



EVA Privacy Policy

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EVA USA Inc. (together with our subsidiaries, “EVA,” “we,” “our,” and/or “us”) values and respects your privacy. This Privacy Policy explains how EVA uses personal information and how we work with our affiliated companies and non-affiliated brand partners (collectively, our “Brand Partners”) to make and offer connected services and products and provide a comprehensive, integrated platform and locations that enable you to experience our virtual gaming experiences at EVA locations (each a “Site”) whereby you may reserve gaming rooms (“Rooms”) using virtual, mixed, and augmented reality hardware and software products (the “Products”).

If you are an EVA Member accessing the Service as part of your EVA membership, your personal information is subject to the EVA Privacy Policy, available at contact@eva.gg.

1. Scope of this Privacy Policy

Our “Service” currently includes the EVA branded platform designed for you to download, access and use on your mobile, tablet, smart watch or other personal devices, third-party platforms and other Internet-connected devices or hardware products (collectively, the “Platform”) together with all and any other websites, digital properties and platforms on which these Terms are referenced or made available; as well as all digital, training, and other Content (as defined in Section 2), features, functionalities, services we may make available through any of the foregoing. We may also provide the opportunity for you to purchase certain goods and products such as EVA merchandise through the Service (collectively, the “Products”). “Personal information” means information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with you or your household.

2. Information Collection: Categories of Data and Sources

We collect personal information from you directly, when you use the Service, from our Brand Partners, and from third parties. This section describes the categories of personal information we collect about you and the sources of that information.

Registration and Payment Information. When you make a purchase through our Service, sign up for an account for the Service (an “Account”), or sign up to receive notifications or updates, we collect personal information about you including, among other things, your name, email address, telephone number, and/or physical address. We use a third-party service certified to be in compliance with Payment Card Industry security standards to securely receive, process, and store credit card or other payment information. To keep your financial data secure, we do not store full credit card information on our servers. Our treatment of any financial information that we may process on your behalf, or that we receive from our financing partners or payment processors, is subject to this Privacy Policy.

Profile Information. If you choose to link your Account with your account with any of our Brand Partners (each, a “Brand Partner Account”), including as may be required to validate your eligibility for access to the Service as a benefit of your subscription to a Brand Partner’s services, we may receive and automatically populate certain profile fields in your Account, and thereafter continue to receive and





associate with your Account, information such as your name, gender, date of birth, email, Address, Site preferences, Site visits, in-person and digital activity at Sites, purchases, information about the session you played (games played, number of kill, number of death....) and information about your past communications with such Brand Partner. We use this information to personalize your experience on the Service, to provide you with the best member experience across our Brand Partners, address any customer service issues you experience, and to create a comprehensive experience that integrates your online, in-Site, and other activities.

Purchases and Subscriptions. We collect information about your Product purchases, your type of membership to the Service, and any other purchases you make through the Service. If you choose to link your Account with any of your Brand Partner Accounts, we will collect information about your membership or subscription status with such Brand Partners, and we may receive information about your purchases and other transactions with them.

Preferences. We collect information about your favorite content (e.g., which game you prefer), location preferences, and Product preferences directly from you and through your use of the Service. We may also receive these types of personal information from our Brand Partners when you link a Brand Partner Account with your Account. We combine information about preferences with other information (described in this Privacy Policy) about you in order to personalize your experience, provide you with relevant content within the Service, and enable a seamless and integrated experience across different Brand Partners.

Activity. When you use the Service, we receive information about the activities you input, the digital virtual games that you select, and metrics associated with those workouts. We also receive information about activities from our Brand Partners as part of providing a comprehensive platform when your Account is linked to your Brand Partner Account(s). For example, we may receive information about your check-ins or game played at a Brand Partner's site or on their digital platforms. We use all of this information to help you track your progress across your linked accounts, to personalize your experience in the Service, to communicate with you, and for marketing purposes.

Location Information. When you use the Service, we will receive your precise location information if you allow us to do so in your device settings. We may also receive your precise location information if you have linked your Account with a Brand Partner Account that receives your precise location information, or we may be able to infer such information when you have linked your Account with a Brand Partner Account and visit that Brand Partner's facility or event. We may also collect the precise location of your device when the Platform is running in the foreground or background when the Platform is closed. We use your location information for engagement-based marketing purposes (for example, letting you know that Slots are available at a Site located near you, to offer you promotions, etc.), to enable particular features that we believe will enhance your user experience (for example, enabling you to track your gaming activities), and to conduct analytics to improve the Service. You can prevent your device from sharing precise location information at any time through your device's operating system settings. We also infer your general location information, for example, by using your internet protocol (IP) address.

Device Information. We receive information about the device and software you use to access the Service, including IP address, web browser type, operating system version, phone carrier and manufacturer, application installations, device identifiers, mobile advertising identifiers, and push notification tokens. We may also receive information about the device and software you have used if you have linked your Account with a Brand Partner Account that receives your device and software information.





Usage Information. To help us understand how you use the Service and to help us improve it, we automatically receive information about your interactions with the Service, such as the pages or other content you view, the searches you conduct, purchases you make, the music you listen to, and the dates and times of your interactions with the Service.

Communications-Related Information. If you contact us directly, we may collect additional information about you. For example, when you provide feedback on the Service or contact our Member Experience team, we will receive your name, email address, phone number, the contents of a message or attachments that you may send to us, and other information you choose to provide. If you subscribe to receive electronic communications from us, then we will collect certain information from you, such as your email address. We also collect information you provide through your participation in any surveys or studies. When we send you emails, we may track whether you open or interact with them to learn how to deliver a better member experience and improve the Service.

If you use the Service to communicate with operators, or other customers of the Service, we may log information about your communications (such as length of communications session and originating and terminating phone numbers or IP address) and may monitor or record communications for security purposes and to enforce our Terms and Conditions and our acceptable use policy and to protect our employees, operators, customers, and other individuals with whom you communicate.

Information from Cookies and Similar Technologies. We may collect personal information using cookies, pixel tags, or similar technologies. At our direction, third parties, such as analytics and advertising partners, may use these technologies to collect information about your online activities over time and across different services. To the extent that any of these practices may be considered to be a “sale” of personal information under California law, you have the right to opt out at any time, as detailed in Section 5 below. Cookies are small text files containing a string of alphanumeric characters. We may use both session cookies and persistent cookies. A session cookie disappears after you close your browser. A persistent cookie remains after you close your browser and may be used by your browser on subsequent visits to the Service. Please review your web browser’s “Help” file to learn the proper way to modify your cookie settings. Please note that if you delete or choose not to accept cookies from the Service, you may not be able to utilize the features of the Service to their fullest potential.

Third Party Data. We may occasionally acquire demographic and other data about our customers and prospective customers. We only acquire this information from reputable third parties that have notified you about their data collection practices and given you the opportunity to opt out of the sale of that information. We use this information to better understand and communicate with our customers and to market the Service.

Careers. If you apply for a job with us, you may submit your contact information and your resume online. We will collect the information you choose to provide with your application and on your resume, such as your education and employment experience. If you apply to us through one of our third-party partners, we will collect the information you make available to us through that partner.

3. How We Use the Information We Collect

In addition to the uses described above, we use the information we collect:





- To provide, maintain, operate, improve, de-bug, and enhance the Service;
 - To enable and process payments for Service Membership subscriptions and Product purchases;
 - To personalize your and others' experience on the Service, such as by providing tailored content and recommendations;
 - To provide a seamless and integrated experience across different brands, working with our Brand Partners;
 - To understand and analyze how you use the Service;
 - To understand and analyze how you use various products and services across different brands, working with our Brand Partners;
 - To develop and to enable our Brand Partners to develop new products, services, features, and functionality;
 - To measure the effectiveness of our advertising and marketing campaigns;
 - For research and analytics purposes, including market research, new feature and product testing, and health, and technology research;
 - To communicate with you, provide you with updates and other information relating to the Service, provide information that you request, respond to comments and questions, conduct surveys, and otherwise provide customer support;
 - To facilitate the connection between your use of the Service and third-party services or applications, such as social networks, when you intentionally interact with such third-party services or applications;
 - For marketing and advertising purposes, such as developing and providing promotional and advertising materials that may be relevant, valuable, or otherwise of interest to you;
 - To send you calls, text messages, emails, and/or push notifications either by us or our logistics providers on our behalf, including autodialed calls and/or text messages, for transactional or operational purposes, such as updates on the delivery status of your order;
 - To facilitate transactions and payments;
 - To find and prevent fraud, and respond to trust and safety issues that may arise;
 - For compliance purposes, including enforcing our Terms and Conditions and complying with our contractual obligations with third parties such as music licensors; and
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- For other purposes for which we provide specific notice at the time the information is collected or obtain your consent.

4. How We Share the Information We Collect

Brand Partners. We may share any of the information described in Section 2 above with our Brand Partners with whom you have a linked account or otherwise intentionally interact through the Service, for any of the purposes described above and for their use, including marketing, and to provide a seamless and integrated experience across different brands. This use and processing of your information by our Brand Partners will not be governed by this Privacy Policy and will instead be governed by the terms and policies of such Brand Partners, and we encourage you to carefully read those terms and policies, as their practices may differ from ours. We may also share limited information about your identity, such as name or email address, for the limited purpose of determining whether you have a preexisting account with a Brand Partner.





Vendors and Service Providers. We work with third-party service providers to perform services on our behalf and help run our business, and we may share your information with such service providers to help us provide the Service, including all of the things described in Section 2 above. We provide such access pursuant to agreements that require service providers to protect your personal information and to only process your personal information in connection with helping us run our business.

Social Networks and Other Online Services. The Service allows you to choose to share information with social networking services, such as Twitter, Facebook, Instagram, and other online services. You are responsible for any such sharing and understand and agree that the use of your information by any social networking websites or other online services will be governed by the privacy policies of these third-party platforms and your settings on that platform. We encourage you to review their privacy policies.

As Required by Law and Similar Disclosures. We may access, preserve, and disclose your information if we believe doing so is required or appropriate to: (a) comply with law enforcement requests and legal process, such as a court order or subpoena; (b) respond to your requests; or (c) protect your, our, or others' rights, property, or safety.

Merger, Sale, or Other Asset Transfers. We may transfer your information to service providers, advisors, potential transactional partners, or our affiliates or other third parties in connection with the consideration, negotiation, or completion of a corporate transaction in which we are acquired by or merged with another company, or we sell, liquidate, or transfer all or a portion of our equity or assets, or in the event of a restructuring, consolidation, or other change of control transaction. The use of your information following any of these events will be governed by the provisions of this Privacy Policy in effect at the time the applicable information was collected.

Consent. We may also disclose your information with your permission.

5. Your Choices; Notice for California and Nevada Residents and Others

Privacy Rights-Related Requests. We are committed to protecting the privacy of all users of the Service and will use commercially reasonable efforts to honor requests made by any individual about whom we have collected personal information. Depending on your state of residence, you may have specific legal rights related to such requests.

The California Consumer Privacy Act of 2018 ("CCPA") gives California residents certain rights with respect to their personal information. If you are a California resident, we are committed to compliance with CCPA. Under CCPA, you may have the right to make certain requests:

You may have the right to know about personal information that we have collected, disclosed, or sold, including:

- The categories of personal information we have collected or shared about you in the preceding 12 months,
- The categories of sources from which we have collected that information in the preceding 12 months,
- The commercial or business reason(s) we have collected or shared that information, and





- The categories of third parties with whom we have shared or to whom we have sold that information in the preceding 12 months.

In addition, upon receipt of a verifiable request from you establishing your identity, we may be obligated to disclose specific pieces of personal information that we have collected about you. Under some circumstances, you may have the right to request deletion of some or all of that information. You may be entitled to designate an authorized agent to exercise these rights on your behalf.

CCPA gives California residents the right to direct businesses not to sell personal information. Nevada residents are also entitled to direct businesses not to sell personal information as set forth in Chapter 603A of the Nevada Revised Statutes. As disclosed in this Privacy Policy, at your direction we share your personal information with Brand Partners in order to provide the Service, which is designed to provide a seamless and integrated experience across different Brand Partners. As further disclosed, we may direct third party partners to use cookies, web pixels, and similar technologies for our marketing and advertising services. As of the effective date of this policy, all such third parties are acting at our direction as our service providers. We do not commit, however, to avoid disclosing personal information gathered pursuant to this privacy policy in a manner that may qualify as the sale of personal information under the CCPA or any other law. At any time, you may opt out of any future disclosure that qualify as the “sale” of personal information by submitting a privacy-related request as described below.

To make a privacy-related request, including a request related to the exercise of your rights under the CCPA or any other law, you may either send an email to our team at contact@eva.gg, (ii) send an email directly to us at privacy@eva.gg, or (iii) write to us at Legal Department, EVA, Attn: contact@eva.gg. Requests for access to or deletion of personal information are subject to our ability to reasonably verify your identity. In order to do so we may ask you to provide additional information that can be matched with information that we maintain. To authorize an agent to make a request to know or delete on your behalf, we will require you and/or the authorized agent to provide to us written proof of their authorization to act on your behalf.

We are prohibited by law from treating you in a discriminatory fashion as a result of your election to exercise any rights you have under CCPA.

Shine the Light. If you are a California resident, you may have the right to receive a free, yearly accounting of the following information for the preceding calendar year: (1) information identifying each third-party company to whom we may have disclosed, within the past year, personally identifiable information about you for direct marketing purposes; and (2) a description of the categories of personally identifiable information disclosed.

Location Information. You can prevent your device from sharing precise location information at any time through your device’s operating system settings. We may, however, continue to collect information about the location of any Brand Partner facility or event where you check in, while you have your Account linked with your Brand Partner Account(s).

Marketing Communications. You can unsubscribe from our promotional emails via the link provided in the emails, request to be added to our internal “do not call” list for marketing calls by contacting our team and revoke your consent to receive marketing text messages by replying to any of our marketing text messages with the word “STOP.” Even if you opt out of receiving promotional messages from us, you will continue to receive administrative or transactional messages from us.





Do Not Track. There is no accepted standard on how to respond to Do Not Track signals, and we do not respond to such signals.

6. Other

Third Parties. The Service may contain links to other websites, products, or services that we do not own or operate. We are not responsible for the privacy practices of these third parties. Please be aware that this Privacy Policy does not apply to your activities on these third-party services or any information you disclose to these third parties. We encourage you to read their privacy policies before providing any information to them.

Security. We make reasonable efforts to protect your information by using physical, technical, and administrative safeguards designed to improve the security of the personal information we collect, maintain, or otherwise process. However, as no electronic transmission or storage of information can be entirely secure, we can make no guarantees as to the security or privacy of your information.

Children's Privacy. We do not knowingly collect, maintain, or use personal information from children under 13 years of age, and no part of the Service is directed to children. If you learn that a child has provided us with personal information in violation of this Privacy Policy, then you may alert us at privacy@EVA.gg.

International Visitors. The Service is hosted in the United States and intended for visitors located within the United States. If you choose to use the Service from the European Union or other regions of the world with laws governing data collection and use that may differ from U.S. law, then please note that you are transferring your personal information outside of those regions to the United States for storage and processing. Also, we may transfer your data from the U.S. to other countries or regions in connection with storage and processing of data, fulfilling your requests, and operating the Service. By providing any information, including personal information, on or to the Service, you consent to such transfer, storage, and processing.

Update Your Information. You can update your Account and profile information through your profile settings.

Changes to this Privacy Policy. We may periodically update this Privacy Policy, in our discretion, to reflect change in our privacy practices, the Service and applicable law. We will post any changes to the Privacy Policy on this page, and the revised version will be effective when it is posted. We will update the "Last Updated" date at the top of this Privacy Policy and may provide you with additional notice of significant changes to this Privacy Policy. We encourage you to review this Privacy Policy whenever you use or access the Service or otherwise interact with us to stay informed about and happy with our information practices.

Contact Information. If you have any questions, comments, or concerns about our processing activities, please email us at contact@eva.gg or write to us at Legal Department, EVA, Attn: contact@eva.gg. For general questions about the Service and your Service membership, please contact us at contact@eva.gg.

