

## FRESH TV PRIVACY POLICY

This privacy policy (the “**Privacy Policy**”) is made effective as of August 26, 2017.

### Introduction

Your privacy is important to Fresh TV Inc., Elliott Animation Inc., and their parent, affiliate and subsidiary companies (individually and collectively “**Fresh**”, “**we**”, “**our**”, etc.). Unless otherwise specified in writing, this Privacy Policy applies to all of the services offered by Fresh, including without limitation, <https://www.freshtvinc.com>, [www.elliottanimation.com](http://www.elliottanimation.com) (individually and collectively, the “**Website**”) and the products and services provided in connection with the Website (collectively the “**Services**”). This Privacy Policy describes, among other things, the personal information we may collect, use, store, disclose and transfer when you access and use the Website or our Services.

It is important you understand how information relating to your use of the Website and Services may be collected and used by Fresh. Please review the Privacy Policy carefully. By using our Website and/or accessing the Services, you consent to the collection, use and disclosure of your Personal Information, as defined below, the terms of this Privacy Policy and the accompanying Terms of Use located at [www.elliottanimation.com/sites/elliottanimation.ssparked.com/files/FreshTVTermsOfUse.pdf](http://www.elliottanimation.com/sites/elliottanimation.ssparked.com/files/FreshTVTermsOfUse.pdf) (the “**Terms**”), which are incorporated herein by reference.

This Privacy Policy may be updated from time to time. By accessing or using the Website and/or Services after we make any such changes to this Privacy Policy, you are deemed to have accepted such changes. **Be sure to check this page from time to time to see if the Privacy Policy has been updated.** If you do not agree to the terms of this Privacy Policy or the Terms, as they may be amended from time-to-time, please do not use the Website or Services.

### Third Party Content/Websites

The Website may permit you to link to other applications or websites. Please note that this Privacy Policy applies to the Website and Services only. Such third party applications or websites are not under Fresh’s control and such links do not constitute an endorsement by Fresh of those websites, applications or their respective privacy policies or terms of use. If you submit Personal Information to any of those websites or apps, your Personal Information is governed by the privacy policies and practices of those websites or apps. Please review the linked privacy policies and terms of service. If you do not agree to such third party websites’ or apps’ terms and policies, please discontinue using them.

### What is Personal Information?

For the purposes of the Privacy Policy, “**Personal Information**” is information that identifies you as an individual. It can include your name, email address, account username (if applicable), address city, postal code, zip code, province/state or country of residence, work experience (in the case of employment applications you submit) personal preferences and opinions. “**Non-personal**” or “**anonymous**” information includes information not associated with individual users, for example, the type of browser being used; or aggregate information or statistics about a group of users (e.g., the frequency, length of time or time of day users are on a website).

### Fresh’s Collection and Use of Personal Information

The section explains the type of Personal Information we may collect, use and disclose when you use the Website and/or Services.

#### Personal Information You Provide

Fresh may collect and store Personal Information and other feedback or information you submit to us, including but not limited to: the Contact Us page on the Fresh TV website, <https://www.freshtvinc.com/contact-us/> through the Contact Us page on the Elliott Animation website <http://www.elliottanimation.com/contact> through the Elliott Animation job application site at <http://www.elliottanimation.com/apply-job-elliott-animation>, through our publicly available email addresses on the Website or other Services and/or through direct messaging on our social media pages in connection with the Website and/or Services. With your consent, we may also collect, store and use

Personal Information such as your email address to keep you updated on Fresh's latest promotions or announcements from time to time, contest administration, or for other purposes for which you provide your consent. If you do not want to be on our mailing list, you can opt-out any time by unsubscribing.

#### Other Information You Provide

In addition to the Personal Information, we may collect additional information (collectively, "**Other Information**"). Such Other Information may include: additional information about yourself that you voluntarily provide to us, content preferences, and other information that do not identify you personally; or information that we automatically collect when you use the Website or Services. For example, when you visit the Website, we may collect your IP address, browser type and language, referring and exit pages and URLs, date and time, amount of time spent on particular pages, sections of the Website visited.

#### Cookies

Cookies are small packets of data that a website stores on your computer's or mobile device's hard drive so that your computer will "remember" information about your visit. We may use both session cookies (which expire once you close your web browser) and persistent cookies (which stay on your computer until you delete them) to help us collect Other Information and to enhance your experience using the Website. If you do not want us to place a cookie on your hard drive, you may be able to turn that feature off on your computer or mobile device. Please consult your Internet browser's documentation for information on how to do this and how to delete persistent cookies. However, if you decide not to accept cookies from us, the Website may not function properly.

#### **Disclosure of Personal Information**

Fresh will not disclose, trade, rent, sell or otherwise transfer your Personal Information, without your prior consent, except in accordance with the Privacy Policy.

Third Party Parties Providing Services on our Behalf: We may use third party vendors or services suppliers to perform certain services on behalf of the Website or Services, such as: (i) assisting us with operations; (ii) managing our database of user information; (iii) Website hosting (iv) designing the Website or Services' features; (v) tracking the Website activities and analytics, (vi) sending you marketing and promotional offers or administering contests (with your consent); (vii) or performing other administrative services and other services to assist Fresh. We may need to provide these third parties with access to Personal Information and device identifiers they need in order to carry out the services they are performing. We do not authorize our service providers to use Personal Information for any other purpose other than providing these services. We may also use third party analytics and other service providers to help us gather and analyze information about the areas that you visit on our website in order to evaluate and improve the user experience of our Services. Such third party vendors may set and access tracking technologies on your device and they may otherwise collect or have access to information about you, potentially including Personal Information, about you.

Law Enforcement & Safety: It may be necessary, by applicable law, legal process, court order, litigation, and/or requests from public and/or governmental authorities within or outside of your country of residence for Fresh to disclose Personal Information we collect about you. We may also disclose Personal Information about you if we determine that, for purposes of national security, law enforcement, or other issues of public importance, disclosure is necessary or appropriate. We may also disclose Personal Information if we determine that disclosure is reasonably necessary to enforce our Terms, to protect our operations and/or users, or to prevent fraud, misappropriation, infringement, identity theft, and other illegal activities and misuse of the Website and/or Services

Sale or Transfer of Business: Fresh may disclose your Personal Information to third parties in connection with a corporate merger, sale or transfer of all or substantially all of Fresh's assets or other corporate change, including, without limitation, during the course of any due diligence process. You acknowledge that such transfers may occur and consent that any such acquirer may use your Personal Information as set forth in this policy.

#### **Social Media Websites/Third Party Analytics**

Your use of the Website or Services may permit you to access third party social media websites (e.g., Facebook, Twitter or Instagram). By accessing these social media sites through the Website or Services we may receive and use Personal Information as permitted hereunder and in accordance with the user agreement and privacy settings on the social media sites. In addition, usage analytics through Google Analytics may be collected.

### **Children's Privacy**

Fresh is sensitive to the issue of privacy, especially relating to children. Children under the age of 13 are not permitted to use the Website or Services. Children between the age of 13 and the age of majority in their province, state or territory of residence may only use the Website or Services under the supervision of a parent or legal guardian. Fresh does not knowingly collect Personal Information from children under 13 years of age. We encourage parents and legal guardians to monitor their children's Internet usage and to help enforce our Privacy Policy by instructing their children to never provide Personal Information without a parent's or legal guardian's permission. If you have reason to believe that a child under the age of 13 has provided Personal Information to us, please contact us, and we will use commercially reasonable efforts to delete that Personal Information from our databases, though there can be no assurance that we are able to do so.

### **Safeguards and Third Party Contractors**

Fresh follows generally-accepted industry standards and maintains reasonable safeguards to try to ensure the confidentiality of your Personal Information and to prevent its loss, misuse or unauthorized access or disclosure. In addition, where Fresh engages third party contractors to perform tasks on our behalf (e.g., suppliers that host our data or provide customer service), and we need to share your Personal Information with them, we have contracts in place with such third parties that require them to protect the confidentiality of your Personal Information, and we try to ensure that they comply with applicable privacy laws. Despite these efforts, Fresh cannot fully guarantee the security of its databases (or the databases of the third parties with which we may share such information) or that there will be no risks associated with the use of the Website, the Services or your Personal Information as permitted hereunder.

### **Retention of Personal Information**

We retain your Personal Information as long as it is reasonable, necessary and relevant for our operations and to fulfill obligations set out in this Privacy Policy, unless a longer retention period is required or permitted by laws, rules, regulations or court orders. In addition, we may retain Personal Information as needed to comply with our legal and regulatory obligations, to resolve disputes, to investigate or prevent fraud and other inappropriate activity, to enforce our agreements, and for other business reasons. Personal Information is destroyed if it is no longer needed except for limited business or legal purposes for example records retention for a certain period of time as required by law.

### **Storage of Personal Information and Data Transfers**

We store, access, and use Personal Information in Canada. Personal Information may also be stored, accessed, or used outside of Canada or in the cloud where it will be subject to the law of the jurisdiction(s) in which it resides. For example, when we engage a service provider outside of Canada, Personal Information may be stored, accessed, or used in any country where the service provider is located, or from which it provides services. Personal Information may be subject to the local laws of the jurisdictions within which it is collected, used, disclosed and/or stored, and may be accessed by governmental authorities in those jurisdictions.

### **Accessing and Correcting your Personal Information**

You have the right to access, update and correct inaccuracies in your Personal Information in our custody and control, subject to certain exceptions prescribed by law. If you wish to access, update or correct the Personal Information we have about you, please contact us at the address below.

For our users' protection, some Personal Information can only be changed by email, please contact us at [info@freshtvinc.com](mailto:info@freshtvinc.com) addressed to the Fresh TV Privacy Officer or write us at the following address: Fresh

TV 237 Wallace Avenue, Toronto, Ontario M6H 1V5. If you have any questions about this Privacy Policy, please send a sufficiently detailed message and we will attempt to respond promptly to your concerns.

**Office of Privacy Commissioner of Canada**

The Office of the Privacy Commissioner of Canada oversees our handling of Personal Information practices. If any privacy concerns are not addressed to your satisfaction or you have questions about privacy laws, you may contact the Office of the Privacy Commissioner of Canada for further guidance:

By Phone: 1-800-282-1376

Email: [info@privcom.gc.ca](mailto:info@privcom.gc.ca)

Website: [www.privcom.gc.ca](http://www.privcom.gc.ca)