

## Privacy Policy

Last updated on June 1, 2020

This Privacy Policy ("Policy") applies to the website located at [ticketexchange.und.com](https://ticketexchange.und.com) and its associated webpages (the "NDTE"), which is brought to you by Vivid Seats LLC ("Vivid Seats") and the University of Notre Dame du Lac ("Notre Dame"), (collectively "we" or "us"). This Policy describes how the NDTE collects, shares, secures and uses the personal information you provide when you visit or use our website. It also describes the choices available to you regarding the use of, your access to, and how to update and correct your personal information. When we refer to "personal information" in this Policy, we mean information that directly identifies you (such as your name, postal address, or email address) or data that could be used to indirectly identify you. To purchase tickets, list tickets for sale, or post content to our website, you will be required to register an account. Any consent you provide will be entirely voluntary. However, if you do not accept this policy, then you should not use, and are not authorized to use, the website.

### What information do we collect and why?

We and our service providers collect a variety of types of information, much of which is based on your interaction with our website, including:

- **Device and browsing information**, including IP address, referral website, browser and device type, operating system version, webpage navigation, aggregated usage, performance data, where the application was downloaded from, and other information about your activities on this and other websites (collectively, "automatically collected information"). This information is collected for the purpose of determining the best way to serve you including, but not limited to, showing you events you are most interested in, crediting marketing partners with attribution appropriately, for marketing and re-marketing purposes, and for internal analytics;
- **Contact Information**, such as your name, email address, mailing address, zip code, postal code, phone number, and location-based information (including geolocation if you choose to opt in). This information is used for creating an account, verifying customer's identity when he or she corresponds about his or her order, delivery, and fraud verification;
- **Listing information of tickets listed for sale on our marketplace**, including event, location of the event, quantity, section and row of the tickets, and physical location of the tickets. This information is collected for the purpose of providing accurate listings;
- **Purchase and sale information** relating to tickets bought or sold through our website, including billing address, credit card or other payment information, links, PayPal address, name and address of a gift recipient, and name and phone number of a third person who will pick up items for you. This information is used for creating an account, verifying customer's identity when he or she corresponds about his or her order, delivery, and fraud verification;

- **Publicly available information and purchased information**, including information about you from publicly available databases and information purchased from your cell phone company and your email domain. This information is collected for the purpose of fraud verification and marketing and
- **Other information or content** that you provide through our publicly accessible blogs and community forums. Any information you provide in these areas may be read, collected, and used by others who access them. This information is used for customer service.

### How do we collect information?

We collect information through our website and through email and other communications and interactions with you. We also obtain information about you and from third parties. We collect and obtain information:

- **You provide**, such as when you visit or use our website, purchase tickets or list tickets for sale, create an account with us, subscribe to our email newsletter, post information or content to our publicly available blogs or community forums, contact or otherwise communicate with us, enter contests or sweepstakes, participate in surveys, or register for other activities on our website;
- **From third parties**, such as other users of our website (for example, when another user purchases tickets for you as a gift, or when another user designates you to pick up tickets on his or her behalf), service providers that we use, publicly available databases or third parties from whom we have purchased data, marketing partners, and other third parties that we choose to collaborate or work with;
- **From social media platforms and networks** that you use in connection with our website, or that share or allow you to share information with us, such as Facebook. For example, if you use functionalities, plugins, widgets, or tools from social media platforms or networks in connection with our website (for example, to share purchases and other content from our website with your friends and followers on social media), we will collect the information that you share with us, or that those social media platforms or networks share with us; and
- **Using cookies and other automatic collection methods**. For example, we, our affiliates and/or third parties we work with may collect information from the computer, tablet, or other device that you use to access our website, or that you use to open an email from us. This collection includes automatically collected information, and generally does not include personal information that directly identifies you unless you provide it through our website, or you choose to share it with us. Automatic collection methods we use include cookies, web beacons, tags, scripts, and similar technologies.

### How do we use information?

We use the information we collect and obtain to conduct our business and to provide you with the products, services, and experiences that you request or that we think may be of interest to

you. We also may combine any or all the information we collect or obtain with other information we collect or obtain, including but not limited to information obtained from third parties with which we choose to work. We use information:

- **To provide you with services**, including to administer the website, fulfill your orders and process your payments, pay you if your tickets sell, calculate shipping options, verify your identity and protect the integrity of the ticket marketplace, process, maintain and service your account, send you relevant newsletters, offers, and promotions, and provide you with products and services that you request or that we think may be of interest to you (including by sending you push notifications or alerts regarding athletic or entertainment events near you);
- **To contact you** and deliver information to you that, in some cases, is targeted to your interests. These communications may contain links for preference management and, where appropriate, unsubscribe links should you decide you do not want to receive further communications.
- **To respond to you**, when you place an order, correspond with us by email or otherwise communicate with us, make a request or inquiry, enter a contest or sweepstakes, complete a survey; or share a comment or concern;
- **For personalization** of your experiences with us, including to remember your interests and preferences, customize the listings and services we share with you, track and categorize your activity and interests on our website (including by identifying the different devices you use), and make your shopping experience with us more relevant;
- **For marketing and advertising**, to send you marketing and advertising communications, to segment and build audiences and engage in interest-based advertising, to provide social media features, and to personalize the marketing and advertising that we show you;
- **For analytics**, to understand how you use our website, analyze our website traffic, to gather demographic information about our individual users and aggregate user base, to determine the methods and devices used to access our website, and to improve our website and associated services;
- **For our business purposes**, to operate and improve upon our business and lawful business activities, to identify new customers, to update, expand, and analyze our records, for research, to determine your satisfaction with our website and services, to detect and prevent fraud or misuse of our services, to enforce, apply or comply with any of our terms or policies, including but not limited to this Policy, and for any other business purpose that is permitted by law; and
- **For legal, contractual and safety purposes**, including to defend or protect us, our customers, you, or third parties from harm or in legal proceedings, protect our rights, protect our security and the security of our customers, employees, and property, respond to court orders, lawsuits, subpoenas, and government requests, address legal and regulatory compliance, comply with contracts and other agreements to which we are a party, and notify you of changes to our terms, policies, or practices.

If you provide us personal information about others, we may disclose that information to certain third parties such as sports teams for their marketing purposes. When you provide us with personal information about other parties, we will assume that you have obtained the consent of such other parties to do so.

### **Will my personal and account information be provided to any other party?**

We restrict access to your personal information to those who need access to use it as set forth in this Policy. Your personal and account information will never be sold or shared to third parties, except under the following circumstances:

- With service providers that perform certain functions. These third parties may only use personal information as necessary to provide these services to us and not for promotional purposes. These include the following:
  - For the purpose of processing payments.
  - For the purpose of delivering your tickets, whether that is electronically or physically, and ensuring you successfully access your seats.
  - For the purpose of preventing fraudulent purchases and sales through our marketplace.
  - For the purpose of analyzing data to provide you a better customer experience.
- With select business partners so that they can provide you with special offers, promotional materials, and other materials that may be of interest to you. This includes our partners that are listed on our website. The information we give these partners may include your name, email address, phone number, and billing address. The NDTE is not responsible for the privacy practices of these business partners;
- To respond to subpoenas, lawful requests by public authorities, court orders, or other legal process, as required by law, or to establish or exercise our legal rights or defend against legal claims;
- When we believe it is necessary to protect the rights, property, or safety of Vivid Seats or Notre Dame, our users, or others, including for fraud protection;
- In connection with a sale of some or all our business or a merger with another company. You will be notified via email and/or a prominent notice on our website of any change in ownership; or
- With your prior consent to do so.

You may direct us not to share your personal information with third parties (other than our service providers), at any time, by sending an email to [privacy@vividseats.com](mailto:privacy@vividseats.com), or by following the removal instructions in the communication that you receive.

### **Links to 3rd Party Sites**

Our website includes links to other websites whose privacy practices may differ from those of the NDTE. If you submit personally identifiable information to any of those sites, your

information is governed by their privacy policies. We encourage you to carefully read the privacy policy of any website you visit.

### **Frames**

Some of our pages utilize framing techniques to serve content from our partners while preserving the look and feel of our website. Please be aware that you are providing your personal information to these third parties and not to **the NDTE**.

### **Testimonials**

We display personal testimonials of satisfied customers on our website in addition to other endorsements. With your consent we may post your testimonial along with your name. If you wish to update or delete your testimonial, you can contact us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com).

### **Security and Retention**

We use Secure Socket Layers ("SSL") encryption technology where your personal and account information is required (such as a credit card number). Our website is certified by Norton Secured, which verifies that the [NDTE](#) is authentic and that we use SSL security. To view our VeriSign certificate, click on the image of the closed lock or the solid key at the bottom of your browser window. Our website security information will appear.

All transaction information is processed under encrypted channels.

We follow generally accepted industry standards to protect your Personal Information, both during transmission and once we receive it. No method of transmission over the Internet, or method of electronic storage, is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its absolute security.

We will keep your personal information only for as long as necessary for the purposes for which it was collected, to provide you with products or services, to carry out legitimate business interests, and where otherwise required or permitted by law. If you have any questions about security on our website, you can email us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com).

### **Browsers Do Not Track Signals**

Some browsers have incorporated "Do Not Track" (DNT) features that can send a signal to the websites you visit indicating that you do not wish to be tracked. There is not yet a common understanding of how to interpret the DNT signal. We currently do not respond to web browser DNT signals.

## Children's Privacy

Our website is not directed to or intended to be used by individuals under the age of 16. We do not knowingly request or collect personal information from any person under 16 years of age without prior verifiable parental consent. If you believe that your child under the age of 16 has submitted personal information to us in connection with our website, and without prior verifiable parental consent, please email us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com) so that we can take steps to delete the personal information that she or he provided as required in accordance with applicable law.

## International Users

If you provide personal information through our website, you agree that the personal information will be transferred to and processed in the United States of America and any other country or jurisdiction at our sole discretion. The laws that apply to the use and protection of personal information in the United States or other countries or jurisdictions in which we transfer or process personal information may be different than the laws and protections in your country. By using our website or app, you agree to the transfer and processing of your information in accordance with US law. In the event you wish to withdraw consent, please email [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com) to delete your account and then cease using our services. Those who access or use our website from jurisdictions outside the United States do so at their own choice and risk and are solely responsible for compliance with local law. While we take certain steps to safeguard your personal information, please note that the United States has **NOT** been deemed by the European Commission to ensure an adequate level of protection for personal data. Accordingly, the level of safeguards and legal protections provided in the United States or other non-European countries from which you may access our website may not be as stringent as that under European Union privacy standards or the privacy laws of some other countries, possibly including your home jurisdiction.

## Privacy Shield

We will treat all data received from the EU in accordance with privacy shield principles. Vivid Seats participates in the EU-U.S. and Swiss-U.S. Privacy Shield Frameworks and complies with the associated requirements regarding collection, use, and retention of personal information transferred from the EU and Switzerland to the United States. For the avoidance of doubt, Vivid Seats' adherence to the Privacy Shield framework does not apply to any human resources data. To learn more about Privacy Shield, and to see our certification, please visit [www.privacyshield.gov/](http://www.privacyshield.gov/). Vivid Seats is subject to the investigatory and enforcement powers of the Federal Trade Commission and may be held liable in cases of onward transfers of data received from the EU to third parties.

## European Residents

If you are a resident of the European Union, you may have certain rights under European data protection law with respect to your personal data, including the right to request access to, correct, amend, delete, limit the use of, or withdraw your consent for the processing of your personal data. You may also have the right to receive a copy of your personal data in a commonly used and machine-readable format and to transmit such data to another controller. To request deletion of, access to, or to make changes to data, or to otherwise exercise any of your rights in this paragraph, email us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com). Please remember that if you delete or limit the use of your personal data, you may not be able to use the services provided through our website.

In the event you have a dispute or complaint with respect to your personal data, you are entitled to invoke binding arbitration. Please visit [www.icdr.org/privacyshield](http://www.icdr.org/privacyshield) for more information and to file a complaint. Unresolved privacy complaints under the Privacy Shield Framework may be referred to the International Centre for Dispute Resolution at the American Arbitration Association.

### **Your Choices and Access Requests**

We offer you choices about how certain personal information is used and shared. Your choices include:

- **Social Media Platforms and Networks.** We encourage you to review your privacy options and settings with the social media platforms and networks you use to understand what choices you have about sharing information from those platforms and networks with us.
- **Email Choices.** You can opt out of marketing or advertising emails by contacting us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com) or by utilizing the "unsubscribe" link or following other instructions noted in marketing or advertising emails you receive from us. Please note that opting out of receiving marketing or advertising emails from us will not apply to transactional communications or legal notices, for example, emails about your orders or about changes to our terms, policies, or business practices.
- **Managing Cookies.** We partner with a third party to display advertising on our website and to manage our advertising on other sites. Our third-party partner may use cookies or similar technologies to provide you advertising based upon your browsing activities and interests. You can activate settings on your Internet browser to refuse the setting of some or all cookies. In addition, the website linked to below will tell you how you can remove existing cookies from your browser if you wish. Please keep in mind, however, that if you use your Internet browser settings to block all cookies (including essential cookies) you may not be able to access all or parts of our website and services. For further information about managing cookies, please visit [www.allaboutcookies.org](http://www.allaboutcookies.org). Please note that disabling or clearing cookies also may affect cookie-based opt-outs by either preventing you from using such cookie-based opt-outs or clearing opt-outs that you have previously set, in which case you would have to revisit the applicable pages

and renew your opt-out after clearing cookies. Please note you will continue to receive generic ads.

- **Access Requests.** Upon request, we will provide you with information about whether we hold any of your personal information and how it has been used and/or disclosed. You may update your personal information by making a change on the member information page. You may update or delete your personal information or request a correction to your personal information by emailing us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com). We retain all information for active accounts to provide you services. To request that we deactivate your account, please contact us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com). We will respond to your request within a reasonable timeframe. We will retain and use your information, even if your account is deactivated, only as is necessary to comply with our legal obligations, resolve disputes, and enforce our agreements.
- **Public Forums.** To request removal of your personally identifiable information from our blog or community forum, contact us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com). In some cases, we may not be able to remove your personally identifiable information, in which case we will let you know if we are unable to do so and why. Alternatively, if you used a third-party application to post such information, you can remove it, by logging into the third-party application and removing the information, or by contacting the appropriate third-party application.

### Your California Privacy Rights

Under California Civil Code Section 1798.83, individual customers who reside in California and who have an existing business relationship with us may request information about our disclosure of certain categories of personal information to third parties for the third parties' direct marketing purposes, if any.

To make such a request, send an email with the subject heading "California Privacy Rights" to [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com). In your request, please attest to the fact that you are a California resident and provide a current California address for our response. Please be aware that not all information sharing is covered by these California privacy rights requirements and only information on covered sharing will be included in our response. This request may be made no more than once per calendar year.

Pursuant to applicable California law, including the California Consumer Privacy Act (CCPA), we make the following disclosures regarding the personal information we have collected within the last 12 months:

Category of Personal Information	Category of Source from Which Data is Collected	Purpose of Collection	Category of Third Parties to Whom	Category of Third Parties to Whom
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			Data is Disclosed	Data is Sold
Contact information such as name, email address, mailing address, zip code, postal code, phone number, and location-based information (including geolocation if you choose to opt in).	Directly from users	For creating user accounts; verifying customer's identity when he or she corresponds about his or her order; delivery; fraud verification; to fulfil orders; marketing	Service Providers	Marketing partners
Purchase and sale information relating to tickets bought or sold through our website, including billing address, credit card or other payment information, PayPal address, name and address of a gift recipient, and name and phone number of a third person who will pick up items for our users	Directly from users	To provide our users with our services; facilitate sales of tickets; process payments and orders	Service Providers	
Listing information of tickets listed for sale on our marketplace, including event, location of the event, quantity, section and row of the tickets, and physical location of the tickets	Directly from users	To facilitate sales of tickets on behalf of our users	Service Providers	N/A
Automatically collected information such as browser type, device type, and IP address	Cookies and other tracking technologies	Analytics; to enhance functionality of the website	Service Providers	N/A

If you are a California resident, pursuant to the CCPA, you have the right to request:

- the categories of personal information we have collected about you;
- the categories of sources from which your personal information is collected;
- the business or commercial purpose of collecting or selling your personal information;
- the categories of third parties with whom we share your personal information;
- the specific pieces of personal information we have collected about you;
- the categories of personal information that we have sold about you and the categories of third parties to whom the personal information was sold, if applicable;
- deletion of your personal information; and
- an opt out of having your personal information disclosed or sold to third parties.

To submit a request, or designate an authorized agent to make a request under the CCPA on your behalf, please contact us at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com), 844-224-5240, or complete the web form located [here](#). To verify your identity when you submit a request, we will match the identifying information you provide us to the personal information we have about you. If you have an account with us, we will also verify your identity through our existing authentication practices for your account.

We will not be required to comply with your request to delete your personal information if it is necessary for us to maintain your personal information in order to:

- complete the transaction for which the personal information was collected, provide a good or service requested by you, or reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform a contract between you and us;
- detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity; or prosecute those responsible for that activity;
- debug to identify and repair errors that impair existing intended functionality;
- exercise free speech, ensure the right of another consumer to exercise his or her right of free speech, or exercise another right provided for by law;
- comply with the California Electronic Communications Privacy Act pursuant to Chapter 3.6 (commencing with Section 1546) of Title 12 of Part 2 of the Penal Code;
- engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when our deletion of the information is likely to render impossible or seriously impair the achievement of such research, if you have provided informed consent;
- to enable solely internal uses that are reasonably aligned with your expectations based on your relationship with us;
- comply with a legal obligation; or
- otherwise use your personal information, internally, in a lawful manner that is compatible with the context in which you provided the information.

We will not discriminate against you in the event you exercise any of the aforementioned CCPA rights, including, but not limited to, by:

- denying goods or services to you;
- charging different prices or rates for goods or services, including through the use of discounts or other benefits or imposing penalties;
- providing a different level or quality of goods or services to you; or
- suggesting that you will receive a different price or rate for goods or services or a different level or quality of goods or services.

This Policy is available to consumers with disabilities. To access this Policy in an alternative downloadable format, please click [here](#).

### **Your Nevada Privacy Rights**

**Request to Opt Out of Sale of Data.** You are entitled to request that we cease to sell your data. If you wish to submit such a request, please click [here](#).

### **Changes to Privacy Policy**

We may make changes to this Policy, and may apply any changes to information previously collected, as permitted by law. When we make material changes to this Policy, we will notify you by posting the updated Policy on our website, and we will update the effective date at the top of this Policy prior to the change becoming effective. By continuing to use our website after being notified of material changes to this Policy, you agree that the terms of this Policy as of the effective date will apply to information previously collected or collected in the future.

### **How can I give you feedback or contact you?**

You can reach us by email at [NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com) or by writing to us using the contact details below, or you can call us toll-free at 844-224-5240.

#### **Vivid Seats LLC**

111 N. Canal St. Suite 800

Chicago, IL 60606

[NDTicketExchange@vividseats.com](mailto:NDTicketExchange@vividseats.com)

If you believe we have not properly addressed your concerns or that we have infringed upon your rights, please contact us so that we may properly address your concerns either via mail or email at the following:

#### **Vivid Seats LLC**

Attn: Legal

111 N. Canal St., Suite 800

Chicago, IL 60606

[legal@vividseats.com](mailto:legal@vividseats.com)