

Privacy Policy

Last Update Posted: June 25, 2020

1. Introduction

1.1 Underdog Sports, Inc. d/b/a Underdog Fantasy (“Underdog,” “we,” “us”) recognizes that people who use ‘Underdog’s Services (“you” or “Users”) value their privacy. This Privacy Policy details important information regarding the collection, use and disclosure of User information collected on ‘Underdog’s website located at www.underdogfantasy.com (the “Site”), related mobile apps, and any other features, tools, materials, or other services (including co-branded or affiliated services) offered from time to time by Underdog or its affiliate companies in connection with the Site or related mobile apps (collectively, the “Services”). Underdog provides this Privacy Policy to help you make an informed decision about whether to use or continue using the Services.

1.2 This Privacy Policy should be read in conjunction with our [Terms of Use](#) (the “Terms”). By downloading, accessing, or interacting with the Services, you are consenting to the information collection and use practices described in this Privacy Policy. If you have any concerns about providing information to us or it being used as described in this Privacy Policy, you should not use the Services.

1.3 Your use of the Services and any information you provide through the Services remain subject to the terms of this Privacy Policy and the Terms, as each may be updated from time to time. As set out in our Terms, Fantasy Contests are generally restricted to users over the age of 18, but some states impose a higher minimum age. If you are under 18 or the minimum age in your state of residence, you may not access the Services. The Site and Services are intended for United States residents. You must be a citizen or resident of the United States of America and physically located in the United States of America to use certain Services.

1.4 Any questions, comments or complaints that you might have should be emailed to support@underdogfantasy.com, or forwarded in writing to:

Underdog Fantasy

150 Waterbury St.

Brooklyn, NY 11206

2. Information We Collect

How do we receive information about you?

You provide certain personal information to Underdog when choosing to participate in the various activities on the Services such as registering for an account, downloading the Services, running the Services, participating in Fantasy Contests (as defined in the Terms), posting messages, taking advantage of promotions, responding to surveys or subscribing to newsletters or other mailing lists. When operating our Services, we use various technological tracking tools to collect information regarding your use of the Services (you can learn more about the tracking tools we use in the “Third Party Advertising and Analytics” section). We may also receive your data from third parties who help us with the provision and maintenance of our Services, such as: social networks, traffic analytics vendors, fraud prevention agencies and others. When you communicate with us, for example when you send us an email, we collect the personal information you provide.

The personal information we collect from you generally may include your:

2.1.1 name;

2.1.2 email address;

2.1.3 postal mailing address;

2.1.4 telephone number;

2.1.5 date of birth;

2.1.6 PayPal, credit card billing information, or other payment processing information;

2.1.7 contacts you choose to submit;

2.1.8 profile photo;

2.1.9 username;

2.1.10 location;

2.1.11 preferences;

2.1.12 submissions to various competitions and promotions;

2.1.13 responses to surveys;

2.1.14 communications sent to us by you;

2.1.15 subscriptions to newsletters and services offered by us; and

2.1.16 any other information you submit to Underdog when choosing to participate in various activities on the Services.

2.2 In addition to the above, we may need to verify your identity in order for you to use some aspects of the Services. For purposes of verification, we may also collect the following personal information from you (for compliance reasons, provision of this information, when requested, is a mandatory condition of using our Services):

2.2.1 Social Security number;

2.2.2 passport information;

2.2.3 driver's license information;

2.2.4 other identification documents;

2.2.5 permanent and temporary address;

2.2.6 tax-related information; and

2.2.7 other information as may be required to verify you in accordance with applicable laws and regulations.

2.3 We also may automatically collect certain information about the computer or device you use to access the Services, like operating system and hardware type, numbers or codes that are unique to your particular device (such as IDFA or an Android Ad ID), device information, default device language, Internet Protocol ("IP") address, the location of your device (at a GPS level), and app usage information. We may also collect information related to the ways in which you interact with the Site and Services, as discussed in the "Log File Information" and "Clear GIFs Information" sections below. As described further below in the "Third Party Advertising and Analytics" section, we may use third-party analytics providers and technologies, including cookies and similar tools, to assist in collecting and analyzing this information. This data also may be linked to your other information, including your location data.

2.4 Location Information. We may collect different types of information about your location, including general information (e.g., IP address, ZIP code) and more specific information (e.g., GPS-based functionality on mobile devices used to access the Services), and may use that information to detect eligibility rules violations or customize the Services with location-based information, advertising, and features. For example, if your IP address indicates an origin in downtown Los Angeles, the Services may be customized with downtown Los Angeles-specific information and advertisements. In order to do this, your location information may be shared with our agents, vendors or advertisers. If you access the Services through a mobile device and you do not want your device to provide us with location-tracking information, you can disable the GPS or other location-tracking functions on your device, provided your device allows you to do this. See your device manufacturer's instructions for further details.

2.5 Cookies Information. When you visit our website, we may send one or more cookies - small files - to your computer or other device,

which may enable us or others to uniquely identify your browser. Underdog uses both session cookies and persistent cookies. A persistent cookie remains after you close your browser. Persistent cookies may be used by your browser on subsequent visits to the site. Persistent cookies can be removed by following your web browser help file directions. Session cookies are temporary and typically disappear after you close your browser.

Most browsers automatically accept cookies, but you may be able to modify your browser setting to decline cookies by visiting the Help portion of your browser's toolbar. If you choose to decline cookies, please note that you may not be able to sign in, customize, or use some of the interactive features of the Site or Services, and the advertisements you see may not be as relevant to you. We may also use Flash cookies. Flash cookies operate differently than browser cookies, and cookie management tools available in a web browser will not remove Flash cookies. To learn more about how to manage Flash cookies, you can visit the Adobe website and make changes at the Global Privacy Settings Panel. Please note that limiting third-party cookies through your browser controls will not necessarily opt you out of first- or third-party interest-based advertising, as some technologies (including those we or our partners may use) may not respond to these browser controls.

To opt-out of interest-based advertising that is enabled by many industry platforms and providers (including much of the advertising described in this section), please see the choices we have described in the "Third Party Advertising and Analytics" section.

2.6 Log File Information. When you use our Services, our servers may automatically record certain information that your device sends whenever you visit any website and use certain apps. These server logs may include information such as your web or app request, IP address, browser type, browser language, referring and exit pages and URLs, platform type, number of clicks, domain names, landing pages, pages viewed and the order of those pages, the amount of time spent on particular pages, mouse hover including location and time spent on each area of the page, the date and time you used the Services, the frequency of your use of the Services, error logs and other similar information and one or more cookies that may uniquely identify your browser.

2.7 Clear GIFs Information. When you use our Services, we may employ technology such as "clear GIFs" (a.k.a. Web Beacons) which are used to track the online usage patterns of our users. In addition, we may also use clear GIFs in HTML-based emails sent to our users to track which emails are opened by specific users.

2.8 Underdog may also collect information about you from third parties, such as marketing partners, social networks, identity verification services, anti-fraud services and other service providers. We may combine information that we collect from you with information about you that we obtain from such third parties and information derived from any other subscription, product, or services we provide. In addition, if you choose to log in, access or otherwise connect to Underdog, or contact Underdog, through a social networking service (such as Facebook), we may collect your user ID and user name associated with that social networking service, as well as any information you make public using that social networking service. We may also collect information you have authorized the social networking service to share with us (such as your user ID, public profile information, email address, birthday, friends list, and pages you have "liked").

3. The Way We Use Your Personal Information

3.1 We use your personal information to operate, maintain, and provide to you the features and functionality of the Services, including but not limited to the following:

3.1.1 providing you with our products and the Services, including the Fantasy Contests and newsletters and information for which you have signed up;

3.1.2 processing and responding to inquiries;

3.1.3 personalizing your use of the Services,

3.1.4 alerting you to new features, special events, products and services, or certain third-party products or services in which we think you will be interested (provided that you have not requested otherwise);

3.1.5 enforcing the legal terms that govern your use of the Services;

3.1.6 non-marketing or administrative purposes (such as notifying you of major changes to the Services or for customer service purposes) such as providing customer service support;

3.1.7 maintaining records; and

3.1.8 investigating and protecting the integrity of Underdog's Fantasy Contests.

3.2 We may use your information (both personal and non-personal information) to send you marketing and advertising content, including sending you advertising through multiple channels, such as direct mail, email, push notifications and display media. We may send you advertising or content regarding our products and services, or products and services that we market on behalf of another company, such as a sports team, a sports venue, or another entity. If you want to stop receiving promotional materials, you can email support@underdogfantasy.com or use the 'unsubscribe' feature in any promotional communication from us. If you have installed a mobile app and you wish to stop receiving push notifications, you can change the settings either on your mobile device or through the Underdog app.

3.3 We use your information to optimize and improve the quality and design of our Services and to create new features, promotions, functionality, and services such as by storing, tracking, and analyzing user preferences and usage trends of our users.

3.4 We also use cookies, clear gifs, log file information, and mobile app information such as device identifiers for purposes such as (a) remembering information so that you will not have to re-enter it during your visit or the next time you visit our Services; (b) providing custom, personalized content and information; (c) monitoring the effectiveness of our marketing campaigns; (d) monitoring aggregate metrics such as total number of visitors, pages viewed, etc.; and (e) tracking your entries, submissions, and status in promotions, sweepstakes, and Fantasy Contests. You can learn more about how these technologies are used in the "Third Party Advertising and Analytics" section.

3.5 We may anonymize, de-identify, or aggregate your information for any legitimate business purposes, including for reporting and research, or advertising. Such anonymized and/or aggregated data does not personally identify you. Sometimes, this information may be used to target more relevant content or offers to you across different devices – for instance, we may provide you with offers and content on your mobile device, based on your web-based activity.

Retention

3.7 We will retain your personal information for as long as necessary to fulfill these purposes and as necessary to comply with our legal obligations, resolve disputes, and enforce our policies, unless the law requires us to keep it for a longer period of time. To provide security and business continuity for the activities described here, under applicable regulations, we make backups of certain data, which we may retain for longer than the original data. Retention periods will be determined taking into account the type of information that is collected and the purpose for which it is collected, bearing in mind the requirements applicable to the situation and the need to destroy outdated, unused information at the earliest reasonable time.

4. When Underdog Discloses Information

4.1 We may disclose the information we collect or receive from you to our affiliate companies, agents or service providers who process your information on our behalf in order to provide or operate the Services. For instance, these entities may have access to your information for purposes such as billing and accounting, hosting, marketing, promotional and email services, customer and technical support, and for the purpose of accepting deposits and paying withdrawals and processing such information on our behalf, and in each case, may use the information to make improvements to the services they provide to us. Our agreements with these service providers require them to use reasonable efforts to keep your personal information secure.

4.2 When you choose to share information with social media services about your activities on Underdog by, for example, connecting your social media account to our Services, then Underdog may share your personal information and information about your use of the Services with such social media sites. Please make sure to read the terms and privacy statements of such sites prior to connecting to our Services in this way.

4.3 In the event that you win a promotion or a prize in a Fantasy Contest, we may use your personal information (such as your name and photo) in connection with publicity purposes.

4.4 In the event that you win a promotion run by us we may be required to either publish or make available upon request your name and county in accordance with applicable legislation.

4.5 We may publish a profile page that includes your username, the date you became a member, your stats from previous Fantasy Contests, your state of residence, any information you post to public areas of our Services, and, if you uploaded one, your profile picture. Where you post personal information about yourself through our Services to public areas of our Services, you acknowledge and agree that this personal information will be publicly available.

4.6 When you participate in a Fantasy Contest, we may publish your username, name, and/or profile picture on a list of the contest participants, along with a link to your profile page.

4.7 Where you have provided your consent, we may share your personal information with select third parties for their commercial or marketing use in conjunction with your relationship with Underdog or as part of a specific program or feature.

4.8 We may disclose to third parties various types of your information for targeted online or mobile advertising, as further described in the "Third Party Advertising and Analytics" section.

4.9 We also may share your personal information in other situations with your consent (including as set out in this Privacy Policy).

4.10 Underdog also reserves the right to disclose personal information that Underdog believes, in good faith, is appropriate or necessary to enforce our Terms or any other agreement with you, to take precautions against liability, harm, or fraudulent, abusive, or unlawful uses of the Services, to investigate, respond to, and defend against third-party claims or allegations, to respond to subpoenas, court orders or other official requests, to comply with state and federal regulations, including but not limited to sharing with appropriate tax authorities or other applicable governmental authorities, to protect the security or integrity of our Services, to report violations of Underdog's eligibility rules to third parties, including employers of individuals affiliated with other daily fantasy sites, and to protect the rights, property, or safety of Underdog, our users or others.

4.11 In the event that Underdog is involved in (or is contemplating) a merger, acquisition, sale, bankruptcy, insolvency, reorganization, receivership, assignment for the benefit of creditors, or the application of laws or equitable principles affecting creditors' rights generally, or other change of control, there may be a disclosure of your personal information to another entity related to such event.

5. Your Choices

5.1 Underdog will process your personal information in accordance with this Privacy Policy, and as part of that Underdog provides you with certain choices about how we process your personal information. These choices are set out below.

5.2 You may decline to share certain information with Underdog, in which case Underdog may not be able to provide to you some of the features and functionality of our Services.

5.3 You can access and update certain personal information Underdog holds about you at any time by logging into your account via the Services. You can update your marketing preferences and whether or not you would like us to send you newsletters by emailing support@underdogfantasy.com. You can also unsubscribe to marketing emails and newsletters by using the 'unsubscribe' feature in the communication.

5.4 We may occasionally send display media to you, in a targeted way, whether through web or mobile browsers or mobile applications. You may opt out of many third parties that support and send this type of targeting advertising by going to www.aboutads.info, and you may learn more about this type of advertising in the "Third Party Advertising and Analytics" section. You may opt out of tracking for mobile advertising through the settings on most smartphones, and you may learn more about these settings through those mobile device platforms. (Please note that these companies may change either the way these settings operate or the content or the availability of these pages.)

5.5 You can reach us as described below with any other concerns, requests or complaints regarding our data collection, data use or data transfer. We will attempt to answer your questions and satisfy your concerns in a timely and complete manner.

5.6 If you have a registered account, you can ask us to deactivate that account by contacting us at support@underdogfantasy.com. We may ask you for other information before we are able to deactivate your account. If you deactivate your account, Underdog may retain certain information about you for the activities described in this Privacy Policy, or as permitted or required by applicable law.

5.7 We do not recognize or respond to browser-initiated Do Not Track signals, as the Internet industry is currently still working on Do

Not Track standards, implementations and solutions.

6. Third Party Advertising and Analytics

6.1 Certain ads appearing on our Services are delivered by our advertising partners. Our advertising partners may use cookies and other similar technologies, often in conjunction with unique (anonymous) cookie identifiers, to collect data about your activities and interests, including the technologies described above. Some of these partners may use mobile device identifiers, such as Apple IDFA's and Google/Android Advertising IDs. Doing this allows the ad companies to recognize your computer or device each time they send you an online or mobile advertisement. In this way, the ad companies may compile information about where you, or others who are using your computer or device, saw their advertisements and measure your interaction with each ad. This information allows ad companies to deliver targeted advertisements that may be of increased interest to you, both on our Services and elsewhere online. Just as these technologies may be used to target ads on our websites and apps, we, or our advertising partners, may use these same technologies and data points (e.g., mobile identifiers, cookie identifiers, location-based data), through our Services or through other services, to target advertising (for ourselves or other companies) on other sites or mobile apps. Sometimes, these identifiers may be derived from a hashed or encrypted version of personal information such as your email address. We may use this information to measure the performance of our advertising as well, for instance, to evaluate which ads or content our users prefer, or which are most effective. In addition, sometimes we or an advertising partner may tailor advertising to you across different devices.

We also use a tool called "Google Analytics" to collect information about your use of the Services. Google Analytics collects information such as how often Users access the Services, what pages they visit when they do so, etc. We use the information we get from Google Analytics only to improve our Services. Google Analytics collects the IP address assigned to you on the date you visit the Services, rather than your name or other identifying information. Google's ability to use and share information collected by Google Analytics about your visits to this Site is restricted by the Google Analytics Terms of Service and the Google Privacy Policy. You may be able to opt out of data collection via Google Analytics. Information on the Google Analytics Opt-out Browser Add-on can be found [here](#).

6.2 To learn more and to opt out of the collection of data on our website by third parties (including those described above) for interest-based advertising purposes, please visit www.aboutads.info/choices. Note that because this opt out method may be cookie-based, you will need to opt out again if you update or change your browser, or delete your cookies. You can also control interest-based advertising on apps on your mobile device with the AppChoices app, available for iOS and Android. Note that opting out will not affect the quantity of ads you see online but likely will cause the ads to be less relevant to you.

6.3 We also work with third-party analytics companies to collect data on our Services through cookies and other automated means. In some cases, the third parties mentioned in this section may maintain the information they collect in personally identifiable form.

7. Information Security

7.1 We are committed to protecting the security of your personal information. We use a variety of security technologies and procedures to help protect your personal information from unauthorized access, use, or disclosure.

7.2 While we strive to protect your information against unauthorized use or disclosure, neither we, nor any other organization, can guarantee the security of information processed online.

7.3 With the goal of protecting your privacy and security, we reserve the right to take reasonable steps (such as requesting your email address, name, address, telephone, and/or password) to verify your identity before granting you profile access or making corrections.

7.4 Additionally, you should ensure your password is kept secret at all times. You will be responsible for maintaining the secrecy of your password and account information.

8. California Residents

California Collection Notice

If you are a California resident, California law requires us to provide you with some additional information regarding how we collect, use, and share your "personal information" (as defined in the California Consumer Privacy Act ("CCPA")).

As further described in the "Information We Collect" section, we collect the following categories of information from you:

- Identifiers (such as your name and contact information, IP address, and mobile device identifiers);
- Internet or other electronic network activity information (such as browsing history and use and interaction with our Services);
- Commercial information (such as records of products or services purchased);
- Categories of personal information described in subdivision (e) of Section 1798.80 of the California Civil Code (such as driver's license or state identification number, and credit card number or other financial information);
- Geolocation data;
- Inferences drawn from other collected information to create a profile.

This information is used and disclosed for the various business purposes and to the categories of third parties described in the sections titled "The Way We Use Your Personal Information" and "When Underdog Discloses Information."

California Privacy Rights Under the CCPA

If you are a California resident, the CCPA may permit you to request that we:

- Provide you with the categories of personal information we have collected or disclosed about you in the last twelve months; the categories of sources of such information; the business or commercial purpose for collecting or selling your personal information; and the categories of third parties with whom we shared personal information.
- Provide you with access to and/or a copy of certain personal information we hold about you.
- Delete certain personal information we have about you.

You may have the right to receive information about the financial incentives that we offer to you for your personal information (if any). You also have the right not to be discriminated against (as provided for in applicable law) for exercising your rights. Please note that certain information may be exempt from such requests under California law. For example, we may need certain information to provide services to you or for compliance with applicable law. If you ask us to delete certain information, you may no longer be able to access or use some of our services.

If you would like further information regarding your legal rights under the CCPA or would like to exercise any of them, please fill out the form at this link or send an email to support@underdogfantasy.com. You will need to provide additional information to verify your identity before we fulfill your request. You can also designate an authorized agent to make a request on your behalf. To do so, you must provide us with written authorization or power of attorney, signed by you, for the agent to act on your behalf. You will still need to verify your identity directly with us.

Please note that the CCPA sets forth certain obligations for businesses that "sell" personal information to third parties. We do not engage in such activity and have not engaged in such activity in the past twelve months. We do share certain information and allow parties to collect certain information about your activity, for example through cookies, as explained in the "Third Party Advertising and Analytics" section.

Shine the Light Disclosure: The California "Shine the Light" law gives residents of California the right under certain circumstances to request information from us regarding the manner in which we share certain categories of personal information (as defined in the Shine the Light law) with third parties for their direct marketing purposes. We do not share your personal information with third parties for their own direct marketing purposes. Additionally, California law permits residents under the age of 18 who are registered users with us to request and obtain removal of content or information they have publicly posted on our Services. To make such a request, please send an email with a detailed description of the specific content or information to support@underdogfantasy.com. Please be aware that such a request does not ensure complete or comprehensive removal of the content or information you have posted and that there may be circumstances in which the law does not require or allow removal even if requested.

9. Children's Privacy

The Services are not intended for individuals under the age of 13. We do not knowingly solicit or collect information from individuals under the age of 13. If we become aware that we have collected personal information (as defined by the Children's Online Privacy

Protection Act) from children under the age of 13, we will take reasonable steps to delete it as soon as practicable. If you have concerns, or if you believe the Services are being used by someone under the age of 13, you can address these concerns to support@underdogfantasy.com.

IF YOU ARE UNDER 18 YEARS OF AGE (OR A MASSACHUSETTS RESIDENT UNDER 21 YEARS OF AGE), YOU MAY NOT USE OR ACCESS THE UNDERDOG SERVICES AT ANY TIME OR IN ANY MANNER.

10. Links to Third Party Websites and Services

We may provide links to third-party applications, services or websites from our Services (including advertising that may link to a third party). You understand that when you click on these links any data which you provide afterwards is subject to that third party's privacy policy and not to our Privacy Policy. We can take no responsibility for the content, safety, privacy or security of any third-party application, service or website.

11. Changes and updates

11.1 This Privacy Policy may be revised periodically, and this will be reflected by the "Last update posted" date above. Please revisit this page to stay aware of any changes. If a revision to this Privacy Policy, in our sole discretion, is material, we will notify you by contacting you through the email address associated with your account. Your continued use of the Services following the posting of changes to this Privacy Policy will mean you accept those changes.

11.2 Contact Information: Please contact Underdog with any questions or comments about this Privacy Policy by emailing support@underdogfantasy.com.