Odyssey of the Mind® Privacy Policy

Last updated: 1/1/2025

Thank you for using Odyssey of the Mind! We are committed to protecting your privacy and, for that reason, we have adopted this Privacy Policy to explain our data collection, use, and disclosure practices for Odyssey of the Mind's services (including its website, and mobile and web-based applications, and any other tools, products, or services provided by Creative Competitions Inc. that link to or reference this Privacy Policy) (collectively, the "Services"). The Services are owned and operated by Creative Competitions Inc., a New Jersey corporation ("OM", "we", "us" or "our").

If you reside outside of the United States or Canada, please click here to learn more about your privacy rights. To the extent that there is a conflict between this Privacy Policy and the Privacy Notice for International Residents, the Privacy Notice for International Residents will control with respect to International Residents (as defined therein) only.

This Privacy Policy applies to information OM collects through the Services, as well as other information provided to us by third parties, when we associate that information with customers or users of the Services; however, it does not apply to information collected from our employees, contractors, or vendors. It also does not apply to information that you ask us to share with third parties or is collected by Online Tool Providers (as further described below). You acknowledge and agree that OM is not responsible for the data collection or use practices of any other Services user or third party utilized in providing the Services.

This Privacy Policy describes, among other things:

- Personal and other information we collect about you;
- How we use your information;
- How we may share your information with third parties; and
- Your choices regarding the personal information we collect about you.

1. Consent

By accessing or using the Services, you consent to this Privacy Policy. If you do not agree with this Privacy Policy, please do not access or use the Services. Information gathered through the Services may be transferred, used, and stored in the United States or in other countries where our service providers or we are located. If you use the Services, you agree to the transfer, use, and storage of your Personal Information (as defined below) in those countries. The data protection and other laws of the United States and other countries might not be as comprehensive as those in your country. You agree that all transactions relating to the Services or OM are deemed to occur in the United States, where our servers are located.

2. Collection of Your Personal and Other Information

When you register for, or use our Services, we collect Personal Information. By "Personal Information" we mean information that can identify or reasonably be linked to an individual, such as:

- First and last names;
- Addresses;
- Email addresses;

- Phone numbers;
- Last four digits of credit card numbers (which you submit for payment purposes);
- IP addresses;
- Device IDs;
- For your team's members – first and last names, and grade levels

By registering for an account and/or purchasing a membership on our website, you hereby acknowledge and agree that you (a) are over 18 years of age, (b) are authorized to submit Personal Information to OM regarding your team's members, (c), if acting in your capacity as a teacher or other school official, are authorized and have established all applicable legal rights and permissions as may be necessary to disclose Personal Information of any students in your school, and (d), to the extent you are located outside the U.S.A., have established a lawful basis and/or obtained any consents necessary to disclose team members' information in compliance with your country's applicable privacy laws, rules, or regulations.

You may choose not to provide Personal Information, (subject to the controls offered by your mobile device's operating system), but this may prevent you from using certain features of the Services.

We also collect non-Personal Information relating to the Services, that is, information that does not personally identify an individual. The non-Personal Information we collect includes how you interact with the Services, information generally collected or "logged" by Internet websites or Internet services when accessed or used by users, and information about your web browser or device accessing or using the Services.

Examples of the non-Personal Information we collect are:

- The pages of our website that you viewed during a visit;
- What information, content or advertisements you view or interact with using the Services;
- Language preferences;
- The city and state in which you are located (but not your precise geographic location); and
- Unique identifiers that are not connected and cannot reasonably be connected to your identity.

We will not use non-Personal Information to try to identify you, and if we associate any non-Personal Information with information that personally identifies you, then we will treat it as Personal Information. As discussed in more detail below, we sometimes use cookies and other automatic information gathering technologies to gather non-Personal Information.

Information collected by the Services may be collected by us or one of our Service Providers or Online Tool Providers.

3. <u>Use of Your Information</u>

We may use the information we collect to:

- Assist us in providing, maintaining, and protecting the Services;
- Set up, maintain, and protect accounts to use the Services;

- Improve our online operations;
- Process transactions;
- Provide customer service;
- Communicate with you, such as provide you with account- or transaction-related communications, or other newsletters, RSS feeds, and/or other communications relating to the Services;
- Send you offers from OM, including via email;
- Perform research and analysis aimed at improving our products and services and developing new products or services; and
- Manage and maintain the systems that provide the Services.

4. Disclosure of Your Information

We may disclose your Personal Information to third parties as described below.

We may disclose Personal Information to provide the Services, or when you authorize or instruct us to do so, for example when you use the Services to submit content or profile information. We may also disclose Personal Information and non-Personal Information to Service Providers. By "Service Providers" we mean companies, agents, contractors, service providers, or others engaged to perform functions on our behalf (such as processing of payments, provision of data storage, hosting of our website, marketing of our products and services, and conducting audits). When we use a Service Provider, we require that the Service Provider use and disclose the Personal Information and non-Personal Information received from us only to provide their services to us or as required by applicable law.

We may also use your information and information of your team members as necessary in order to administer and manage OM tournaments.

We may also disclose Personal Information and non-Personal Information to Online Tool Providers. By "Online Tool Provider" we mean a licensor of software that we include in, or use with, the Services, including an API or SDK, that provides a specialized function or service to us and that requires the transmission of Personal Information and/or non-Personal Information to the Online Tool Provider. Online Tool Providers may have the right to use Personal Information and non-Personal Information about you for their own business purposes. Use and disclosure of Personal Information and non-Personal Information by an Online Tool Provider is described in its privacy policy. See Section 5 below for some of the key Online Tool Providers we use.

We may also disclose your Personal Information to third parties when we believe, in good faith and in our sole discretion, that such disclosure is reasonably necessary to (a) enforce or apply the terms and conditions of the Services, including investigation of potential violations thereof, (b) comply with legal or regulatory requirements or an enforceable governmental request, (c) protect the rights, property or safety of us, our users or other third parties, (d) prevent a crime or protect national security, or (e) detect, prevent or otherwise address fraud, security or technical issues.

Finally, we reserve the right to transfer information (including your Personal Information) to a third party in the event of a sale, merger, or transfer of all or substantially all of the assets of our company relating to the Services, or in the unlikely event of a bankruptcy, liquidation, or receivership of our business. We will use commercially reasonable efforts to notify you of such transfer, for example via email or by posting notice on our website.

Lastly, we may also disclose non-Personal Information, aggregated with information about our other users, to our clients, business partners, merchants, advertisers, investors, potential buyers and other third parties if we deem such disclosure, in our sole discretion, to have sound business reasons or justifications.

5. Cookies and Automatic Information Gathering Technologies

Every time you use the Services (e.g., access a Service webpage) we collect Personal Information and non-Personal Information (discussed above in Section 2) regarding that use. For example, to improve our Services, we collect how, when, and which parts of the Services or its features you use. Also, we may use your device's unique identifier (UDID) or other unique identifiers to assist us in collecting and analyzing this data.

To assist us in collecting and storing this non-Personal Information, we may employ a variety of technologies, including "Cookies," local browser storage, and "web beacons," "pixels," or "tags." A "Cookie" is a small amount of data a website operator, or a third party whose content is embedded in that website, may store in your web browser and that the website operator or, as applicable, the third party, can access when you visit the website. A Cookie may also refer to web-browser-based storage provided by Adobe's Flash plugin (a "Flash Cookie"). A web beacon, pixel or tag is a small, usually-transparent image placed on a web page that allows the operator of that image, which may be the operator of the website you visit or a third party, to read or write a Cookie.

Your operating system and web browser may allow you to erase information stored in Cookies, Flash Cookies, and local browser storage. But if you do so, you may be forced to login to the Services again and you may lose some preferences or settings. You may also be able to set your browser to refuse all website storage or to indicate when it is permitted, but some features of our Services may not function properly without it. We may use Cookies to keep you logged in, save your preferences for the Services, and to collect information about how you use our Services.

More information about managing Cookies is available here. Cookie management tools provided by your browser may not affect Flash Cookies. More information about managing Flash Cookies is available here. To learn how to manage privacy and storage settings for your local browser storage, please refer to the end user documentation for your browser.

An Online Tool Provider may collect information automatically, in which case Personal Information and non-Personal Information it receives are subject to the Online Tool Provider's privacy policy. Some Online Tool Providers may allow you to opt out of certain collection and/or uses of your information.

The Cookie providers and Online Tool Providers we use are as follows:

Google Analytics

6. Transparency and Choice; Do Not Track Signals

You may request access to your Personal Information by sending an email to info@odysseyofthemind.com. We will try to locate and provide you with your Personal Information and give you the opportunity to correct this data, if it is inaccurate, or to delete it, at your request. But, in either case, we may need to retain it for legal reasons or for legitimate business purposes. You may also remove any content that you post to the Services using the deletion or removal options within the Service. However, we (and you) are not able to control

information that you have already shared with other users or made available to third parties through the Services.

If you need further assistance with removing any content you posted through the Services, you can email us at info@odysseyofthemind.com Removal of your posted content may not ensure complete or comprehensive removal from our computer systems.

We ask individual users to identify themselves and the information requested to be accessed, corrected, or removed before processing such requests, and we may decline to process requests that are unreasonably repetitive or systematic, require disproportionate technical effort, jeopardize the privacy of others, would be extremely impractical (for instance, requests concerning information residing on backups), or relate to information that is not associated with your Personal Information. In any case, where we provide information access and correction, we perform this service free of charge, except if doing so would require a disproportionate effort.

Please be aware that if you request us to delete your Personal Information, you may not be able to continue to use the Services. Also, even if you request that we delete your Personal Information, we may need to retain certain information for a limited period of time to satisfy our legal, audit and/or dispute resolution requirements.

We support the development and implementation of a standard "do not track" browser feature that provides customers with control over the collection and use of information about their web-browsing activities. Once a standardized "do not track" feature is released, we intend to adhere to the browser settings accordingly.

You can opt out of receiving marketing e-mails from us by clicking on the “unsubscribe” link in the e-mails. Please note that it may take up to ten (10) business days for your opt-out request to be processed. Also, even if you opt out of marketing e-mails, we may continue to send you certain account-related e-mails, such as notices about your account and confirmations of transactions you have requested.

7. Residents of Canada

If you have an objection to the use of your Personal Information as described in this Privacy Policy, you may file a complaint by sending an email to info@odysseyofthemind.com. We will attempt to accommodate your objection or complaint, but you understand that, to the extent you object to our processing of Personal Information that is necessary for us to provide the Services to you, certain features and functionalities of the Services may no longer be available to you. Nothing in this Privacy Policy prejudices your rights to file a complaint with the Office of the Privacy Commissioner of Canada, and/or with any other applicable data protection authorities.

8. Children’s Information

We do not authorize individuals 18 years of age or younger to use the OM website. Coaches of teams participating in any OM events, tournaments, or other OM-sponsored activities must be 18 years of age or older. We do not knowingly collect any Personal Information directly from children under the age of 18 – any Personal Information about individuals under 18 years of age is solely provided to OM by the team’s coach. The only Personal Information team coaches may submit to OM regarding team members are first and last names, and grade levels, all of which are used for OM’s internal recordkeeping and tournament administration purposes only.

If we discover that any individuals 18 years of age or younger have submitted Personal Information to us directly, we will promptly delete that information.

9. Information Security

We utilize reasonable information security measures to safeguard your Personal Information against unauthorized access, modification, or destruction. For example, we utilize Secure Socket Layer (SSL), Transport Layer Security (TLS), or similar encryption technology when sensitive data is transmitted over the Internet, and use firewalls to help prevent external access into our network. However, no data transmission over the Internet and no method of data storage can be guaranteed to be 100% secure. Therefore, while we strive to use commercially acceptable means to protect your Personal Information, we cannot guarantee its security.

We restrict access to Personal Information in our possession to our employees, Service Providers, and Online Tool Providers who need to know that information in order to operate, develop, improve or support our Services. If we share Personal Information with Service Providers or Online Tool Providers, we require that they also use reasonable information security measures to safeguard your Personal Information**,** and only use your Personal Information for the purposes for which we share it with them.

10. Third Party Websites

Please note that the Services may link or integrate with third-party sites, services or apps. We are not responsible for the privacy or security policies or practices or the content of such third parties. Accordingly, we encourage you to review the privacy and security policies and terms of service of those third parties so that you understand how those websites collect, use, share and protect your information.

11. Changes to this Policy

We may modify or update this Privacy Policy periodically with or without prior notice by posting the updated policy on this page. You can always check the "Last Updated" date at the top of this document to see when the Privacy Policy was last changed. If we make any material changes to this Privacy Policy, we will notify you by reasonable means, which may be by e-mail or posting a notice of the changes on our website prior to the changes becoming effective. We encourage you to check this Privacy Policy from time to time. IF YOU DO NOT AGREE TO CHANGES TO THIS PRIVACY POLICY, YOU MUST STOP USING THE SERVICES AFTER THE EFFECTIVE DATE OF SUCH CHANGES (WHICH IS THE "LAST UPDATED" DATE OF THIS PRIVACY POLICY).

12. Questions

To ask questions about our Privacy Policy or to lodge a complaint, contact us at:

Creative Competitions Inc.

406 Ganttown Road, Sewell, NJ 08080 U.S.A.

Email: info@odysseyofthemind.com

PRIVACY NOTICE FOR INTERNATIONAL RESIDENTS

If you reside in a country outside of the United States and Canada (an "International Resident"), then we will treat information we collect from you in accordance with the requirements of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (the "GDPR")), and the following additional information is provided for your benefit.

The controller of the personal data collected through the Services is:

Creative Competitions Inc.

406 Ganttown Road

Sewell, NJ 08080 U.S.A.

If you use the Services, you acknowledge that your Personal Information is being processed pursuant to the lawful bases described below, and you specifically consent to your Personal Information gathered through the Services being transferred, used, and stored in the United States.

(1) Your Rights

You have the following rights under the GDPR:

- You have the right to know why we collect your Personal Information, how and why it is processed by us, and what our legal bases for such processing are.
- Right of access: You have the right to access your Personal Information.
- Right to rectification and deletion: you have the right to supplement or correct the Personal Information we've collected about you, or to direct us to delete your Personal Information.
- If you give us your consent to process your Personal Information, you have the right to revoke that consent.
- Right to data portability: you have the right to request that we transfer all your Personal Information to another controller in a reasonably understandable format.
- Right to object: you may object to our processing of your Personal Information. We will make commercially reasonable efforts to comply with your objection, unless there are legally permissible reasons why we can or must continue to process your Personal Information.

Please note that all rights described above do not necessarily apply to each processing activity depending on the nature of the lawful basis for each processing activity, as described below.

(2) Lawful Bases for Processing

If you are an International Resident, we will only process your Personal Information if we have a legal basis to do so. You have particular rights available to you depending on which legal basis we use, and, as explained above, certain rights may and may not be applicable depending on the nature of the lawful basis for each processing activity. You always have the right to request access to, rectification of, and erasure of your data. To exercise your rights, please email us at info@odysseyofthemind.com.

For all people who have legal capacity to enter into an enforceable contract, we process data as necessary to perform our contracts with you. We describe the contractual services for which this data processing is necessary throughout this Privacy Policy and in our Terms of Service (the "Terms"). The main uses of your data necessary to provide our contractual services are:

- To provide, improve, customize, and support our Services;
- To process transactions;
- To promote safety and security;
- To transfer to, transmit to, store in, or process in the United States and other countries; and
- To communicate with you, for example, on Services-related issues.

We'll use the data we have to provide the Services; if you choose not to provide certain data, the quality of your experience using the Services may be negatively impacted.

When we process data you provide to us as necessary to perform our contracts with you, you have the right to port it under the circumstances described in the GDPR. To exercise your rights, please email us at info@odysseyofthemind.com.

The other legal bases we rely on in certain instances when processing your data are:

A. <u>Your Consent:</u>

- For processing information that you allow us to receive through device-based settings when you enable them, so we can provide the features and services described when you enable the settings (all where and as applicable).

When we process data you provide to us based on your consent, you have the right under the GDPR to withdraw your consent at any time and to port that data you provide to us. To exercise your rights, please email us at info@odysseyofthemind.com.

B. <u>Our legitimate interests or the legitimate interests of a third party, where not outweighed by your interests or fundamental rights and freedoms ("legitimate interests"):</u>

- For processing to provide measurement, analytics, and other business services. The legitimate interests we rely on for this processing are:
    - To provide accurate and reliable reporting to businesses and other partners, to ensure accurate pricing and statistics on performance, and to demonstrate the value our partners realize using our Services; and
    - Helping OM and our business partners to understand their customers and improve their businesses.

- To validate our pricing models, and evaluate the effectiveness and distribution of their services and messages, and understand how people interact with them on our Services.

- For processing to provide direct marketing communications to you. The legitimate interests we rely on for this processing are:
    - To send you offers via email.
- For processing to share information with others including law enforcement and to respond to legal requests. The legitimate interests we rely on for this processing are:
    - To prevent and address fraud, unauthorized use of the Services, violations of our terms and policies, or other harmful or illegal activity; to protect ourselves (including our rights, property or products), our users or others, including as part of investigations or regulatory inquiries; or to prevent death or imminent bodily harm.
- For processing to share information with our business partners and prospective business partners. The legitimate interests we rely on for this processing are:
    - OM's operation of its day-to-day business, and ability to plan and execute strategic corporate transactions, including mergers

You have the right to object to, and seek restriction of, such processing; to exercise your rights, please email us at info@odysseyofthemind.com.

We will consider several factors when assessing an objection to our processing in furtherance of OM's legitimate interests, including: our users' reasonable expectations; the benefits and risks to you, us, other users, or third parties; and other available means to achieve the same purpose that may be less invasive and do not require disproportional effort. Your objection will be upheld, and we will cease processing your information, unless the processing is based on compelling legitimate grounds or is needed for legal reasons.

C. <u>Compliance with a legal obligation:</u>

- We need to process your Personal Information when applicable law requires it, including, for example, if there is a valid legal request for certain data.

(3) Disclosures of Your Information

We may disclose your Personal Information, (as well as non-Personal Information, without the same restrictions that apply to your Personal Information) to our service providers whom we engage to perform certain functions on our behalf (such as processing of payments, provision of data storage, hosting of our website, marketing of our products and services, conducting audits, and performing web analytics) as well as on the Processors' own behalf and on behalf of third parties who may be affiliated with our Processors (collectively, the "Processors"). A description of the types of Processor we engage and the types of services that they perform for us follows below. We establish data processing agreements that govern our Processors' use of your Personal Information, but our Processors' use of your Personal Information may also be subject to the Processors' own privacy policies (so long as the Processors' privacy policies do not permit any usage of your Personal Information that is not permitted by their data processing agreement with us).

Our Processors include:

Google Analytics – Website traffic statistics and analytical information

InMotion Hosting – Website web hosting

We may also disclose your Personal Information to third parties when we believe, in good faith and in our sole discretion, that such disclosure is reasonably necessary to (a) enforce or apply the terms and conditions of the Services, including investigation of potential violations thereof, (b) comply with legal or regulatory requirements or an enforceable governmental request, (c) protect the rights, property or safety of us, our users or other third parties, (d) prevent a crime or protect national security, or (e) detect, prevent or otherwise address fraud, security or technical issues.

Finally, we reserve the right to transfer information (including your Personal Information) to a third party in the event of a sale, merger, or transfer of all or substantially all of the assets of our company relating to the Services, or in the unlikely event of a bankruptcy, liquidation, or receivership of our business. We will use commercially reasonable efforts to notify you of such transfer, for example via email or by posting notice on our website.

(4) Questions and Complaints

If you have any questions or complaints regarding our use of your Personal Information, please contact us at info@odysseyofthemind.com. You also have the right to submit a complaint to your applicable Data Protection Authority.