

## **Privacy Policy**

SmartSky Networks, LLC (“SmartSky” or “We”) respects your privacy and is committed to protecting it through our compliance with this Privacy Policy.

Please read this Privacy Policy carefully to understand our policies and practices regarding your information and how we will treat it. By accessing the SmartSky Network and SmartSky Service (each as defined below, and collectively, our “Service”), you agree to this Privacy Policy. If you do not agree with our policies and practices, your choice is not to use our Service. This Privacy Policy may change from time to time. Your continued use of this Service after we make changes is deemed to be an acceptance of those changes, so please check this Privacy Policy periodically for updates. If we make a material change about how we treat our members’ Personal Information we will notify you at the email address specified in your account. As used herein, “SmartSky Service” means the Internet access service provided to you over an 802.11a/b/g/n/ac (or successor 802.11 protocol), Bluetooth, Ethernet, or other similar wired or wireless network connection for your personal use, and “SmartSky Network” means the software, hardware, infrastructure, networking, and communications equipment owned, leased, licensed, or provided by SmartSky in connection with the provision of the Service.

This Privacy Policy describes the types of information we may collect from you or that you may provide when you access the Service and our practices for collecting, using, maintaining, protecting, and disclosing that information.

This Privacy Policy applies to the information we collect on the Service, in email, text, or other electronic messages between you and this Service. This Privacy Policy does not apply to any services which do not display or link this Privacy Policy or that have their own privacy policy statements. Additionally, this Privacy Policy does not apply to any external websites which may be linked to the Service.

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

As you use the Service, we may collect two types of information from you: (1) “personally identifiable information” (as described below); and (2) “non-personally identifiable information” (as described below).

“Personal Information” or “Personally identifiable information” is information that identifies you personally, such as your name, address, telephone number, email address, company name, or aircraft identifying information.

Here are some examples of the ways in which we may collect and store your personally identifiable information through the Service:

- We may collect your first and last name, email address, or other information if you fill out certain forms or online requests on the Service;
- We may collect your email address if you contact us with a question;

- We may collect your first and last name, email address, and account number if you make a payment on the website.

“Non-personally identifiable information” can be technical information (e.g. aircraft destination, travel purpose, cabin class, etc.), or it can be demographic information, such as your age, name, gender, or interests. Non-personally identifiable information may also mean aggregated, non-identifiable, or anonymized information. Non-personally identifiable information does not identify you personally. If you do provide us with non-personally identifiable information, we may use it for the purposes described in this Privacy Policy, or any other legal purpose.

Here are some examples of ways through which we may collect and store your non-personally identifiable information through the Service, and how we use such information:

- **Log Information:** When you use the Service or view content provided through the Service, we automatically collect and store certain information in our server logs. This type of information includes details of how you use the Service, IP address information described below, web pages which have been viewed by you, date and time, domain type, device event information such as crashes, system activity, hardware, settings, browser type, browser language, the date and time of your requests, and referral url.
- **Internet Protocol (IP) Address:** Your “IP address” is a number that lets computers attached to the internet know where to send you data, such as screens and pages of our services that you view. We use this information to deliver our screens and pages to you upon request, to tailor our services to the interests of you and our other visitors, and to measure traffic to and within our services.
- **Demographic Information:** “Demographic Information” may be gender, age, zip code, and interests. We may collect such information about you through our services and use it to provide you with personalized services and to analyze trends to ensure that our services and the information on them is targeted to meet your needs. Please note that we also consider aggregated information, which is not personally identifiable, to be non-personally identifiable information.
- **Location Information:** When you use the Service, we may collect and process information about your actual location. We use various technologies to determine location, including IP address, global positioning systems, and other sensors that may provide SmartSky with information about nearby devices and WiFi access points.
- **Usage Information:** When you use the Service, we may collect and process information about how you use the Service, including how you move through the Service.
- **Feedback Information:** From time to time, we may request that you provide us with feedback regarding the Service, as well as the products and services we offer. We may do this in the form of a survey or other feedback mechanism. We may collect and analyze this information.

The technologies we use for this automatic data collection may include:

- **Cookies (or browser cookies):** A cookie is a small file placed on the hard drive of your computer. You may refuse to accept browser cookies by activating the appropriate setting on your browser. However, if you select this setting, you may be unable to access certain parts of the Service. Unless you have adjusted your browser setting so that it will refuse our cookies, our system will use cookies when you direct your browser to the Service.
- **Web Beacons:** Pages of the Service and our emails may contain small electronic files known as web beacons (also referred to as clear gifs, pixel tags, and single-pixel gifs) that permit our company, 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).

If you encounter a screen or page that requests information you do not want to share with us, do not enter the information and do not proceed with that screen or page.

## **How We Use Your Information**

### **Personally Identifiable Information**

If you provide us with personally identifiable information, we will only use it for the purposes described in this Privacy Policy. Primarily, we use it to fulfill our business interests as set forth below, or for other purposes based on your consent, which in either case may include:

- Offer you the products and services you request;
- Help us create or offer content which is relevant to you;
- Allow you to access certain areas of the Service;
- Register you as a member and develop your profile to enable you to take advantage of the personalized features of the Service;
- Alert you to special offers, updated information, and other new services offered by us or by third parties;
- Forward promotional materials and to fulfill the terms of any promotion;
- To improve your user experience and the experience of other users of the Service, including through the improvement and implementation of new security measures and protections;
- To understand how you use the Service;
- Identify you as a poster or provider of communications or content; or
- Contact you in response to an email or other communication.

### **Non-Personally Identifiable Information**

We may use non-personally identifiable information for the purposes described in this Privacy Policy, or any other legal purpose, including, when and where applicable, combining non-

personally identifiable information with personally identifiable information. Without limiting the above, we may collect information to understand how you use the Service and how we can improve the Service's functionality and privacy and security measures.

## **Reports**

We periodically prepare analyses and reports reflecting our visitor and member use of the Service and other services. In preparing these reports, we may combine and analyze the Personal Information you provide to us with information from other sources. However, these reports will only include aggregate information about visitors and members. The information in these reports will not identify you individually and any business partner with whom such reports may be shared will not be able to contact you based on the information contained in the reports.

## **Disclosures of Your Information**

We may disclose information we obtain about you in compliance with this Privacy Policy.

### **Personally Identifiable Information**

We may share or disclose your personally identifiable information in the following instances:

- To fulfill a service to you (e.g. advertising and marketing to you through the Service);
- To send you information, including news, events, job openings and related information that you have subscribed to receive;
- To offer you products from our affiliates, strategic partners, or agents, or to assist such parties for research, administrative, and/or business purposes;
- To unaffiliated third-party service providers, agents, or independent contractors who help us maintain our products and services;
- To comply with law or, if in good faith we believe that such action is necessary to conform to the requirements of law, or comply with legal process served on us, and to protect and defend our rights or property, or act in urgent circumstances to protect the personal safety of you and our other visitors;
- To third parties as part of a corporate reorganization process including, but not limited to, a merger, acquisition, or sale of all or substantially all of our assets;
- To track and analyze non-identifying, aggregate usage and volume information from our visitors or members and provide such information to third parties;
- To protect against fraud or potential fraud.

### **Non-Personally Identifiable Information**

We may share or disclose your non-personally identifiable information for the purposes disclosed in this Privacy Policy or for any other legal purpose, including when and where applicable, sharing and disclosing non-personally identifiable information combined with personally identifiable information.

### **Legal Disclosure**

We may disclose and share information about you and your use of the Service if we believe such disclosure is necessary to:

- Comply with the law and/or legal process where a formal request has been made;
- Protect or defend our rights and/or property and property of others;
- Enforce our SmartSky Service Terms of Use and/or this Privacy Policy
- Respond to claims that the content(s) of a communication violates the rights of another.

### **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 the Service may then be inaccessible or not function properly.
- **Promotional Offers from us or our nonaffiliated partners.** If you do not wish to have your contact information used to promote our products or services, you can opt-out by sending us an email stating your request to [support@smartskynetworks.com](mailto:support@smartskynetworks.com). If we have sent you a promotional email, you may send us a return email asking to be omitted from future email distributions.

### **Accessing, Correcting, and Deleting Your Information**

You may choose not to receive marketing email communications from us by clicking on the “unsubscribe” link in our marketing emails. You also may ask us not to send you other marketing communications by contacting us as specified in the “Contact Us” section below, and we will honor your request.

We aim to maintain our services in a manner that protects information from accidental or malicious destruction. Because of this, we may not immediately delete residual copies from our active servers and may not remove information from our backup systems.

Subject to applicable law, you may obtain a copy of Personal Information we maintain about you or request that we delete Personal Information we maintain about you by contacting us as indicated below. To help protect your privacy and maintain security, we will take steps to verify your identity before granting you access to the information. In addition, if you believe that Personal Information we maintain about you is inaccurate, subject to applicable law, you may have the right to request that we correct or amend the information by contacting us as indicated below.

### **Objection to Processing**

Under applicable law, you may have the right at any time to object to our use of your Personal Information for any direct marketing purposes, including profiling to the extent it is used for direct marketing. If we are processing your Personal Information based on our business interests, you may contact us and object to such processing by asserting that our interests do not override your interests, rights, and freedoms. You may exercise the rights set out in this paragraph by contacting us as set forth in the “Contact Us” section below.

### **Suspension of Processing**

Subject to applicable law, you may have the right to request that we restrict the processing of your Personal Information, if:

- you believe that the Personal Information we maintain about you is inaccurate, and you have asked us to verify the accuracy of such information as provided above;
- you believe that your Personal Information has been unlawfully processed and you want us to restrict processing rather than erase your information;
- we no longer need your Personal Information, but you need us to retain it in order to establish, exercise or defend a legal claim; or
- you have objected to our processing of your Personal Information, as permitted under applicable law,, and we are considering the grounds of your objection.

### **Data Security**

We have implemented measures to secure your Personal Information from accidental loss and from unauthorized access, use, alteration, and disclosure. Before we receive and store information, we make reasonable efforts to ensure the security of our systems. We use firewalls to protect your information from unauthorized access, disclosure, alteration, or destruction. However, this is not a guarantee that such information may not be accessed, disclosed, altered, or destroyed by breach of such firewalls or secure server software.

The safety and security of your information also depends on you. Where you have chosen a password to access the Service, you are responsible for keeping this password confidential. We ask that you not share this password with anyone.

Unfortunately, the transmission of information via 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 via our Service. Any transmission of Personal Information is done at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on the Service.

### **Retention and Deletion**

Personally identifiable information that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes. We will retain your personally identifiable information as follows: *name, email address, phone number, job title, company name, and aircraft identifying information* will be retained for so long as you are a customer of SmartSky and/or are otherwise using the Service, and for a minimum period of *30 days* following *the date that you cease to be a SmartSky customer or otherwise cease using the Service (whichever is longer)*, and for a maximum period of *60 months* following *the date that you cease to be a SmartSky customer or otherwise cease using the Service (whichever is longer)*. In some cases it is not possible for us to specify in advance the periods for which your personally identifiable information will be retained. In such cases, we will determine the period of retention based on the following criteria: the period of retention of *name, email address, phone number, job title, company name* will be determined based on *the nature of the inquiry information included within the contact form submission, or lack thereof*. Notwithstanding the other provisions of this section, we may retain your personally identifiable information where such retention is necessary for compliance with a legal obligation to which we are subject, or to protect your vital interests or the vital interests of another natural person.

### **Children Under the Age of 16**

Our Service is not intended for children under 16 years of age. No one under age 16 may provide any information to or on the Service. We do not knowingly collect Personal Information from children under 16. If you are under 16, do not use or provide any information on our Service or on or through any of its features/register on the Service, use any of the interactive or public comment features of this Service or provide any information about yourself to us, including your name, address, telephone number, email address, or any screen name or user name you may use. If we learn we have collected or received Personal Information from a child under 16 years of age without verification of parental consent, we will delete the information. If you believe we might have any information from or about a child under age 16, please contact us at [support@smartsdynetworks.com](mailto:support@smartsdynetworks.com).

### **Third Party Links**

The Service may contain links to webpages operated by parties other than SmartSky. We do not control such websites and are not responsible for their contents or the privacy policies or other practices of such websites. Our inclusion of links to such websites does not imply any endorsement of the material on such websites or any association with their operators. Further, it is up to the User to take precautions to ensure that whatever links the User selects or software the User downloads (whether by using the Service to access websites or otherwise) is free of such items as viruses, worms, trojan horses, defects and other items of a destructive nature. Other websites and services may have their own privacy policies, which the User will be subject to upon linking to the other third party's website. SmartSky strongly recommends that each User review the other third party's terms and policies.

### **Do Not Track (DNT) Signals**

Our Service does not respond to Do Not Track (DNT) signals. Some third party websites do keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you. If you are visiting such sites, your browser may include controls to block and delete cookies, web beacons and similar technologies, to allow you to opt out of data collection through those technologies.

### **Information for California Residents**

California residents are entitled to contact us to request information about whether we have disclosed Personal Information to third parties for the third parties' direct marketing purposes. We do not disclose Personal Information to third parties for the third parties' direct marketing purposes. California customers may request further information about our compliance with this law by e-mailing us at the address listed in the "Contact Us" section. California residents may also request at any time that we not sell their Personal Information to any third party, other than as permitted under applicable law.

### **Compliance and Cooperation with Regulatory Authorities**

We regularly review our compliance with our Privacy Policy. When we receive formal written complaints, we will contact the person who made the complaint to follow up. We work with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data if we cannot resolve the matter with our customers directly. Subject to applicable law, you also have a right to communicate directly with appropriate regulatory authorities if you believe we are in violation of your rights under applicable law.

### **Transfers**

Your Personal Information may be transferred to countries outside of the country in which we collect it, including to the United States. If we transfer your information to a country outside of the country in which we collect it, we will comply with applicable law, including any requirements related to ensuring that data is transferred with appropriate safeguards.

### **Changes to this Policy**

From time to time, we may make changes to this Privacy Policy in order to accommodate new technologies, platforms, industry practices, regulatory requirements, new developments or for other purposes. We encourage you to review this Privacy Policy periodically to ensure that you understand how we collect, use, and share information through the Service. If we do make changes to this Privacy Policy, we will notify you as required under applicable law, and we will also update the "Effective Date" posted at the top of this Privacy Policy.

Any changes to this Privacy Policy will become effective when the revised Privacy Policy is available on the Service. By continuing to use the Service following such changes, you are agreeing to accept the terms of the revised Privacy Policy.



## **Contact Information**

To ask questions or comment about this Privacy Policy and our privacy practices, contact us at: [support@smartsdynetworks.com](mailto:support@smartsdynetworks.com).