European Economic Area ("EEA"), including those based in the United Kingdom. This GDPR Statement supplements Character Encounters.

LLC's Statement; however, where the Statement conflicts with the GDPR Statement, the GDPR Statement will prevail as to persons in the EEA.

#### *Controller of Personal Information*

Character Encounters, LLC is the data controller of personal information we collect, however, in accordance with applicable data privacy law, we have appointed a representative within the European Union.

#### *Your rights under GDPR*

You have certain rights regarding your personal data under the GDPR.

#### *Information Uses*

We will only use your personal data when the law allows us to.

#### *Notice to European Users*

THIS SITE AND THE SERVICES ON THIS SITE ARE TARGETED FOR USERS IN THE UNITED STATES OF AMERICA. ANY INFORMATION YOU ENTER ON THIS SITE MAY BE TRANSFERRED OUTSIDE OF THE EUROPEAN UNION TO THE UNITED STATES OF AMERICA WHICH DOES NOT OFFER AN EQUIVALENT LEVEL OF PROTECTION TO THAT REQUIRED IN THE EUROPEAN UNION. IN PARTICULAR, YOU ARE ADVISED THAT THE UNITED STATES OF AMERICA USES A SECTORAL MODEL OF PRIVACY PROTECTION THAT RELIES ON A MIX OF LEGISLATION, GOVERNMENTAL REGULATION, AND SELF-REGULATION. ARTICLE 26 OF THE EUROPEAN UNION'S DATA PROTECTION DIRECTIVE (DIRECTIVE 95/46/EC, 1995 O.J. (L 281) 31) ALLOWS FOR TRANSFER OF PERSONAL DATA FROM THE EUROPEAN UNION TO A THIRD COUNTRY IF THE INDIVIDUAL HAS UNAMBIGUOUSLY GIVEN HIS CONSENT TO THE TRANSFER OF PERSONAL INFORMATION, REGARDLESS OF THE THIRD COUNTRY'S LEVEL OF PROTECTION. BY USING THIS SITE OR THE SERVICES, YOU CONSENT TO THE TRANSFER OF ALL SUCH INFORMATION TO THE UNITED STATES OF AMERICA WHICH MAY NOT OFFER AN EQUIVALENT LEVEL OF PROTECTION TO THAT REQUIRED IN THE EUROPEAN UNION AND TO THE PROCESSING OF THAT INFORMATION BY THE COMPANY ON ITS SERVERS LOCATED IN THE UNITED STATES OF AMERICA AS DESCRIBED IN THIS PRIVACY POLICY.

#### **The State of California**

##### *California Consumer Privacy Act Privacy Statement ("CCPA Statement")*

This CCPA Statement is provided pursuant to the California Consumer Privacy Act ("CCPA") and applies to California residents and supplements Character Encounters, LLC's overall Statement with additional disclosures and rights.

#### *Your rights under CCPA*

As of January 1, 2020, California law permits residents of California to request certain details about how their personal information is shared with third parties or affiliated companies for direct marketing purposes.

### *Disclosures*

For purposes of compliance with the CCPA, in addition to the further details as described in the CPPA Statement, above, we make the following disclosures:

#### *Information We Collect About You and How We Collect It*

We collect several types of information from and about users of our Website, including information:

- By which you may be personally identified, such as name, postal address, e-mail address, telephone number or any other identifier by which you may be contacted online or offline (“personal information”);
- That is about you but individually does not identify you; and/or
- About your internet connection, the equipment you use to access our Website, and usage details.

We collect this information:

- Directly from you when you provide it to us.
- Automatically as you navigate through the site. Information collected automatically may include usage details, IP addresses, and information collected through cookies, and other tracking technologies.
- From third parties, for example, our business partners

### **Data Security**

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure.

The safety and security of your information also depends on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone.

Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

### **Changes to Our Privacy Policy**

It is our policy to post any changes we make to our privacy policy on this page with a notice that the privacy policy has been updated on the Website home page. If we make material changes to how we treat our users’ personal information, we will notify you through a notice on the Website home page. The date the privacy policy was last revised is identified at the top of the page. You are responsible for periodically visiting our Website and this privacy policy to check for any changes.

## **Contact Information**

To ask questions or comment about this privacy policy and our privacy practices, contact us at:

[support@characterencounters.com](mailto:support@characterencounters.com)