PRIVACY POLICY

ATTENTION: PLEASE READ THIS PRIVACY POLICY CAREFULLY BEFORE ACCESSING THE www.clearpointweather.com Website or downloading or using the clearpointweather.com Website or the clearpoint weather software or content, you agree to this privacy policy, and to any changes we may subsequently make. If you do not agree to this privacy policy, do not access or use the www.clearpointweather.com website or the clearpoint weather software or content.

Welcome to ClearPoint Weather, a global marine weather software (the "ClearPoint Software") offered by ClearPoint International, LLC and its parents, subsidiaries and affiliates ("us," "we" or "our"). Please read the following to learn more about our Privacy Policy.

We respect your privacy and are committed to protecting personally identifiable information you may provide us through your use of our website (www.ClearPoint Weather.com) and the ClearPoint Weather Software. We have adopted this Privacy Policy ("*Privacy Policy*") to explain what information may be collected on our website and the ClearPoint Weather Software, how we use this information, and under what circumstances we may disclose the information to third parties. This Privacy Policy applies only to information we collect through the ClearPoint Weather Software and does not apply to our collection of information from other sources.

This Privacy Policy, together with the Terms of Use posted on our website, set forth the general rules and policies governing your use of the ClearPoint Weather Software. Depending on your activities when visiting the ClearPoint Weather Software, you may be required to agree to additional terms and conditions.

We generally keep this Privacy Policy posted on our website (www.ClearPointWeather.com) and you should review it frequently, as it may change from time to time without notice. Any changes will be effective immediately upon the posting of the revised Privacy Policy. If, at any point, we decide to use your Personally Identifiable Information in a manner materially different than what was stated at the time it was collected, we will notify you of this change by e-mail to the last e-mail address provided to us. You will have a choice (by means of an "opt out" opportunity) as to whether we use the information in this different manner. We will use information in accordance with the Privacy Policy under which your information was collected if you opt out of the new policy.

1. INFORMATION WE COLLECT

The ClearPoint Weather Software typically collects two kinds of information about you: (a) information that you provide that personally identifies you; and (b) information that does not personally identify you, which we automatically collect when you use or visit the ClearPoint Weather website(s) or that you provide us.

(1) **Personally Identifiable Information:** Our definition of personally identifiable information includes any information that may be used to specifically identify or contact you, such as your name, postal address, phone number, etc. As a general policy, we do not automatically collect your personally identifiable information when you visit the ClearPoint Weather website. We may request, allow or otherwise provide you an opportunity to submit your personally identifiable information in connection

with a feature, program, promotion or some other aspect of the ClearPoint Weather Software. For instance, you may: (a) provide your name, postal/shipping address, e-mail address, credit card number, phone number or other information when registering with the ClearPoint Weather Software, using our online store, or in connection with a contest entry; (b) provide certain demographic information about you (e.g., age, gender, purchase preference, usage frequency, etc.) when participating in a survey, poll or joining a social network, organization or club; or (c) post a general comment, recommendation, or other information and content on the ClearPoint Weather website. If you post a general comment that includes Personally Identifiable Information, then we will consider that to be non-personal information. Certain information may not be personally identifiable when standing alone (e.g., your age), but may become so when combined with other information (e.g., your age and name). Whether or not you provide this information is your choice; however, in many instances this type of information is required to participate in the particular activity, realize a benefit we may offer, or gain access to certain content on the ClearPoint Weather Software.

(2) Non-Personal Information: Our definition of non-personal information is any information that does not personally identify you. Non-personal information can include certain personally identifiable information that has been de-identified; that is, information that has been rendered anonymous. We obtain non-personal information about you from information that you provide us, either separately or together with your personally identifiable information. We also automatically collect certain non-personal information from you when you access the ClearPoint Weather website. This information can include, among other things, IP addresses, the type of browser you are using (e.g., Internet Explorer, Firefox, Safari, etc.), the third party website from which your visit originated, the operating system you are using (e.g., Vista, Windows 7, Mac OS, etc.), the domain name of your Internet service provider (e.g., America Online, NetZero, etc.), the search terms you use on the ClearPoint Weather website, the specific web pages you visit, the types of content you explore, and the duration of your visits. Non-personal information also includes any information you voluntarily provide on the ClearPoint Weather website that is publicly available for viewing.

2. HOW WE USE AND SHARE THE INFORMATION COLLECTED

(A) Personally Identifiable Information: The personally identifiable information you submit to us is generally used to carry out your requests, respond to your inquiries, better serve you, or in other ways naturally associated with the circumstances in which you provided the information. We may also use this information to later contact you for a variety of reasons, such as customer service, providing you promotional information for our products or those of our parent company, subsidiaries or other affiliated companies ("Affiliated Companies"), or to communicate with you about content or other information you have posted or shared with us via the ClearPoint Weather Software or website. You may opt-out from receiving future promotional information from us or our Affiliated Companies, or direct that we not share your information with any affiliated companies, as set forth below.

In certain instances, we may also share your personally identifiable information with our third party vendors performing functions on our behalf (or on behalf of our Affiliated Companies) – e.g., vendors that process credit card orders, deliver our merchandise, administer our promotions, provide us marketing or promotional assistance, analyze our data, assist us with customer service, etc. Our vendors agree to use this information, and we share information with them, only to carry out our requests. In addition, we may share your personally identifiable information with participating sponsors to a program or promotion (e.g., a sweepstakes or contest) you enter via the ClearPoint Weather Software or website, and with third parties who assist us in using the content or other information you have posted or shared with us via the ClearPoint Weather Service (e.g., production companies we may use). Further, we may share your personally identifiable information with third parties such as our co-promotional partners and others with

whom we have marketing or other relationships. Except as provided in this Privacy Policy or in our Terms of Use or as set forth when you submit the information, your personally identifiable information will not be shared or sold to any third parties without your prior approval.

(B) Non-Personal Information: We use non-personal information in a variety of ways, including to help analyze site traffic, understand customer needs and trends, carry out targeted promotional activities, and to improve our services. We may use your non-personal information by itself or aggregate it with information we have obtained from others. We may share your non-personal information with our Affiliated Companies and third parties to achieve these objectives and others, but remember that aggregate information is anonymous information that does not personally identify you.

3. OTHER USES AND INFORMATION

- (A) IP Addresses: An IP address is a number that is automatically assigned to your computer whenever you are surfing the Internet. Web servers (computers that "serve up" web pages) automatically identify your computer by its IP address. When visitors are viewing or using the ClearPoint Weather website, our servers typically log their IP addresses. We collect IP addresses for purposes of system administration, to report non-personal aggregate information to others, and to track the use of the ClearPoint Weather Software. IP addresses are considered non-personal information and may also be shared as provided above. It is not our practice to link IP addresses to anything personally identifiable; that is, the visitor's session will be logged, but the visitor remains anonymous to us. However, we reserve the right to use IP addresses to identify a visitor when we feel it is necessary to enforce compliance with our website and/or ClearPoint Weather Software rules or to: (a) fulfill a government request; (b) conform with the requirements of the law or legal process; (c) protect or defend our legal rights or property, our website(s), the ClearPoint Weather Software, or other users; or (d) in an emergency to protect the health and safety of our website's users, our ClearPoint Weather Software, or the general public.
- (B) Cookies: "Cookies" are small text files from a website that are stored on your hard drive. These text files make using the ClearPoint Weather website more convenient by, among other things, saving your passwords and preferences for you. Cookies themselves do not typically contain any personally identifiable information. We may analyze the information derived from these cookies and other technological tools we employ (such as clear gifs/web beacons) and match this information with data provided by you or another party. We may provide our analysis and certain non-personal information to third parties (who may in turn use this information to provide advertisements tailored to your interests), but this will not involve disclosing any of your personally identifiable information. Please note that advertisers that serve advertisements on www.ClearPointWeather.com, any other website hosting or offering the ClearPoint Weather Software, and third-party content providers that serve content on www.ClearPointWeather.com or on any other website hosting or offering the ClearPoint Weather Software may also use their own cookies and other technological tools which are subject to the advertiser's privacy policies, not this Privacy Policy.

If you are concerned about the storage and use of cookies, you may be able to direct your Internet browser to notify you and seek approval whenever a cookie is being sent to your hard drive. You may also delete a cookie manually from your hard drive through your internet browser or other programs. Please note, however, that some parts of www.ClearPointWeather.com and any other website hosting or offering the ClearPoint Weather Software will not function properly or be available to you if you refuse to accept a cookie or choose to disable the acceptance of cookies.

(C) E-mail Communications: If you send us an e-mail with questions or comments, we may use your personally identifiable information to respond to your questions or comments, and we may save your questions or comments for future reference. For security reasons, we do not recommend that you send

non-public personal information, such as passwords, social security numbers, or bank account information, to us by e-mail. However, aside from our reply to such an e-mail, it is not our standard practice to send you an e-mail unless you request a particular service or sign up for a feature that involves e-mail communications, it relates to purchases you have made with us (e.g., product updates, customer support, etc.), we are sending you information about our other products and services, or you consented to being contacted by e-mail for a particular purpose. In certain instances, we may provide you with the option to set your preferences for receiving e-mail communications from us; that is, agree to some communications but not others. You may "opt out" of receiving future commercial e-mail communications from us by clicking the "unsubscribe" link included at the bottom of most e-mails we send, or as provided below; provided, however, we reserve the right to send you transactional e-mails such as customer service communications.

- **(D) Transfer of Assets:** As we continue to develop our business, we may sell or purchase assets. If another entity acquires us or all (or substantially all) of our assets, the personally identifiable information and non-personal information we have about you will be transferred to and used by this acquiring entity, though we will take reasonable steps to ensure that your preferences are followed. Also, if any bankruptcy or reorganization proceeding is brought by or against us, all such information may be considered an asset of ours and as such may be sold or transferred to third parties.
- **(E) Other:** Notwithstanding anything herein to the contrary, we reserve the right to disclose any personally identifiable or non-personal information about you if we are required to do so by law, with respect to copyright and other intellectual property infringement claims, or if we believe that such action is necessary to: (a) fulfill a government request; (b) conform with the requirements of the law or legal process; (c) protect or defend our legal rights or property, our ClearPoint Weather Software, our website(s), or other users; or (d) in an emergency to protect the health and safety of our ClearPoint Weather Software or our websites' users or the general public.

4. PUBLIC FORUMS

We may offer chat rooms, blogs, message boards, bulletin boards, or similar public forums where you and other users of the ClearPoint Weather Software can communicate. The protections described in this Privacy Policy do not apply when you provide information (including personal information) in connection with your use of these public forums. We may use personally identifiable and non-personal information about you to identify you with a posting in a public forum. Any information you share in a public forum is public information and may be seen or collected by anyone, including third parties that do not adhere to our Privacy Policy. We are not responsible for events arising from the distribution of any information you choose to publicly post or share through the ClearPoint Weather Software or any other website hosting or offering the ClearPoint Weather Software.

5. CHILDREN

The features, programs, promotions and other aspects of the ClearPoint Weather Software requiring the submission of personally identifiable information are not intended for children. We do not knowingly collect personally identifiable information from children under the age of thirteen (13). If you are a parent or guardian of a child under the age of thirteen (13) and believe he or she has disclosed personally identifiable information to us please contact us at the e-mail address or postal address listed below. A parent or guardian of a child under the age of thirteen (13) may review and request deletion of such child's personally identifiable information as well as prohibit the use thereof.

6. KEEPING YOUR INFORMATION SECURE

We have implemented security measures we consider reasonable and appropriate to protect against the loss, misuse and alteration of the information under our control. Please be advised, however, that while we strive to protect your personally identifiable information and privacy, we cannot guarantee or warrant the security of any information you disclose or transmit to us online and are not responsible for the theft, destruction, or inadvertent disclosure of your personally identifiable information. In the unfortunate event that your "personally identifiable information" (as the term or similar terms are defined by any applicable law requiring notice upon a security breach) is compromised, we may notify you by e-mail (at our sole and absolute discretion) to the last e-mail address you have provided us in the most expedient time reasonable under the circumstances; provided, however, that delays in notification may occur while we take necessary measures to determine the scope of the breach and restore reasonable integrity to the system as well as for the legitimate needs of law enforcement if notification would impede a criminal investigation. From time to time we evaluate new technology for protecting information, and when appropriate, we upgrade our information security systems.

7. OTHER SITES/LINKS

Our website www.ClearPointWeather.com, the ClearPoint Weather Software and any other website hosting or offering the ClearPoint Weather Software may link to or contain links to other third party websites that we do not control or maintain, such as in connection with purchasing products referenced in the ClearPoint Weather Software or website and in banner advertisements. We are not responsible for the privacy practices employed by any third party website or for the privacy practices of third party websites hosting or offering the ClearPoint Weather Software. We encourage you to note when you leave www.ClearPointWeather.com and/or any other website hosting or offering the ClearPoint Weather Software and to read the privacy statements of all third party websites before submitting any personally identifiable information.

8. CONTACT AND OPT-OUT INFORMATION

You may contact us as at the e-mail address or postal address listed below if: (a) you have questions or comments about our Privacy Policy; (b) wish to make corrections to any personally identifiable information you have provided; (c) want to opt-out from receiving future commercial correspondence, including e-mails, from us or our affiliated companies; or (d) wish to withdraw your consent to sharing your personally identifiable information with others. We will respond to your request and, if applicable and appropriate, make the requested change in our active databases as soon as reasonably practicable. Please note that we may not be able to fulfill certain requests while allowing you access to certain benefits and features of the ClearPoint Weather Software.

9. SOLE STATEMENT

This Privacy Policy as posted on the ClearPoint Weather website (www.ClearPointWeather.com) is the sole statement of our privacy policy with respect to this website and the ClearPoint Weather Software, and no summary, modification, restatement or other version thereof, or other privacy statement or policy, in any form, is valid unless we post a new or revised policy to www.ClearPointWeather.com)

If you have any additional questions or concerns about this Privacy Policy, please feel free to contact us by phone at +1.310.285.8465 or by e-mail at <u>Support@ClearPointWeather.com</u>.