

# Privacy Policy

Last modified: 26th May 2024

## Introduction

Luninaries LLC (“**Luninaries**” or “**We**”) respects your privacy and is committed to protecting it through our compliance with this policy.

This policy describes the types of information we might collect from you or that you might provide when you visit the website everclose.com (our “**Website**”) and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This policy applies to information we collect:

- On this Website.
- In email, text, and other electronic messages between you and this Website.

It does not apply to information collected by:

- Us offline or through any other means, including on any other website operated by Luninaries or any nonparty; or
- Any nonparty, including through any application or content (including advertising) that might link to or be accessible from or through the Website.

Please read this policy carefully to understand our policies and practices regarding your information and how we will treat it. If you disagree with our policies and practices, your choice is not to use our Website. By accessing or using this Website, you consent to the practices described in this policy. We may change this policy on one or more occasions (see [Changes to Our Privacy Policy](#)). We consider your continued use of this Website after we make changes to be acceptance of those changes, so please check the policy periodically for updates.

## Individuals Under the Age of 18

Our Website is not intended for individuals under 18 years old. No one under 18 may provide any information to or on the Website. We do not knowingly collect personal information from individuals under 18. If you are under 18, do not use or provide any information on this Website or through any of its features, register on the Website, make any purchases through the Website, use any interactive or public comment features of this Website, or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or username you might use. If we learn we have collected or received personal information from an individual under 18, we will delete that information. If you believe we might have any information from or about an individual under 18, please contact us at [help@everclose.com](mailto:help@everclose.com).

## Information We Collect About You and How We Collect It

Personal information, or personal data, means any information about an individual from which that person can be identified. It does not include information where the identity has been removed (anonymous data).

Depending on whether you are a creator or a fan, we collect several types of information from and about users of our Website that we have grouped together as follows:

- **Identity Data** includes first and last name, stage name, username or similar identifier, social media identifiers, social security number, government-issued photo identification card, country of citizenship, date of birth, gender, selfie photo, and voice and image (in any content that you post or transmit).
- **Contact Data** includes mailing address, email address, and telephone numbers.
- **Financial Data** includes bank or other payment account and payment card details. We store only limited, if any, Financial Data. Otherwise, our payment processor stores all Financial Data, and we encourage you to review their privacy policy and contact them directly for responses to your questions.
- **Transaction Data** includes details about payments to and from you and other details of products and services you have purchased or sold through our Website or tips that you have paid or received through our Website.
- **Technical Data** includes internet protocol (IP) address, ISP name, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access our Website.
- **Device Data** includes the type of mobile device (“**Device**”) you use, a unique device identifier (for example, your Device’s IMEI number, the MAC address of the Device’s wireless network interface, or the mobile phone number used by the Device), mobile network information, your mobile operating system, the type of mobile browser you use, time zone setting, and IP address.
- **Content Data** includes photos, videos, audio (for example, music and other sounds), live stream material, data, text (including comments and hashtags), metadata, images, interactive features, emojis, GIFs, memes, and any other material you input, post, or live stream on or through our Website and information about the content you input, post, or live stream. **When you stream on our Website, we may record and store your streaming session, including your image and voice, for a limited period for content moderation purposes.** Please remember that Content Data might reveal personal information about yourself, including identifying information about yourself depicted in any Content Data.
- **Profile Data** includes your username and password, including password hints and other information for authentication and account access, purchases made by you, your interests, preferences, feedback, and survey responses. Some information you choose to give us may be considered “special” or “sensitive” in certain jurisdictions, for example, your sex life and sexual orientation. **By choosing to submit special or sensitive information, you hereby consent to our processing of that information.**
- **Usage Data** includes information about how you use our Website, products, and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and your communication preferences.

We also collect, use, and share **Aggregated Data** including statistical or demographic data for any purpose. Aggregated Data could be derived from your personal information but is not considered personal information in law as this information will **not** directly or indirectly reveal your identity. For example, we may aggregate your Usage Data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal information so that it can directly or indirectly identify you, we treat the combined data as personal information that will be used under this privacy policy.

If you are a fan, we do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data) unless you voluntarily provide it. If you are a creator, we do collect Special Categories of Personal Data about you, specifically details about your race or ethnicity, sex life, and sexual orientation. We do not collect any information about criminal convictions and offenses.

Where we need to collect personal information by law, or under the terms of a contract we have with you and you do not provide that information when requested, we might not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us, but we will notify you if this is the case at the time.

We collect this information:

- Directly from you when you provide it to us.
- Automatically as you navigate through the Website. Information collected automatically might include Technical and Usage Data and information collected through cookies, web beacons, and other tracking technologies.
- From nonparties, for example, our business partners and service providers in technical, payment, delivery, content moderation, and identity and age verification services.

### ***Information You Provide to Us***

The information we collect on or through our Website may include the following:

- Information that you provide by filling in forms on our Website. This includes information provided when registering to use our Website, creating a user profile, posting content, purchasing content, or requesting further services. We may also ask you for information when you report a problem with our Website.
- Records and copies of your correspondence (including email addresses), if you contact us.
- Your responses to surveys that we might ask you to complete for research purposes.
- Details of transactions you carry out through our Website and of the fulfillment of your orders. You might be required to provide Financial Data before placing an order through our Website. We do not collect or store your payment card details. That information is provided directly to our third-party payment processors whose use of your personal information is governed by their privacy policy. These third-party payment processors adhere to the standards set by PCI-DSS as managed by the PCI Security Standards Council.
- Your search queries on the Website.

You also may provide Content Data to be published or displayed (“**posted**”) in public areas of the Website or transmitted to other users of the Website or nonparties. Your Content Data is posted on and transmitted to others at your own risk. Although you may set certain privacy settings for Content Data by logging into your account profile, please be aware that no security measures are perfect or impenetrable. Additionally, we cannot control the actions of other users of the Website with whom you may choose to share your Content Data. Therefore, we cannot and do not guarantee that unauthorized persons will not view your Content Data.

### ***Information We Collect Through Automatic Data Collection Technologies***

As you navigate through and interact with our Website, we may use automatic data collection technologies to collect certain information about your equipment, browsing actions, and patterns, including Technical and Usage Data.

Please note that we do not recognize or respond to any do not track signals (DNT). For more information about DNT, visit [www.allaboutdnt.com](http://www.allaboutdnt.com).

The information we collect automatically is only statistical data and does not include personal information. It helps us to improve our Website and to deliver a better and more personalized service, including by enabling us to:

- Estimate our audience size and usage patterns.
- Store information about your preferences, allowing us to customize our Website according to your individual interests.
- Speed up your searches.
- Recognize you when you return to our Website.

The technologies we use for this automatic data collection might include the following:

- **Cookies (or browser cookies).** A cookie is a small file placed on your computer's hard drive. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting you might be unable to access certain parts of our Website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you direct your browser to our Website.
- **Web Beacons.** Pages of our Website and our emails might contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit Luninaries, for example, to count users who have visited those pages or opened an email and for other related website statistics (for example, recording the popularity of certain website content and verifying system and server integrity).

### **How We Use Your Information**

We use information that we collect about you or that you provide to us, including any personal information:

- To manage your information and accounts.
- To provide access to certain areas, functionalities, and features of our Website.
- To fulfill and manage your orders and payments made through our Website.
- To fulfill any other purpose for which you provide it.
- To provide you with notices about your subscription, including expiration and renewal notices.
- To answer requests for customer or technical support.
- To communicate with you about your account, activities on our Website, and policy changes.

- To enable our payment processor to process your financial information and other payment methods for content or services purchased.
- To pursue our legitimate interests, including research and development (including marketing research), network and information security, and fraud prevention.
- To detect security incidents; protect against malicious, deceptive, fraudulent, or illegal activity; and prosecute those responsible for that activity.
- To measure interest and engagement on our Website.
- To personalize your interactions with the AI bots and otherwise improve the AI bot's responses and enhance your overall user experience.
- To improve the accuracy and effectiveness of our AI services.
- For short-term, transient use, including contextual customization of ads.
- To improve, upgrade, or enhance our Website.
- To ensure internal quality control and safety.
- To authenticate and verify individual identities, including requests to exercise your rights under this policy.
- To debug to identify and repair errors with our Website.
- For auditing relating to interactions, transactions, and other compliance activities.
- To share personal information with nonparties as needed to provide the Website.
- To enforce our agreements and policies.
- To comply with our legal obligations.
- In any other way we may describe when you provide the information.
- For any other purpose with your consent.

### **Disclosure of Your Information**

We may disclose Aggregated Data about our users, and information that does not identify any individual, without restriction.

We may disclose personal information that we collect or you provide as described in this privacy policy:

- To our subsidiaries and affiliates.
- To contractors, service providers, and other nonparties we use to support our business and who are bound by contractual obligations to keep personal information confidential and use it only for the purposes for which we disclose it to them. Examples include analytics and search engine providers that assist us with Website improvement and optimization, payment processing providers that assist us in processing payments from you if you are a fan and

payments to you if you are a creator, vendors that specialize in the validation of government identification to verify your identity and age, content moderation service providers, email delivery providers, hosting service providers, customer service providers, and marketing efforts. We may allow selected nonparties to use tracking technology on our Website that will allow them to collect information about how you interact with our Website over time. This information can be used to, among other things, analyze and track data, determine the popularity of certain content, and better understand online activity. For example, we use Google Analytics to help us understand how our users use our Website (you can read more about how Google uses your personal information here: <https://policies.google.com/privacy>).

- To a buyer or other successor if a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all Luninaries's assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by Luninaries about our users is among the assets transferred.
- To fulfill the purpose for which you provide it. For example, if you give us an email address to use the "email a friend" feature of our Website, we will transmit the contents of that email and your email address to the recipients.
- For any other purpose disclosed by us when you provide the information.
- With your consent.

We may also disclose your personal information:

- To comply with any court order, law, or legal process, including responding to any government or regulatory request.
- To enforce or apply our Terms-of-Service Agreement and other agreements, including for billing and collection purposes.
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of Luninaries, our customers, or others. This includes exchanging information with other companies and organizations for cybersecurity, fraud protection, and credit risk reduction purposes.

The categories of personal information we may disclose include:

- Identity Data;
- Contact Data;
- Financial Data;
- Transactional Data;
- Technical Data;
- Device Data;
- Content Data; and
- Profile Data.

#### **Consent to Personal Information Transfer**

We are based in the United States of America. We may process, store, and transfer the personal information we collect, in and to a country outside your own, with different privacy laws that might or might not be as comprehensive as your own. If you are located outside the United States, your personal information might at times be accessible by persons who are located worldwide including in countries that the European Commission or other geopolitical regions have not determined to provide the same adequate level of data protection in your country, province, territory, or geopolitical region.

By submitting your personal information or engaging with our Website, you hereby consent to this transfer, storing, or processing, including transferring your information across international boundaries to jurisdictions anywhere in the world as permitted by law.

If you are a Canadian resident or otherwise located in Canada, please note that personal information transfers outside of Canada might result in your information becoming accessible to foreign jurisdiction's law enforcement or other authorities.

If you are located in the European Economic Area (EEA), Switzerland, or the United Kingdom (UK), please note that your information will be transferred outside of those areas, including to the United States. Nevertheless, whenever we transfer your personal information out of the EEA, Switzerland, or UK, we will use reasonable efforts to ensure a similar degree of protection is afforded to it by ensuring that the recipient nonparty agrees to contractual clauses or other appropriate safeguards.

### **Choices About How We Use and Disclose Your Information**

We strive to provide you with choices regarding the personal information you provide to us. We have created mechanisms to provide you with the following control over your information:

- **Tracking Technologies and Advertising.** You can set your browser to refuse all or some browser cookies or to alert you when cookies are being sent. If you disable or refuse cookies, please note that some parts of our Website might become inaccessible or not function properly. You can opt out of Google Analytics here: <https://tools.google.com/dlpage/gaoptout>.
- **Promotional Offers from Luninaries.** If you do not wish to have your email address used by Luninaries to promote our own or nonparties' products or services, you can opt-out by checking the relevant box located on the form on which we collect your data (the registration form) or at any other time by logging into the Website and adjusting your user preferences in your account profile by checking or unchecking the relevant boxes or by sending us an email stating your request to [help@everclose.com](mailto:help@everclose.com). If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions. This opt-out does not apply to information provided to Luninaries as a result of a product purchase, warranty registration, product service experience, or other transactions.

Residents of certain jurisdictions, including California, Nevada, Colorado, Connecticut, Virginia, Utah, the European Economic Area, and the United Kingdom might have additional personal information rights and choices. Please see [Your State Privacy Rights](#) and [Your EEA/UK Privacy Rights](#) for more information.

### **Accessing and Correcting Your Information**

It is important that the personal information we hold about you is accurate. Please keep us informed if your personal information changes. You may request access to and correct the personal information that we hold about you.

You can review and change your personal information by logging into the Website and visiting your account profile page.

You may also email us at [help@everclose.com](mailto:help@everclose.com) to request access to, correct, or delete any personal information you have provided us. We cannot delete your personal information except by also deleting your user account. We might not accommodate a request to change information if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

We may request specific information from you to help us confirm your identity and your right to access and to provide you with the personal information we hold about you or make your requested changes. Law might allow or require us to refuse to provide you with access to some or all the personal information we hold about you, or we might have destroyed, erased, or made your personal information anonymous under our record retention obligations and practices. If we cannot provide you with access to your personal information, we will inform you of the reasons why, subject to any legal or regulatory restrictions.

If you delete your Content Data from the Website, copies of your Content Data might remain viewable in cached and archived pages or might have been copied or stored by other users. Our Terms of Service govern proper access and use of information provided on the Website, including Content Data.

Residents of certain jurisdictions, including California, Nevada, Colorado, Connecticut, Virginia, Utah, the European Economic Area, and the United Kingdom might have additional personal information rights and choices. Please see [Your State Privacy Rights](#) and [Your EEA/UK Privacy Rights](#) for more information.

### **Your State Privacy Rights**

State consumer privacy laws might provide their residents with additional rights regarding the use of their personal information. To learn more about California residents' privacy rights, visit <https://oag.ca.gov/privacy/ccpa>. California's "Shine the Light" law (California Civil Code § 1798.83) allows users of our Website who are California residents to request certain information regarding our disclosure of personal information to nonparties for their direct marketing purposes. To make that request, please send an email to [help@everclose.com](mailto:help@everclose.com).

Colorado, Connecticut, Virginia, and Utah each provide their state residents with rights to:

- Confirm whether we process their personal information.
- Access and delete certain personal information.
- Data portability.
- Opt-out of personal data processing for targeted advertising and sales.

Colorado, Connecticut, and Virginia also provide their state residents with rights to:

- Correct inaccuracies in their personal information, considering the information's nature and processing purpose.
- Opt-out of profiling in furtherance of decisions that produce legal or similarly significant effects.

To exercise any of these rights, please send an email to [help@everclose.com](mailto:help@everclose.com). To appeal a decision



regarding a consumer rights request, please contact us at [help@everclose.com](mailto:help@everclose.com).

Nevada provides its residents with a limited right to opt out of certain personal information sales. Residents who wish to exercise this sale opt-out rights may submit a request to this designated address: [help@everclose.com](mailto:help@everclose.com). However, please know we do not currently sell data triggering that statute's opt-out requirements.

### **Your EEA/UK Privacy Rights**

If you live in the EEA or the UK, the following terms apply to you.

#### ***Legal Basis for Processing***

We may process your personal data because you have given us permission to do so (for example, by sending data through our Website's contact or signup forms), because the processing is in our legitimate interests and it is not overridden by your rights, or because we need to process your personal data to perform a contract with you or comply with the law.

#### ***Your Legal Rights***

Under certain circumstances, you have rights under data protection laws concerning your personal data. Your rights may include the following:

- **Request access** to your personal data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us to continue to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully, or where we are required to erase your personal data to comply with local law. Note, however, that we might not always be able to comply with your erasure request for specific legal reasons that will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation that makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information that override your rights and freedoms.
- **Request restriction of processing** your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (1) if you want us to establish the data's accuracy; (2) where our use of the data is unlawful, but you do not want us to erase it; (3) where you need us to hold the data even if we no longer require it as you need it to establish, exercise, or defend legal claims; or (4) you have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or a third party. We will provide to you, or

a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information that you initially provided consent for us to use or where we used the information to perform a contract with you.

- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we might not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact us at [help@everclose.com](mailto:help@everclose.com).

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we may refuse to honor your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information regarding your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made several requests. In this case, we will let you know and keep you updated.

### **Data Security**

We have implemented measures designed to secure your personal information from accidental loss and from unauthorized access, use, alteration, and disclosure. We store all information you provide to us on our secure servers behind firewalls. We encrypt all payment transactions using SSL technology.

The safety and security of your information also depend on you. Where we have given you (or where you have chosen) a password for access to certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share your password with anyone. We urge you to be careful about giving out information in public areas of the Website. The information you share in public areas may be viewed by any user of the Website.

Unfortunately, the transmission of information through the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Website. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Website.

### **Changes to Our Privacy Policy**

Our policy is to post any changes we make to our privacy policy on this page. If we make material changes to how we treat our users' personal information, we will notify you by email to the email address specified in your account or through a notice on the Website home page. The date the privacy policy was last revised is identified at the top of the page. You are responsible for ensuring we have an up-to-date active and deliverable email address for you, and for periodically visiting our Website and this privacy policy to check for any changes.

**Contact Information**

To ask questions or comment about this privacy policy and our privacy practices, contact us at [help@everclose.com](mailto:help@everclose.com).