

Privacy Policy

Kinetix ML, LLC, a Delaware corporation, and its affiliates (collectively, “we,” “us,” “our”), work hard to build and maintain a relationship of trust with you. This Privacy Policy (the “Privacy Policy”) governs our collection, use, and disclosure of your Personal Information in connection with your use of our website(s) (collectively, “Sites”), such as kinetixml.com, and any services we provide, our mobile application(s), our API, and other transactions or other engagements you might have with us including interactions with us via social media (collectively, “Services”).

This Privacy Policy explains what information we collect about you, how we use or disclose such information, how to exercise any rights you may have with respect to your Personal Information (including any rights to opt-out of certain uses of your information), and the safeguards we have in place to reduce the risk of unauthorized access and use. Please carefully read this Privacy Policy, which is part of our [Terms of Service](#), before using our Sites and/or Services. If you do not agree with our Terms of Use or this Privacy Policy, you must refrain from using our Sites and Services. By accessing or using our Sites or Services, you agree to our use of your information consistent with our Terms of Use and this Privacy Policy.

ABOUT THIS PRIVACY POLICY

Privacy Policy Changes

This Privacy Policy is subject to change. We encourage you to review this Privacy Policy frequently for any revisions or amendments. Changes to this Privacy Policy will be posted on the Sites and will be effective immediately upon posting. You will be deemed to have been made aware of and have accepted the changes by your continued use of our Sites or Services. If we determine that a change to this Privacy Policy will result in using your Personal Information acquired before the change being used in a materially new way, we will provide you notice before using your Personal Information in the new way.

Conflict Between this Policy and Laws and Regulations

When federal, state, or local laws and regulations require a higher level of protection for your Personal Information, they take precedence over this Privacy Policy. The specific requirements of this Privacy Policy apply unless disallowed by applicable laws or regulations.

INFORMATION WE COLLECT

Personal Information

We collect information that personally identifies, relates to, describes, or is capable of being associated with you (“Personal Information”), including:

Commercial Information such as Services requested or received;

Performance Measurements and Statistics such as biomechanical information from athletic movements such as angles of limbs, length of stride, etc.;

Financial Information such as credit card number, credit card expiration, billing address;

Internet and Network Information such as IP address, device ID, device type, operating system, browser;

Audio/Visual Information such as pictures, videos;

Inferences drawn from the above categories of Personal Information that relate to your preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.

The specific Personal Information we collect about you may vary based on how you use the Sites and/or Services and your relationship with us.

Business Information

We also collect information about businesses that engage with us such as EIN, TIN, contact information, commercial information, and financial information (collectively, “Business Information”). This information is generally not considered Personal Information because it relates to a business.

Usage Data and Sites Activity

We automatically collect information in connection with the actions you take on the Sites or when using the Services (“Usage Data”). For example, each time you visit our website, we automatically collect the type of web browser you use, the type of device you use, your operating system, your Internet Service Provider, the pages you view, referring and exit pages, the date and time of your visit, and the number of clicks to, from, and within the Sites, and the duration of your visits to the Sites. If this information is reasonably capable of being associated with you, we treat it as Personal Information. If this information is not reasonably capable of being individually associated with you, we treat it as Usage Data.

Communication Recordings

We may record calls and retain the content of text messages, emails, online contact form submissions, or other written/electronic communications between you and us,

including communications via service provider platforms such as Slack. By communicating with us, you consent to our recording and retention of communications.

HOW WE COLLECT INFORMATION

Voluntary Disclosure

We may ask you to provide us with Personal Information when you communicate with us (online or offline), use the Sites/Services, and at other times. You are not required to provide us your Personal Information; however, if you choose not to provide the requested information, you may not be able to use some or all of the features of the Sites or Services or we may not be able to fulfill your requested interaction. For example, to customize training for each player, you may need to submit one or more videos of the player practicing or performing specific actions.

Disclosure of Third Parties' Information to Us

If you provide us Personal Information of a third party, you must have that third party's permission or the legal right to do so. If you are the parent or legal guardian of an individual under 18 years of age, and you provide us Personal Information related to that individual, we will presume you have the legal right to do so unless otherwise informed. If a third party supplied us with your Personal Information without your permission or the legal right to do so, please let us know using the contact information below.

Third-Party Data Sources

We may collect Personal Information from third-party data sources such as data brokers, marketing/advertising agencies, identity verification services, financial institutions, and government agencies.

Cookies and Other Automated Tools

We use cookies (a small text file placed on your computer to identify your computer and browser) and other automated tools such as tracking pixels to improve the experience of the Sites and Services, such as saving your preferences from visit to visit. Many web browsers are initially set up to accept cookies. You can reset your web browser to refuse all cookies or to indicate when a cookie is being sent. Instructions for how to manage cookies in popular browsers are available at: [Internet Explorer](#), [Firefox](#), [Chrome](#), [Safari \(iOS\)](#), [Safari \(Mac\)](#), and [Opera](#). However, certain features of the Sites may not work if you delete or disable cookies.

We use the following types of cookies:

Session Cookies: Session cookies keep track of you or your information as you move from page to page within the Sites and are typically deleted once you close your browser. For example, session cookies allow your online credit application to function properly.

Persistent Cookies: Persistent cookies reside on your system and allow us to customize your experience if you leave and later return to the Sites. For example, persistent cookies may allow us to remember your preferences.

Analytics Cookies: Analytics cookies help us understand how our Sites is working and who is visiting our Sites. Google Analytics is one tool we use, and you can learn more about Google's privacy practices by reviewing Google's [Privacy Policy](#) which governs Google's collection, use, and disclosure of Personal Information gathered by Google.

We employ software technology that enables us to track certain aspects of a user's visit to the Sites or engagement with our Services. This technology helps us better manage content on the Sites and by informing us what content is effective, how consumers engage with the Sites, and how consumers arrive at and/or depart from the Sites. The software typically uses two methods to track user activity: (1) "tracking pixels" and (2) "clear gifs." Tracking pixels are pieces of executable code that are embedded in a web page that track usage activity including which pages are viewed, when they are viewed, and how long the pages are viewed. Clear gifs are tiny graphics with unique identifiers which are embedded in web pages and email messages that track whether a user has viewed a web page or email message. User activity information may be associated with additional information about a user's session and Personal Information, if provided by the user.

We also use analytics software to better understand how users engage with our apps. This software may log information such as how often an app is used, the actions a user takes within an app, and how the app performs. We may combine this information with other Usage Data or Personal Information.

If you arrive at the Sites by "clicking through" from another website, then certain information about you that you provided to that other website, such as the terms you were searching on that led you to the Sites, may be transmitted to us and we may use it. You should review the Privacy Policy of any website from which you reached the Sites to determine what information was collected by that website and for what purpose(s) you agreed that website could use that information. We may retain information about you provided to us by other websites and will only use it in accordance with this Privacy Policy. Such information may be associated with other Usage Data or Personal Information.

Information from Advertisements

If you arrive at the Sites via an advertisement (e.g., banner ad), we may collect information regarding the advertisement with which you interacted and your interactions (e.g., item clicked, date and time).

THIRD PARTIES THAT COLLECT INFORMATION ON OUR SITES/SERVICES

Certain third parties, including but not limited to those identified below, collect Personal Information and/or Usage Data from users of our Sites or Services using automatic information collection tools such as APIs, cookies, and tracking pixels. The collection, use, and disclosure of Personal Information and/or Usage Data by these third parties is governed by their privacy policies.

Third Party

Privacy Policy

Facebook

<https://www.facebook.com/privacy/explanation>

Google

<https://policies.google.com/privacy>

Twitter

<https://twitter.com/en/privacy>

Intercom

<https://www.intercom.com/legal/privacy>

HOW WE USE AND SHARE INFORMATION

Generally

We use Personal Information for internal purposes, such as to:

Provide you with the Sites and Services, Account creation, fulfillment, servicing, and customer support: to create accounts, respond to questions and address concerns, deliver updates, upgrades, and product improvement information;

Marketing and market research: to send communications and offers for our or third parties' products and services, perform analytics for market research, trend analysis, financial analysis, and anonymization of Personal Information;

Surveys, promotional events, contests: to administer surveys, polls, sweepstakes, loyalty programs and other promotional events and contests;

Other company communications: to provide individuals with information that may be of interest such as company newsletters, announcements, reminders, and service bulletins;

Website use and analytics: to provide you with access to and use of our Sites and Services, analyze use of our Sites and Services, including the use of third-party analytics services which may utilize automated technologies to collect data (such as email and IP addresses);

Eligibility and pricing: to determine if consumers are eligible for certain products, services, or offers and the pricing related to such offers;

Product research: to conduct research and analysis for maintaining, protecting, and developing Services, increase and maintain the safety of our Services, and prevent misuse;

Business operations: to evaluate, develop, and improve business operations, products and Services offered, perform business administration and other normal business activities;

Compliance: to comply with applicable legal requirements, government requests, industry standards, contractual obligations, our policies, and take actions that we deem necessary to preserve and enforce our rights and the rights of others; and

Information security and fraud prevention: to operate information security and anti-fraud programs.

Testimonials and Endorsements

If you provide a testimonial or endorsement, we may post it publicly on the Sites, in the Services, or in other advertising material. By providing a testimonial or endorsement, you give us permission to use it in any manner and for any purpose, including in marketing and advertising communications, without any compensation to you.

Service Providers

We may establish a relationship with other businesses to provide services to us which may include corporate affiliates and sub-processors ("Service Providers"), including for:

- Provision of the Sites and Services;
- Facilitating marketing and non-marketing communications;
- Marketing design and development;
- Business analytics (both marketing and non-marketing related);

IT and network administration such as Sites and Services development, data storage and management, website hosting, and data security;
Payment processing;
Professional services such as legal and accounting;
Obtaining legal records;
Collection of accounts; and
Day-to-day business operations such as courier services, facilities management, and document destruction.

We only provide our Service Providers with the Personal Information necessary for them to perform these services on our behalf. Each Service Provider is expected to use reasonable security measures appropriate to the nature of the information involved to protect your Personal Information from unauthorized access, use, or disclosure. Service Providers are required to keep your Personal Information confidential and are prohibited from using Personal Information other than as specified by us.

We may share the following types of Personal Information with one or more Service Providers: unique identifiers; performance measurements and statistics; contact information; commercial information; financial information; Internet and network information; audio/visual information; inferences drawn from the foregoing categories of Personal Information.

Third-Party Selling

We may sell Personal Information to third parties who provide goods or services that may benefit users such as sports equipment companies or to athletic departments or organizations that may be seeking talent. As part of these relationships, we sell the following types of Personal Information:

Third Party Category

Categories of Personal Information Sold

Athletic Departments and Organizations

Unique Identifiers;

Performance Measurements and Statistics;

Commercial Information;

Financial Information;

Internet and Network Information;

Audio/Visual Information;

Inferences drawn from Personal Information.

OTHER PRIVACY AND SECURITY PROVISIONS

Security

We recognize the importance of safeguarding the confidentiality of Personal Information from loss, misuse, or alteration. Accordingly, we employ commercially reasonable administrative, technical, and physical safeguards to protect such Personal Information from unauthorized access, disclosure, and use. Even with these safeguards, no data transmission over the Internet or other network can be guaranteed 100% secure. As a result, while we strive to protect information transmitted on or through our Sites or Services, you do so at your own risk.

Other Websites

Please be aware that third-party websites accessible through the Sites or recommended through our Services may have their own privacy and data collection policies and practices. We are not responsible for any actions, content of websites, or privacy policies of such third parties. You should check the applicable privacy policies of those third parties when providing information.

Compliance with Laws and Law Enforcement

We cooperate with government and law enforcement officials and private parties to enforce and comply with the law. We may disclose Personal Information and any other information about you to government or law enforcement officials or private parties if, in our discretion, we believe it is necessary or appropriate to respond to legal requests (including court orders, investigative demands and subpoenas), to protect the safety, property, or rights of ourselves, consumers, or any other third party, to prevent or stop any illegal, unethical, or legally actionable activity, or to comply with law.

Other Transfers

We may share Personal Information and Usage Data with businesses controlling, controlled by, or under common control with us. If we are merged, acquired or sold, or in the event of a transfer of some or all of our assets, we may disclose or transfer Personal Information and Usage Data in connection with such transaction.

How Long We Retain Your Data

We retain your Personal Information for as long as we have a relationship with you. We also retain your Personal Information for a period of time after our relationship with you has ended where there is an ongoing business need to retain it. This includes retention to comply with our legal, regulatory, tax, and/or accounting obligations.

Children's Privacy

The Sites and Services are not intended for children under the age of 13 and we do not knowingly collect Personal Information from children under the age of 13. If we become aware that we have inadvertently received Personal Information from a child under the age of 13, we will delete such information from our records.

ADDITIONAL CALIFORNIA CONSUMER RIGHTS

If you are a resident of California, you may have additional rights to access and control your Personal Information under the California Consumer Privacy Act (CCPA). Exemptions may apply.

Right to Opt-Out from the Sale of Personal Information

You have the right to direct us not to sell your Personal Information to third parties. You may exercise your Right to Opt-Out by submitting a request via our "Do Not Sell My Info" page or emailing us at support@kinetixml.com. If you are a California resident under 16 years of age, we will not sell your Personal Information without your opt-in consent.

Right to Know

You have the right to request twice per 12-month period that we provide you (i) the categories or specific pieces of Personal Information we collected about you; (ii) the categories of sources from which we collect your Personal Information; (iii) the business or commercial purpose(s) for which we collected your Personal Information; (iv) the categories of Third Parties with whom we shared your Personal Information; (v) the categories of Third Parties to whom we sold your Personal Information; and (vi) our business or commercial purposes for selling Personal Information. We are not permitted to provide access to specific pieces of Personal Information that are sensitive or create a high risk of potential harm from disclosure to an unauthorized person (e.g. financial information, social security numbers, driver's license numbers, etc.). We will not provide specific pieces of Personal Information unless you expressly request them.

Right to Deletion

You have the right to request that we delete any Personal Information we have collected about you. Exemptions apply. For example, we will not delete your Personal Information if we need it to complete a requested or reasonably anticipated transaction, prevent security incidents or fraud, enable internal uses that are reasonably aligned with your expectations, or comply with legal obligations.

Submitting a Right to Know or Deletion Request

If you are a California resident, you may submit a Right to Know or Right to Delete request through our CCPA Request Form or by email to support@kinetixml.com. If submitting through email, please be specific in your request and provide at least your name, phone number, and email address. After you submit your request, we may contact you to obtain additional information necessary to verify your identity. For example, we may require you to verify certain information in our files or submit a signed declaration under penalty of perjury verifying your identity. We cannot process your request without verifying your identity, so please respond promptly to our request.

Authorized Agent

If you are an authorized agent submitting a request on behalf of a California resident, you must provide a copy of a lawful power of attorney or a written signed authorization from the consumer along with proof your identity. You may provide this documentation via email to support@kinetixml.com

after submitting the request. We may contact you and/or the consumer on whose behalf you claim to act to verify your authorization.

Non-Discrimination Notice

We will not discriminate against any consumer for exercising their privacy rights under law or this Privacy Policy.

California “Do Not Track” Disclosure

Do Not Track is a web browser privacy preference that causes the web browser to broadcast a signal to websites requesting that a user’s activity not be tracked. Currently, our Sites and Services do not respond to “do not track” signals.

CONTACTS US

If you have any questions about our Sites, Services, or this Privacy Policy, please email us at support@kinetixml.com

Kinetix ML, LLC.

ATTN: Privacy