

Layar Privacy Policy

(last update: 9 August 2011)

At Layar, we understand that privacy is important and that personal data should be processed in accordance with applicable regulation. The information provided in this privacy policy ("**Privacy Policy**") is designed to help you understand what data we collect, and how we process these.

If you are a user ("**User**") of our services – such as an augmented reality application that enables the exchange of content in the public space, if you have access to augmented reality layers which may contain content, such as text, pictures, graphics, 2D/3D models, videos and links as well as images required for the detection and tracking of features to display content ("**Reference Images**"), jointly referred to as the "**Third Party Content**", and other applications, features, software, databases and services (together: "**Services**"), if you generate content ("**User Generated Content**"), then it is unavoidable that some personal data will be collected. In case we collect the data, we will use, store and process such data only to the extent described in this Privacy Policy.

If you are a developer ("**Developer**") or a publisher ("**Publisher**") of Third Party Content, functionalities and features, then we will collect personal data through the tools, applications, software, websites and systems, which we provide for the purpose of enabling you to create Third Party Content as well as for the marketing and distribution of the Third Party Content, or through other contacts between you and Layar (any services we provide to Developers and Publishers are referred to in the Layar Terms and Conditions for Publishers and Developers as "**Services**" as well; the context in which the term is used in this Privacy Policy indicates the type of services we provide).

When using or contributing to any of our Services – whether in capacity as Developer, Publisher or User – you consent to the collection, transfer, manipulation, storage, disclosure and other uses of your information as described in this Privacy Policy, irrespective of which country that you reside in or create information from. This Privacy Policy is part of and subject to the Layar Terms and Conditions of Use ("**T&C**"). We reserve the right to change this Privacy Policy at any time. New versions of the Privacy Policy will be made available through layar.com/legal. Should any new version of the Privacy Policy contradict with this version of the Privacy Policy, then the new version prevails.

Should you have any questions concerning our Privacy Policy, please contact us at privacy@layar.com or by regular mail: Layar B.V., attn. legal, Vijzelstraat 20, 1017 HK Amsterdam, The Netherlands.

1. INFORMATION COLLECTION AND USE

Users

This Privacy Policy sets forth the terms under which we will collect and process your personal data when we provide the Services. For a number of our Services, we sometimes require that you create a User account with us. Please read section 3 of this Privacy Policy.

If you are a User, whenever you open a layer when using our Services, you will be connected automatically with the server of the Third Party Content provider. Our system transmits an anonymous hash, which cannot be traced back to the device used to activate the Services. Alternatively, you may access the Services through a user account you have set up with a Publisher or another third party. We will not store any personal data that relate to your user account with that third party, and we advise you to read the privacy policy applied by such third party, as these terms

will apply to you. Please note that these third parties may apply different policies with respect to cookies.

We allow you to login through social networks that you have linked to, provided you have fully complied with their requirements on creating a user account, and that you refer to such networks as part of your profile.

All Third Party Content which you can access through the Services is provided to you by those third parties. In most cases, we do not process Third Party Content; however, for some features it is unavoidable that some personal data will be collected through our websites and the Services or through other contacts. By accessing Third Party Content, you grant us permission in respect of the processing of any of your personal data that may be contained therein.

Third parties, such as Publishers, are the controllers with regard to the processing of your personal data in connection with your use of the Third Party Content, and, in that capacity, are solely responsible for compliance with applicable data protection and other legislation and regulation with regard to such processing.

Our servers will aggregate, store and process data in respect of Reference Images. You grant us permission in respect of the processing of any of your personal data that are contained therein.

By exchanging, providing and/or uploading User Generated Content, you grant us permission in respect of the use, storage and processing of any of your personal data that are contained therein. You should be fully aware that any personal data of third parties that are contained in your User Generated Content are subject to data protection and other legislation and regulation and you are fully responsible for compliance with these laws and regulations. We require that you exercise due care when exchanging personal data of others as part of User Generated Content.

Whenever you return to the Publisher or third party's server, it will recognize you as a repeat visitor, but – unless you provided your personal data, such as username or IP address –, the system will not be able to trace you.

Only you determine the purposes for which you collect, use and disclose content, including User Generated Content, through the Layar websites or the Reality Browser; you are the controller with regard to these data.

Developers and Publishers

If you are a Developer or a Publisher, we sometimes require that you create a Developer or Publisher account with us. Please read section 3 of this Privacy Policy. When you use our platform as a Developer or Publisher, we will use and process your personal data, such as your name, username, password and email address, as necessary for the marketing and distribution of the Third Party Content. Layar is the controller with regard to this processing.

Log Data and Location Data

Our servers automatically record information created by your use of and contribution to the Services ("**Log Data**") and images the Developer supplies to Layar in order enable the extraction by Users of features for recognition through the Services. Log Data may include information such as your phone ID, browser type, click paths and search terms. Interactions between Users and Publishers may also be included in Log Data. We will aggregate and anonymize the Log Data, add

up all individual events and only use the aggregate data for statistical purposes. We remove the Log Data every two months.

We will process location data for which you gave us your consent, including but not limited to your GPS-location, which were provided by you or which we receive from GPS location service providers but only for as long as this is necessary for delivering our Services and/or to the extent required or permitted by applicable law.

2. COLLECTION, USE AND TRANSFER OF PERSONAL DATA

We commit to not selling or providing your personal data to third parties.

We may use the collected personal data for the following purposes: (i) the provision of access to the Services, including the Reality Browser, and subsequent transmission of Third Party or User Generated Content, including us extracting features from Reference Images to provide the Services; (ii) enabling you to share your information and communicate with other users; (iii) sending you electronic messages containing service or – when you have consented – promotional communications about us; (iv) improvement and technical administration of the Layar platform and/or Services; and (v) the distribution of the Third Party Content and/or User Generated Content.

As part of the Services, the information you provide to us may be transferred to countries within and outside of the European Economic Area ("**EEA**"), because of the provision of access to and subsequent transmission of Third Party Content or User Generated Content that is present on servers outside the EEA. Your personal data may be transferred to hosting parties, or other service providers in countries, such as the United States, where they have a different level of data protection. Before transferring your personal data outside of the EEA in this way, we will take all steps reasonably necessary to ensure that your privacy rights remain protected.

We reserve the right to access and disclose individually identifiable information to comply with applicable laws and lawful government requests, to operate our systems properly or to protect us or our (other) users. We may also disclose your personal data to third parties in the event that we sell or buy any business or assets. We reserve the right to disclose anonymized User account data to the prospective seller or buyer of such business or assets. If Layar or substantially all of its assets are acquired by a third party, personal data about you as a customer will be one of the transferred assets.

3. USER ACCOUNT

Whether you are a User, Developer or Publisher, by creating a User, Developer or Publisher account, you allow others, including Layar, to identify you. In order to open an account, you must provide us at least with the following information: username, password and email address and any specific information, such as a virtual profile if you create one. Apart from this, we may collect data from you regarding the following categories: additional contact information, device, payment, marketing, sales, and user generated information profiles, inventory and storage information. If you are a Developer or a Publisher, we may, in addition to the aforementioned data, also collect public contact and bank information, and information about layers. We will use, store and process such data only to enable you to activate and use the Services. Every time you use a Layar user account to log in at a Publisher, you will be requested to consent that your log data and some of your personal data are transmitted to that Publisher.

Once you have opened a user account you may exchange, provide, and upload additional information in the profile section, which will be visible to others. Additional personal data will be

added to your account when you use the Services. By doing so, you consent to the further dissemination, processing, removal and storage of profile section information. If you share information about yourself or others by means of your user account this will be visible to anyone also using the Services. If you wish to exchange, provide or upload information about other individuals, you are advised to obtain their consent first.

4. DATA SECURITY

We have implemented appropriate technical and organizational security measures pertaining to the storage and provision of personal data, in order to, amongst others, prevent access to your personal data by any unauthorised persons. Your personal data shall only be accessed by authorised staff. These staff members are obliged to preserve the confidentiality of all the information that comes to their attention, unless disclosure is compulsory by law or necessary for the fulfilment of their task.

5. COOKIES

Our Services support cookies. A cookie is a small data file that is stored in your device. Most browsers automatically accept cookies. We rely on and honour the settings provided by the device and set by you. We use cookies for the performance or the facilitation of the performance of a service requested by you. Most cookies only function during one session or visit. You can configure your browser in such a way that it will warn you each time a cookie is installed or each time it refuses to install one. Should you refuse the installation of cookies, we cannot ensure the transmission of communications and the delivery of certain services. Publishers may also use cookies. You understand that by using the Services, you may be subject to third party cookies which may be subject to different privacy policies over which we exercise no control.

6. YOUR RIGHTS

You can request to access your personal data and you can verify/correct their accuracy. You can also request the removal of your personal data. Upon verification of your identity, we will rectify, erase or block your personal data, if these data are incorrect or if you no longer want us to process these data. Due to the requested removal, it is however possible that we cannot ensure the provision of (part of) our Services.