

# OUR STATEMENT ON PRIVACY

Effective: March 7, 2014

## A Word from Ocho

*Your privacy is important to extremely us.* We built Ocho to create a community that stands apart from the noise –every day, we work to cultivate an ethos that honors the individual and appreciates the importance of clear, respectful communication.

In this spirit, our privacy policy strives to be unambiguous and respectful in how we collect, store, and use your sensitive information. If you find anything in this Statement on Privacy confusing or unreasonable, please let us know about it: [privacy@ocho.co](mailto:privacy@ocho.co)

*We encourage you to review this Statement carefully.* By accessing our Services, you acknowledge and fully agree to all terms and conditions in this Statement on Privacy.

## A Few Definitions

1. Ocho is a MassLab production. “**Ocho**”, “Ocho’s”, “MassLab”, “us”, “we”, and “our” herein refers to **MassLab, Inc**, a Delaware company headquartered in the heart of Brooklyn, NY.
2. “**You**” means you, the individual, as well as any other individual and/or entity on whose behalf you are acting.
3. Throughout these Terms of Service, “**Services**” shall embrace Ocho’s mobile video camera application – and any of the features therein listed, including but not limited to those which enable the user to create, save, edit, manipulate, log, and share audio, video, and audiovisual content – as well as any other Ocho website, blog, profile, feature, data, tool (e.g. video tool, audio tool, visualization tool, data organization tool, data manipulation too), feed (e.g. Real Simple Syndication feed, Atom feed), publication, product, offering, software, program, platform, system, and application.

4. The term “**Affiliates**” refers collectively to Ocho’s principals, agents, representatives, employees, contactors, executives, board members, joint ventures, officers, directors, advisors, parents, successors, subsidiaries, and other closely related parties.
  
5. “**Content**” means any material, information, and/or data that a user creates, compiles, curates, submits, posts, shares, uploads, syncs, transmits, displays, and/or otherwise communicates – in connection with Ocho’s Services – for consumption by oneself and/or others. Content includes but is not limited to audio, video, audiovisual material, photos, images, links, tags, blog entries, posts, responses, idea submissions, feedback, third party user information, graphics, files, text, messages, comments, responses, summaries, user names, Profile Information (defined below), musical works, works of performance, works of authorship, applications, and compilations and manipulations of the aforementioned. Content specifically does not include your user password, personally identifying information, or financially sensitive information unless such information appears (against our recommendation) in your Content, as defined above.

### **Collection of Your Information**

It is our mission to make it fun and simple to create, share, and interact with short, beautiful videos. In order to accomplish this mission, **we collect the following information:**

1. **Signing Up.** If you sign-up with Ocho and/or download our app, we ask you to provide an email address and a password. We collect this information.
  
2. **Third Party User Information.** Many users like to connect with a third party provider (e.g. Facebook) as part of their Ocho experience. Third party connections make it fast and simple to get started; they also enable us to provide you with a richer, more focused user experience.

If you connect with a third party provider through Ocho, we may collect information from that third party – including but not limited to your profile information, contact information, login/password, usage data, user history, online contacts (e.g. Friends, Followers), settings, and preferences; we may also collect additional information from a third party provider as per your consent.

3. **Profile Information.** After you sign-up, we encourage you to build out your user profile. By collecting detailed “**Profile Information**”, we can optimize your interactions with our Services and provide you with more valuable content. Profile Information includes – but is not limited to – information regarding your username, location, personal and professional skills and experiences, personal tastes and preferences, education level, citizenship, organizational membership/affiliation, personal and professional contacts, social media presence and output, and other profile-related images, photos, video, audio, and text. (Some of this information may already be populated if you connect your Ocho account with a third party provider.)
  
4. **Contacting Ocho.** Our team works to identify and resolve problems, hold people accountable, and maintain company-wide excellence. Therefore, we collect information about the contact you make with Ocho. This includes making and retaining a record of your contact information, recording customer service calls, and retaining, annotating, and memorializing any other electronic and/or hard copy communications – all for quality assurance, training, user data, and future reference purposes.
  
5. **User Content.** We collect all of your Content in connection with our Services.
  
6. **User Interactions & Tracking Technologies.** Ocho takes a scientific approach to studying user behavior and optimizing the user experience. This helps us provide you with relevant content and meaningful recommendations.

Therefore, Ocho may collect information about your use of our Services, including information regarding: how you get to our Services; what you were doing before you used our Services; what type of device and operating system you use; what type of browser and language you use; the IP address of your device and/or proxy server; your mobile carrier/ISP; your location; with whom you communicate, when, and why; what you view, when, and for how long; what you ignore or delete; what you click and when; which features you choose to use or not use; how long you spend using our Services; and what you do after you use our Services. Likewise, Ocho may use cookies, web beacons, pixel tags, clear GIFs, and other tracking technology to help us customize, measure, and improve our Services (for example, cool videos and targeted ads).

## **Transfer and Storage of Your Information**

1. **Sharing Your Information within Ocho.** Like any group or organization, Ocho works best when we can maintain clear and open channels of communication. You acknowledge and agree that Ocho and its Affiliates may freely internally communicate your Content, data, and information (including but not limited to your personally identifying information, financially sensitive information, and/or other sensitive information), including without limitation circulating it between or among our Affiliates and/or other businesses sharing a common control.
2. **Storage of Your Information.** You agree that Ocho holds the sole discretion to store your Content, data, and information in any manner we choose, at any facility in any location in the world (including but not limited to storage in the United States of America).
3. **Transfer of Your Information.** We need to be able to freely move your information around as we change and grow. You agree that Ocho holds the sole discretion to transfer your Content, data, and information in any manner we choose, across jurisdictional borders – including, but not limited to, county lines, state lines, international borders, and the borders of a conglomerate of nations(e.g. European Union) – at any time, for any reason, without notice.

## **Advertising & Your Information**

Ocho exists so that our community can create and share short, beautiful videos. At the same time, we need to the lights bright, the coffee hot and the servers humming.

**To be clear:** we may choose to use, sell, rent, license, barter, share, or otherwise disclose your Content (including your Profile Information)– and other information collected from your use of our Services, including but not limited to information obtained through tracking technologies – in order to target advertisements to you and users like you. However, **under no circumstances will we sell your personally-identifying or financially-sensitive information to any advertisers or promotional partners,** provided such information does not appear in connection with your Content. Notwithstanding the previous statement, Ocho does reserve the right to use, sell, rent, license, barter, share, or otherwise disclose your contact information to select third party partners who agree to adhere to confidentiality provisions regarding said information and who will only use said information as directed by Ocho and/or our Affiliates.

Please note that our ad partners may use their own advertising technologies in connection with our Services. We have no control over these web beacons, pixels, tags, cookies, mobile identifiers, and other technologies. However, you may be able to opt-out of targeted advertising

from members of the Network Advertising Initiative (some of whom may advertise with Ocho) – visit [www.networkadvertising.org](http://www.networkadvertising.org) for more information.

You can opt-out of direct marketing communications from Ocho and its third parties at any time by emailing [optout@ocho.co](mailto:optout@ocho.co) with the subject line “Direct Marketing”.

### **Usage of Your User Information**

- 1. Publication of Your User Content.** Our top-shelf user content helps make Ocho a prime destination for cool and interesting people. You should expect that any and all of your Content – including but not limited to your Profile Information and the videos you create and share– will be made public and searchable. You also acknowledge and agree that your Content may appear in connection with the advertising and marketing of Ocho’s Services. Please be mindful of this as you create/circulate your Content –act as though the whole world can easily find it and see it.
- 2. Optimizing Your User Experience.** We collect and study the Content, data, and information you provide us – and the Content, data, and information we receive from our other users – so that we may maintain the best possible user experience. This includes without limitation using data and information generated and gather from your interactions with our Services to provide you and other users with customization and focus around our product offerings, features, third party offerings, content (both substantive and promotional/ad-based), marketing, designs, layouts, updates, and other Services, in any manner we choose.
- 3. Third Parties.** Ocho may choose to use, sell, rent, license, barter, share, or otherwise disclose your Content (including your Profile Information)– and other information collected from your use of our Services, including but not limited to information obtained through tracking technologies – to our Affiliates and any other parties we so choose at any time, for any purpose whatsoever, without any further notice. Under no circumstances, however, will Ocho sell, rent, barter, or otherwise intentionally provide your financially sensitive or personally identifying information to any third party, except as outlined in this Statement on Privacy, or as you may otherwise consent.
- 4. Necessary Disclosures.** While we deeply value your sensitive information, we need to do everything we can to protect our Company, employees, and community. Therefore, we may disclose any of the information you provide us (i.e. even your personally identifying and

financially sensitive information): (a) in compliance with legal process or upon legal request; (b) as we facilitate a transaction for you; (c) to resolve disputes; (d) in order to enforce our terms of service and privacy policy; (e) to protect the rights and/or safety of you or a third party; and/or (f) to otherwise protect Ocho and/or its users.

5. **Ownership of Information.** Your Content, data, and information are important assets to Ocho. You acknowledge and agree that, insofar as Ocho is subject to a substantial corporation transaction (including, but not limited to any sale, merger, consolidation, divestiture or bankruptcy concerning Ocho), your Content, data, and information (including but not limited to your Profile Information, personally identifying information, financially sensitive information, and/or other sensitive information) will transfer as an asset – and that the recipient of said asset will assume all rights and responsibilities regarding your information.
6. **Communications from Ocho.** Ocho collects your information so that we can communicate with you regarding user interactions, new content, updates, security issues, and marketing/promotions. These communications may be based on and/or derived from your Content, user settings/preferences, and/or interactions with our Services. If you wish to opt-out of receiving promotional emails from Ocho, please email [optout@ocho.co](mailto:optout@ocho.co) with the subject line “Direct Marketing”.
7. **Sharing Your Individual Information with Third Parties.** During your Ocho experience, you may connect with third party sites and/or use third party services (e.g. clicking advertisements, connecting with a social network). You may also access Ocho via mobile networks, ISPs and electronic devices. All of these third parties run their own policies and practices with respect to your privacy and the collection/usage of your information. **We are not responsible** for their conduct and/or treatment with respect to your privacy and personal and/or financially-sensitive information. **We encourage you to carefully review** any third party terms and privacy policies.
8. **Inferences and Aggregated Information.** To make the most of our data, Ocho needs to dig deeper than the surface. We will use information and data generated by your Content and other uses of our Services in order to infer patterns of behavior and factual information about you and other users. We will also use this information and data to create compilations and

aggregated data; we use this aggregated (i.e. non-individualized) data for our own analysis, as well as for sale to third parties, such as market research firms and advertisers.

### **Opting to Use Our Services & Changing Your Information**

Every time you use our Services, you fully acknowledge and agree to this Statement on Privacy. If you do not agree with this Statement, or any aspect thereof, you must stop using our Services immediately and cease from all further use.

You have the right to access, modify, and delete your Profile Information at any time. While we make no promises, you may be able to change other Content, as well. Nonetheless, cached information may appear in search results, and other individuals and entities may have already captured information you provided as Content.

To notify our team that you wish to stop using our Services, please email [optout@ocho.co](mailto:optout@ocho.co) with the subject line “End Use”. We are busy, and will work to close your account quickly, but, any opt-outs under this Statement on Privacy may take several weeks or longer to process.

Once you close your account with Ocho, you will not be able to access or retrieve any of your Content or information through any of our Services - you will no longer be eligible to access or use our Services for any purpose.

### **Reservation of Rights**

- 1. Right to Amend.** Ocho is a dynamic company that strives for excellence at all times. In order to stay current and evolve, we reserve the right to make changes to our privacy policy – including, but not limited to, changing the way we collect and use your information – at any time, without reason or notification. Nonetheless, we will typically make a reasonable effort to notify our users of changes to our policies. As we revise our privacy policy, you will be bound to the new policy as soon as you use our Services in conjunction with the new policy. If you do not wish to be bound by revisions to this privacy policy, you must stop using our Services immediately and cease from all further use; you should also email [optout@ocho.co](mailto:optout@ocho.co) with the subject line “End Use”.
- 2. Information from Third Parties.** We’re not going to limit our right to conduct research. We reserve the right to obtain any information and data about you from any party we choose; we may compile and/or use this information and/or data in connection with our own information and data, as set forth in this Statement on Privacy.

3. **Right to Retention.** Like most good companies, we like to keep meticulous records. We reserve the right to retain and store all data and information that we collect from our users, including (but not limited to) your Content and other information and data generated by your use of our Services.

### **Miscellaneous but Important**

1. **Children's Privacy.** Ocho forbids anyone under the age of seventeen (17) from using our Services. Accordingly, we do not knowingly solicit, collect, store, or use information from children under the age of seventeen (17). If you have reason to believe that someone younger than seventeen (17) has attempted to or actually accessed and/or used our Services, please contact us as soon as possible at [legal@ocho.co](mailto:legal@ocho.co) – we will work to quickly delete any account and resolve this problem. Our Services (including without limitation our user Content) are not intended for young children.
2. **California Residents.** California residents are allowed request a list of personal information we disclosed to third parties for direct marketing purposes, alongside the identities of those third parties. This request is free, and California residents are allowed one per year under California Civil Code 1798.83. You may submit these requests to [privacy@ocho.co](mailto:privacy@ocho.co), subject line “Shine the Light Law Request”.
3. **A Word about Security.** We appreciate the sanctity of your personal information and take reasonable steps to protect it. Nonetheless, you acknowledge and agree that we cannot warrant the safety and/or security of information or data you transmit to, from, or via Ocho; this includes, without limitation, your personally identifying and financially sensitive information. Likewise, we cannot guarantee that your sensitive information will be free from unwanted access, usage, disclosure, and/or alteration. Therefore, you acknowledge and agree that (a) neither Ocho nor its Affiliates makes any promise, guarantee, warranty, or representation of any kind that your sensitive information will remain safe or private, and (b) you will indemnify, defend, hold harmless, and release Ocho and its Affiliates from any liability arising out of or relating to a breach of your sensitive information.
4. **Incorporation of Other Terms.** Our various terms and conditions are each part of a coherent whole. This Statement on Privacy is incorporated by reference into our broader **Terms of Service** ([http://on.ocho.co/info/ochovideo\\_terms\\_of\\_service.pdf](http://on.ocho.co/info/ochovideo_terms_of_service.pdf)) Thus, any rights reserved through our other terms and conditions are also herein reserved, including without



limitation the right to amend, revise, suspend, limit, or remove any Services or a user's access thereto at any time without liability, warning, notice, or reason.

5. **Protecting Your Own Information.** You are responsible for protecting your own private and sensitive information, such as passwords, personal ID numbers, and financial account information.
  
6. **Third Party Assistance.** You acknowledge and agree that Ocho and its Affiliates may engage any third party they choose to assist Ocho and its Affiliates with the collection, storage, transfer, and/or usage of your Content, data, and information.
  
7. **About Mobile Carriers & Applications.** Our Services feature an application for mobile devices. However, we caution that your mobile carrier may well have access to any data and/or information you send or receive through your device – you will have to consult your mobile carrier for more information about its privacy policies and how it handles data flowing through your device, as we have no responsibility for your carrier's policies or practices. Please note that Ocho and its Affiliates reserve the right to send, receive, and share your information in connection with your mobile carrier in order to provide our Services and/or ensure the proper working order of our systems. In addition, we advise users that third party applications on a mobile device may draw information and/or data from your use of our Services, or other uses of your mobile device. ***To reiterate: Ocho and its Affiliates are not responsible for the policies or practices of any third-party. Review all third party terms and conditions carefully.***
  
8. **Headings for Convenience Only.** Our section headings and subheadings have been provided strictly for your convenience; they have no legal, contractual, or otherwise binding or representative effect on your or us.
  
9. **Contact Us.** Except as herein specified, all correspondence regarding this Statement on Privacy should be directed in writing to the following address:

Mass Lab, Inc.

Attn: Legal Department

36 Cooper Sq 4th Floor.

Manhattan, NY 10003