

# DAYBREAK GAME COMPANY LLC PRIVACY POLICY

(Last Updated: May 22, 2018)

Click [here](#) for a printer-friendly version of the privacy policy

Daybreak Game Company LLC and its affiliates (together “**Daybreak Games**” or “**we**” or “**our**”) respects your privacy and are committed to protecting the Personal Information (as defined below) that you may provide us while using the Services (as defined below). Your use of the Services is subject to your agreement to the terms and conditions of this Privacy Policy (the “**Privacy Policy**”) and our [Terms of Service](#) (the “**Daybreak Terms of Service**”).

Daybreak Games is an international business with multi-national operations, systems, and processes. Daybreak Games has therefore certified to the EU-U.S. Privacy Shield Framework and Swiss-U.S. Privacy Shield Framework set forth by the U.S. Department of Commerce (the “**Privacy Shield**”) and adheres to the Privacy Shield Principles. Daybreak Games commits to subject all Personal Information received from the EU and Switzerland to the Principles. To learn more about Daybreak Games’ self-certification, visit its [Privacy Shield Policy](#).

This Privacy Policy sets out the basis on which we process the Personal Information and Other Information (as defined below) that we collect from or about you. This Privacy Policy informs you of our privacy practices concerning the following topics.

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## ABOUT DAYBREAK GAMES AFFILIATES

The following Daybreak Games affiliates collect, process, transfer, and store Personal Information and Other Information in accordance with this Privacy Policy. The relevant Daybreak Games affiliate involved will depend on the Services you are using, the websites you are visiting or the country in which you are based.

- United States of America: Daybreak Game Company LLC, a Delaware limited liability company with its principal place of business at 15051 Avenue of Science, San Diego, CA, 92128. Standing Stone Games LLC, a Delaware limited liability company with its principal place of business at 117 Kendrick St #350, Needham, MA, 02494.

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## THE WEBSITES AND SERVICES COVERED BY THIS PRIVACY POLICY

The Privacy Policy applies to the websites, software applications or programs, games, HTML email messages, information we collect through social media pages, and other properties and services that are operated by us and that link to this Privacy Policy (collectively, the “**Services**”). Please note that when visiting Daybreak Games’ pages hosted on social media websites (e.g., Facebook, Twitter, YouTube, Google+) or any other third-party websites, you should refer to their privacy policies and terms of use for more information about how they handle your information.

We collect, use, and store your Personal Information as set out in this Privacy Policy to enable you to receive the Services and/or because it is in our legitimate interest to handle your Personal Information (such legitimate interests including the management of our business operations and provision, marketing, and management of our Services, and other purposes set forth in this Privacy Policy).

By using our Services, you acknowledge the processing of your Personal Information as described in this Privacy Policy. If you do not agree to the user of your Personal Information as set out in this Privacy Policy, please do not use any of our Services.

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## OUR PARTICIPATION IN AND CERTIFICATION BY ONLINE PRIVACY PROGRAMS.

This Privacy Policy and the certification seals shown on our websites confirm that Daybreak Games is a valid licensee and participating member in the [ESRB Privacy Certified Program](#). We have voluntarily undertaken this privacy initiative and the Services have been reviewed and certified by the ESRB Privacy Certified Program to meet established online information collection and use practices. As part of this

program, we are subject to frequent audits of the Services and other enforcement and accountability mechanisms administered independently by ESRB.

Please also see our [Privacy Shield Policy](#) which sets out our adherence to the Privacy Shield Principles.

If you have any questions, complaints, or comments regarding this Privacy Policy, please contact Daybreak Games at the contact details at the end of this Privacy Policy. For complaints, you can also contact the ESRB Privacy Certified Program directly at [privacy@esrb.org](mailto:privacy@esrb.org) or by mail at Attn: Privacy Certified Program, 420 Lexington Avenue, Suite 2240, New York, NY 10170.

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## PERSONAL INFORMATION WE COLLECT FROM AND ABOUT YOU

### A. General

“**Personal Information**” is information that identifies you as an individual or relates to an identifiable person, including for example, your name, e-mail address, postal address, phone number, and payment card information. We do not collect any Personal Information from you unless you provide it to us voluntarily (e.g., through interaction or registration with the Services). We may combine the Personal Information we receive from you with information we receive about you from other sources, such as our affiliates, public databases, joint marketing partners, social media platforms, from people with whom you are friends or otherwise connected on social media platforms, and from other third parties. For example, if you elect to connect your social media account to your Services account, certain Personal Information from your social media account may be shared with us, such as your name, email address, photo, and location. This Personal Information may be combined with other information that is part of your profile or your friends’ profiles.

### B. Memberships and Registration

Some areas of the Services may allow you to visit as a guest and remain anonymous, but you may not be able to access all the content and features of those areas without registering (e.g., in order to play our subscription-based games, information such as your real name and billing information is required). Important information regarding account registration procedures and the security of your account is set out in the Daybreak [Terms of Service](#).

### C. E-mail Newsletters and Friend to Friend Promotions

Typically you need to have an account in order to receive e-mails from us, provided that you may receive e-mail communications from us if you have contacted us directly with regard to a specific request or if you have expressly agreed to receive e-mail communications for promotion, marketing, or newsletters. You may be asked for additional Personal Information when you subscribe. You can opt-out of receiving future marketing e-mails from us by following the unsubscribe directions contained in the e-mail. Also, except in jurisdictions where it may be prohibited by law, we may allow you to submit information about other people, such as in connection with a “Send to a Friend” promotion. In these situations, you may provide the e-mail address and, sometimes, the name of a friend, provided you have their permission to do so. After the “Send to a Friend” transaction is completed, that information is deleted.

#### **D. Sweepstakes, Contests, and Promotions**

To participate in some of our sweepstakes, contests, surveys, and other promotions, you may be asked to provide additional Personal Information such as your physical mailing address. This information may be collected by Daybreak Games and/or by third parties such as co-sponsors or vendors for the promotion. Potential winners will be required to provide additional Personal Information for the purpose of verifying eligibility, awarding prizes, and for tax purposes. The names of third parties such as co-sponsors (other than vendors hired by Daybreak Games to conduct, administer, and execute a promotion on behalf of Daybreak Games) will be disclosed to you when you are asked to sign up for the promotion. You should review such third parties’ privacy policies to see how they may use any information that they collect.

#### **E. Online Purchases and Technical Support**

When you sign up to play one of our fee-based games or you make certain online purchases from us, we will require that you provide us with the necessary billing information, such as your name, credit card or payment information, street address, etc., so that we may provide the content, game, service, or product to you. In order to resolve issues related to customer service, billing questions, technical, and computer support, etc., we may also require you to provide us with some Personal Information so that we may resolve such issues properly.

We may use a third-party payment service to process payments made through the Services. If you wish to make a payment through the Services, your Personal Information may be collected by such third party and not by us and will be subject to the third party’s privacy policy, rather than this Privacy Policy. We have no control over, and are not responsible for, this third party’s collection, use, and disclosure of your Personal Information.

#### **F. Hosting of Third-Party Services**

Certain Services may be provided to you in conjunction with a third party. During the registration process for any such Service, you may be notified that such third party wishes access to some of your Personal Information and you will be given an opportunity to decline to share that information with that third party. If you decline, you may not be able to use the relevant Services. A third party's use of the shared Personal Information will be governed by the third party's own privacy policy, and Daybreak Games' use of such information will be governed by this Privacy Policy.

## **G. Consent to Store & Monitor**

Please note that, when running, some of our games may monitor your computer's random access memory (“**RAM**”), media access control (“**MAC**”) address, configuration files and system files, etc., for unauthorized third party programs running concurrently with your game which, in Daybreak Games' sole determination: (i) enable or facilitate cheating of any type; (ii) allow users to modify or hack the applicable Daybreak Games game interface, environment, and/or experience in any way not expressly authorized by Daybreak Games; or (iii) intercept, “mine” or otherwise collect information from or through the applicable Daybreak Games game (each, an “**Unauthorized Third Party Program**”). In the event that a Daybreak Games game detects an Unauthorized Third Party Program, (a) the Daybreak Games game may communicate information back to Daybreak Games, including without limitation, your Daybreak Games account username, details about the Unauthorized Third Party Program detected and the activities or functions performed thereby, and/or details about your computer, and/or (b) Daybreak Games may exercise any or all of its rights and remedies, including, without limitation, its rights and remedies under the Daybreak [Terms of Service](#) and/or the Daybreak Games end user license agreement without prior notice to the user linked to such Unauthorized Third Party Program.

When you communicate with another game player or with us within the Services (e.g., through live chat, instant message services, message boards, and the like), even when you believe you are doing so “privately” with another person, you do so with the understanding that those communications go through our servers, and to the maximum extent permitted by applicable law you expressly agree to waive any rights of confidentiality that you may have in and to such communications, you agree you have no expectation of privacy in such communications and in using this functionality you acknowledge that we, (or our agents') may monitor the communications that you send and receive through the Services (including, without limitation, technical support and customer service communications). You also acknowledge that any and all character data that is stored and is resident on our servers may be monitored by us or our agents (to the extent permitted by applicable law).

## **H. Business Capacity and Resume Submissions**

Daybreak Games allows for the online submission of tax forms and resumes. Please be advised that information (including Personal Information) contained in a tax form, a job

applicant's resume, or otherwise submitted to Daybreak Games in a business capacity is not subject to the terms of any other section of this Privacy Policy. The information obtained in these instances will only be used for the purpose for which it was collected (i.e., accepting and evaluating your submission for a job, contacting you, your previous employers, and your references, processing payments, etc.).

When we collect Social Security numbers in the course of our business (such as when a vendor or Player Studio registrant submits a tax form), it is our policy to protect the confidentiality of such numbers, prohibit their unlawful disclosure, and limit access to them.

## **I. Collection of Personal Information about Other Individuals**

The Services may allow you to provide Personal Information relating to certain third parties, such as your family members and friends. Except as provided by applicable laws and/or as described in this Privacy Policy, you will not give any such Personal Information to us or our service providers without the relevant individual's consent.

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## **OTHER INFORMATION WE COLLECT FROM YOU**

We and our service providers may collect information that does not reveal your specific identity or does not directly relate to an individual ("**Other Information**"). Because Other Information does not personally identify you, we may use and disclose it for any purpose, except where we are required to do otherwise under applicable law. If we are required to treat Other Information as Personal Information under applicable law, then we may use and disclose it for all the purposes for which we use and disclose Personal Information.

We may combine the Other Information we collect from and about you with Personal Information. If we do, we will treat the combined information as Personal Information for as long as it is combined.

We and our service providers may collect Other Information in a variety of ways, including:

### **A. Browser and Device Information**

Certain information is collected by most browsers or automatically through your device or with session information, such as your Media Access Control (MAC) address, computer type (Windows or Macintosh), screen resolution, operating system name and version, device manufacturer and model, language, Internet browser type and version,

and the name and version of the Services you are using. We use this information to ensure that the Services function properly.

Your IP address is a number that is automatically assigned to the computer that you are using by your Internet Service Provider. An IP address may be identified and logged automatically in our server log files whenever a user accesses the Services, along with the time of the visit and the page(s) that were visited. Collecting IP Addresses is standard practice and is done automatically by many websites, applications, and other services. We use IP Addresses for purposes such as calculating usage levels of the Services, helping diagnose server problems, and administering the Services.

In addition, when you play our games or use the communication features available through the Services, we may collect your IP address. When any Daybreak Games game is updated or “patched,” our patch routine may check your computer to see that you have the most recent version of Daybreak Games game-specific files. When you log into one of the Daybreak Games’ games, we may collect your system specifications (such as RAM, video card, monitor, system configuration, crash data, etc.) for the purposes of analyzing and optimizing your Daybreak Games game experience and in order to provide you with customer service.

## **B. Through your use of our apps**

When you download and use one of our applications, we and our service providers may track and collect app usage data, such as the date and time the app on your device accesses our servers and what information and files have been downloaded to the app based on your device number.

## **C. Information collected through cookies, pixel tags, and other technology**

We and our service providers may use cookies, pixel tags, and other tracking technology when you visit or use the Services. Please see our [Cookie Policy](#) for details on our use of these technologies and instructions on how you may manage them.

We assign a unique identifier to every user of our websites and launchpad (i.e., our game launchers). The unique identifier allows us to recognize the same user when he or she uses our various Services, including through different devices, and to track his or her use of the Services, thereby giving us a full picture of the user’s activity across our Services. If we have collected your Personal Information, or if we collect your Personal Information in the future, we will combine it with the information we have collected through our use of the unique identifier. We use the information collected for analytics purposes and to serve targeted Daybreak Games offers and content to you when you are on the Services.



We and our service providers may also use cookies and other technologies to automatically collect the website or advertisement from which you reached the Services, to track responses to our online advertisements, and to collect information across your use of different Daybreak Games websites. We do not track your behavior on third-party websites or other online services.

Daybreak Games does not control cookies in third party ads and you are encouraged to check the privacy policies of advertisers and/or ad services to learn about their use of cookies and other technology. The ads appearing on the Services may be delivered to you by third-party advertising companies. These companies may use information about your visits to the Services and other sites or online services in order to provide advertisements on the Services and other sites about goods and services that may be of interest to you. If you would like more information about this practice and to know your choices with respect to it, please visit <http://optout.networkadvertising.org/#/> or <http://www.aboutads.info/>.

We use Google Analytics, which uses cookies and similar technologies to analyze how users use the Services, compile statistical reports on Services activity, and provide other services related to the Services. Google Analytics may also collect information about our users' use of other websites. For more information about Google Analytics, or to opt out of Google Analytics, please go to: <https://tools.google.com/dlpage/gaoptout>.

#### **D. Physical location**

We may collect the physical location of your device by, for example, using satellite, cell phone tower, or WiFi signals. We may use your device's physical location to provide you with personalized location-based services and content. In some instances, you may be permitted to allow or deny such uses of your device's location, but if you do, we may not be able to provide you with the applicable personalized services and content.

#### **E. Demographic information and other information provided by you**

In connection with some Services, or through surveys or polls, we may ask you to provide information that does not personally identify you. For example, we may ask you to provide information concerning your entertainment preferences, purchasing habits, and the like. This information is generally optional. Daybreak Games requests this information to understand you better and to also bring to your attention new services, programs, or offers that may be of interest to you. Unless combined with Personal Information, this information does not personally identify you.

#### **F. Aggregated information**



Aggregated Personal Information does not personally identify you or any other user of the Services (for example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code).

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## **HOW WE USE AND SHARE THE INFORMATION THAT WE COLLECT FROM YOU**

### **A. How we use information that we collect from you**

In addition to the uses described in the sections above, we may use the Personal Information we collect from and about you to enable us:

- To provide you with technical support, customer service, and account maintenance;
- To learn what you like and tailor your experience accordingly;
- To improve and develop the Services and our other products and services;
- To provide services or products you request;
- To allow you to participate in or use our communication features;
- To allow you to download and/or play one of our games;
- To allow you to benefit from any other promotions or offers, such as sweepstakes and contests;
- To manage your Daybreak Games account and fulfill your orders and respond to your requests;
- To inform you of any changes made to the Services or send other administrative information to you;
- To inform you of products, services, promotions, and offers which you may find interesting, including by serving advertisements to you when you are on third-party sites, services, and social media platforms;
- For our internal business purposes, such as data analysis, audits, fraud monitoring and prevention, determining the effectiveness of our promotional campaigns, and operating and expanding our business activities.

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## **WHO WE SHARE YOUR INFORMATION WITH**

### **A. Information disclosed to third parties**

We may disclose your Personal Information to other companies that we have engaged to provide services to us and whom we subject to confidentiality requirements. This may include, but is not limited to, fulfillment houses, billing services, transaction managers, credit verification services, ad serving services, and other third party service providers.

We may disclose your Personal Information to identify you to anyone to whom you send messages through the Services.

We may disclose your Personal Information to a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets, or stock, including in connection with any bankruptcy or similar proceedings.

We may use or disclose your Personal Information if we believe such disclosure is necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, and/or that of our affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain.

Daybreak is also subject to the investigatory and enforcement powers of the Federal Trade Commission and Department of Transportation or any other U.S. authorized statutory body.

## **B. Information you make available to third parties**

You may disclose your Personal Information on message boards, chat, profile pages, and other services to which you are able to post information and materials. Any information you post or disclose through these services will become public information and may be available to other users of the Services and to the general public. Please be careful when deciding to disclose your Personal Information, or any other information, on or through the Services.

## **C. Information shared with affiliated companies**

Daybreak Games may share your Personal Information for the purposes described in this Privacy Policy (except for direct marketing) with its affiliates, including any entity that directly or indirectly owns fifty percent (50%) or more of the outstanding equity in Daybreak.

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## **INFORMATION ABOUT LINKS**

We may provide links to third party websites. This Privacy Policy does not apply to any such websites, and we are not responsible for them, so we encourage you to review the

policies of all such sites carefully. Additionally, there may be unauthorized third party websites that may be providing links from their sites to the Services without our knowledge or control. We are not responsible for the content of any third party websites, expressly disclaim any statements or assertions made on such websites, and deny all liability associated with your use of, and the content on, such other sites or advertisements contained therein.

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## **HOW YOU MAY ACCESS, CHANGE, OR DELETE THE INFORMATION YOU HAVE PROVIDED TO US**

Subject to security and privacy concerns (e.g., regarding your password and credit card number), your Daybreak Games account will give you the ability to access, change, delete, and/or update certain Personal Information you have provided, and adjust your communications preferences. If you choose to have your Personal Information removed from our active databases, we will try to do so within a reasonable time after your request and we will take reasonable steps to ensure that your Personal Information is not used (except as may be required or permitted by law) by Daybreak Games after your notification to us.

Please note that, where required or permitted by law, we may need to retain certain information for recordkeeping purposes and/or to complete any transactions that you began prior to requesting deletion. There may also be residual information that will remain within our databases and other records, which will not be removed.

If you are located in the EU you may have certain rights set out below (see Information for Persons Outside the United States).

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## **SPECIAL NOTE ABOUT CHILDREN'S PRIVACY**

The Services are not directed to children under the age of 13, and we do not knowingly collect Personal Information from such children. If Daybreak Games learns that we have inadvertently gathered personal data from children under the age of 13, Daybreak Games will take reasonable measures to promptly delete such personal data from Daybreak Games' records.

If you believe that we have unintentionally collected personal information about your child, please contact us using the contact details at the end of this Privacy Policy.

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## **SPECIAL NOTE ABOUT CALIFORNIA MINORS**

Please note that if you are a resident of California, under the age of 18, and a registered user of our Services (a “**Minor**”), you have the right to remove or to request the removal of content or information you may have posted publicly on bulletin boards, message boards, chat rooms, communities, or other publicly viewable forums. We strongly recommend that all of our users avoid posting personal or sensitive information at any time. Should you wish to edit or remove this content or information after you have posted it, you may do so by accessing your account profile.

Removal of this content or information from public view does not guarantee complete or comprehensive removal. After your removal request has been honored, we may retain copies of the content or information you have previously posted on our servers. We are not required to remove your posted content or information if it has been rendered anonymous or if we are required by law to retain it. Additionally, we do not have control over third parties (e.g., other users) who may have copied or reposted this information.

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## **INFORMATION FOR PERSONS OUTSIDE THE UNITED STATES**

For the purposes of EU data protection laws we will be a data controller over your Personal Information (the company responsible for, and which controls the processing of, your Personal Information).

The Services are operated and controlled by us from the United States. Your Personal Information may be stored and processed in any country where we have facilities or in which we engage service providers, and by using the Services, you acknowledge the transfer of information to countries outside your country of residence, including the United States, which may have different data protection rules than your country. Where your Personal Information is transferred from the European Economic Area (“EEA”) to us in the United States this transfer will be made under Privacy Shield. Where we transfer Personal Information of individuals located in the EEA to third parties outside of the EEA we will take steps to ensure that such transfers comply with applicable privacy laws (such as by putting in place adequate measures, for example transfer provisions on terms prescribed by applicable law) and we will take all reasonable precautions to ensure that your personal information is treated securely and in accordance with this Privacy Policy.

If you are located in the EEA you may contact us at any time, using the contact details at the end of this Privacy Policy, to request that we: (a) update any Personal Information

which is out of date or incorrect; (b) delete any Personal Information which we are holding about you; (c) restrict the way that we process your Personal Information; (d) provide the Personal Information you provided to a third party provider of services; (e) provide you with a copy of any personal information which we hold about you; or (f) provide you with information on our international transfers and the appropriate safeguards we have put in place. We will consider and reply to all such requests in accordance with applicable law.

Individuals located in the EEA also have the right to lodge a complaint about the processing of their Personal Information with their local data protection authority.

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## **OUR COMMITMENT TO SECURE THE PERSONAL INFORMATION WE HAVE COLLECTED**

In order to provide you with added protection, Daybreak Games employs a security technology known as a secure-socket-layer (“**SSL**”) to protect the transmission of payment information to the Services. Unless otherwise specified herein or on the Services where you make a purchase, credit card numbers are used only for payment processing and are not retained for marketing purposes.

We seek to use reasonable organizational, technical, and administrative measures to protect Personal Information within our organization. Unfortunately, no website data transmission or storage system can be guaranteed to be completely secure. Daybreak Games urges you to take steps to keep your Personal Information safe by memorizing your password or keeping it in a safe place (separate from your account information), logging out of your user account, and closing your web browser when you are finished using the Services. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any account you might have with us has been compromised), please immediately notify us of the problem by contacting us in accordance with the “*Contact Us*” section below.

We will retain your Personal Information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law.

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## **NOTICE OF CHANGES TO THIS PRIVACY POLICY**

Daybreak Games reserves the right to modify this Privacy Policy from time to time and to provide you with notice of such modifications by any reasonable means, including, without limitation, by making available the revised version of the Privacy Policy through the Services or our websites. You can determine when the policy was last revised by referring to the “Last Updated” legend at the top of this Privacy Policy. Your continued use of the Services following our making available any revised version of this Privacy Policy will mean that you accept that revised version; however, any material change to this Privacy Policy will not apply retroactively to any claim or dispute between you and us in connection with this Privacy Policy that arose prior to the “Last Updated” date applicable to that version of this Privacy Policy in which we included such material change. If we make any material changes in the way we collect, use, or share your Personal Information, we will notify you by prominently posting notice of the changes on Daybreak Games’ home page. If you do not agree to any changes made to this Privacy Policy, you may not access or use the Services.

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## **CONTACT US WITH QUESTIONS, COMMENTS, OR REQUESTS**

Questions, comments, and requests regarding this Privacy Policy are welcomed and should be addressed to:

DAYBREAK GAMES:

- Email: [privacyofficer@daybreakgames.com](mailto:privacyofficer@daybreakgames.com) (ask for the Privacy Officer)
- Mail: Daybreak Games Privacy Officer, 15051 Avenue of Science, San Diego, CA 92128, USA

DAYBREAK GAMES DPO:

- Email: [DPO@daybreakgames.com](mailto:DPO@daybreakgames.com)
- Mail: Daybreak Games Data Protection Officer, 15051 Avenue of Science, San Diego, CA 92128, USA

DAYBREAK GAMES EU Representative:

- E-Mail: [GDPRrepresentative@mccannfitzgerald.com](mailto:GDPRrepresentative@mccannfitzgerald.com)
- Mail: MCF Legal Technology Solutions Limited, GDPR Representative, Riverside One, Sir John Rogerson’s Quay, Dublin 2, IRELAND

If you believe that we have not responded to your privacy-related inquiry or your inquiry has not been satisfactorily addressed, please contact ESRB at <https://www.esrb.org/privacy/contact.jsp>, or 420 Lexington Avenue, Suite 2240, New York, NY 10170.