

Privacy Policy

Effective as of October 01, 2020.

Last updated October 01, 2020.

This Privacy Policy describes the privacy practices of Gradient in connection with the Gradient mobile application (the “App”) and Gradient.photo website (the “Site”).

Welcome to Gradient’s Privacy Policy!

If you decide not to read this entire Privacy Policy, we want you to walk away with a few key points about Gradient’s privacy practices:

- The App is a photo and video editor that allows users to edit portraits based on neural network technology that automatically generates highly realistic facial transformations.
- We use third-party cloud providers – specifically, Google Cloud Platform and Amazon Web Services – to process and edit photographs.
- The App only uploads to the cloud the photographs that you specifically select for editing.
- Photographs are temporarily cached on the cloud servers during the editing process, and encrypted using a key stored locally on your mobile device.
- Photographs remain in the cloud for a limited period of 24-48 hours after you have last edited the photograph, so that you can return to the image and make additional changes if you so choose.
- We do not use the photographs you provide when you use the App for any reason other than to provide you with the portrait editing functionality of the App.
- Videos are edited locally on your device, so you don’t provide us with videos when you use the App, and we don’t collect, use and share your video information.

If you have any questions about our privacy practices, please email privacy@gradient.photo.

Here’s more on our privacy practices. Individuals located in the [European Economic Area](#) should also read our Notice to European Users [below](#).

Personal Information We Collect

When you use the App, we may collect information about you, including:

- **Photographs you provide when you use the App**, via your camera or camera roll (if you have granted us permission to access your camera or camera roll), the in-App internet search functionality, or your social media account (if you choose to connect your social media account). We obtain only the specific images you chose to modify using the App; we do not collect your photo albums even if you grant us your access to them. We encrypt each photograph that you upload using the App. The encryption key is stored locally on your device. This means that the only device that can view the photo is the device from which the photograph was uploaded using the App – the user’s device. Please note that while we do not require or request any metadata attached to the photographs you upload, metadata (including, for example, geotags) may be associated with your photographs by default. We take steps to delete any metadata that may be associated with a photograph you provide when you use the App.
- **App usage information**, such as information about how you use the App and interact with us, including your preferred language, the date and time when you first installed the App and the date and time you last used the App.
- **Purchase history**, if you choose to purchase an App subscription, such as confirmation that you are a paid subscriber to the App.
- **Social media information**, if you choose to login to the App via a third-party platform or social media network (for example, Facebook), or otherwise connect your account on the third-party platform or network to the App. We may collect information from that platform or network, such as your social media alias, first and last name, number of “friends” on the social media platform and, if depending on your Facebook or other network settings, a list of your friends or connections (though we do not use or store this information). Our collection and processing of the information we obtain from social media platforms is governed by the requirements these social media platforms impose on us in their relevant terms and conditions.
- **Device data**, such as your computer and mobile device operating system type and version number, manufacturer and model, device ID, push tokens, Google Advertising ID, Apple ID for Advertising, browser type, screen resolution, IP address (and the associated country in which you are located), the website you visited before visiting our Site; and other information about the device you are using to visit the App.
- **Online activity data**, such as information about your use of and actions on the App and the Sites, including pages or screens you viewed, how long you spent on a page or screen, navigation paths between pages or screens, information about your activity on a page or screen, access times, and length of access. Our service providers and certain third parties (e.g., online advertising networks and their clients) also may collect this type of information over time and across third-party websites and mobile applications. This information may be collected on our Site using cookies, browser web storage (also known as locally stored objects, or “LSOs”), web beacons, and similar technologies. We may collect this information directly or through our use of third-party software development kits

("SDKs"). SDKs may enable third parties to collect information directly from our App.

How We Use Your Personal Information

We do not use the photographs you provide when you use the App for any reason other than to provide you with the editing functionality of the App. We may use information other than photographs for the following purposes:

To operate and improve the App:

- Enable you to use the App's features;
- Establish and maintain your account, if you choose to login to the App using your social media account;
- Communicate with you about the App, including by sending you announcements, updates, and security alerts, which we may send through a push notification, and responding to your requests, questions and feedback;
- Provide technical support and maintenance for the App; and
- Perform statistical analysis about use of the App (including through the use of [Google Analytics](#)).

To send you marketing and promotional communications. We may send you marketing communications as permitted by law. You will have the ability to opt-out of our marketing and promotional communications as described in the [Opt-out of marketing section below](#).

To display advertisements to you. If you use the free version of the App, we work with advertising partners to display advertisements within the App. These advertisements are delivered by our advertising partners and may be targeted based on your use of the App or your activity elsewhere online. To learn more about your choices in connection with advertisements, please see the section below titled "Targeted online advertising."

For compliance, fraud prevention, and safety. We may use your personal information and disclose it to law enforcement, government authorities, and private parties as we believe necessary or appropriate to: (a) protect our, your or others' rights, privacy, safety or property (including by making and defending legal claims); (b) enforce the terms and conditions that govern the Service; and (c) protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity.

With your consent. In some cases, we may specifically ask for your consent to collect, use or share your personal information, such as when required by law.

To create anonymous, aggregated or de-identified data. We may create anonymous, aggregated or de-identified data from your personal information and other individuals whose personal information we collect. We make personal information into anonymous, aggregated or de-identified data by removing information that makes the data personally identifiable to you. We may use this anonymous, aggregated or de-identified data and share it with third parties for our lawful business purposes.

How We Share Your Personal Information

We do not disclose user photographs or videos to third parties (with the exception of uploading an encrypted image to our cloud providers Google Cloud Platform and Amazon Web Services to provide the photo editing features of the App). We may share your non-photograph and non-video information in the following circumstances:

Affiliates. We may share [App usage information](#) with our subsidiaries and affiliates, for purposes consistent with this Privacy Policy.

Service providers. We may share your personal information with services providers that perform services on our behalf or help us operate the App (such as customer support, hosting, analytics, email delivery, marketing, and database management services). These third parties may use your personal information only as directed or authorized by us and in a manner consistent with this Privacy Policy, and are prohibited from using or disclosing your information for any other purpose.

Advertising partners. When we use third-party cookies and other tracking tools, our advertising partners may collect information from your device to help us analyze use of the Site and the App, display advertisements on the App and advertise the Site and App (and related content) elsewhere online.

Third-party platforms and social media networks. If you have enabled features or functionality that connect the App to a third-party platform or social media network (such as by logging into Gradient using your account with the third-party, providing your API key or similar access token for the App to a third-party, or otherwise linking your account with the App to a third-party's services), we may disclose the personal information that you authorized us to share (such as when you elect to upload a photograph or video to your social media account). We do not control the third-party platforms' use of your personal information, which is governed by that third party's privacy policy and terms and conditions.

Professional advisors. We may disclose your personal information to professional advisors, such as lawyers, bankers, auditors and insurers, where necessary in the course of the professional services that they render to us.

For compliance, fraud prevention and safety. We may share your personal information for the compliance, fraud prevention and safety purposes described [above](#).

Business transfers. We may sell, transfer or otherwise share some or all of our business or assets, including your personal information, in connection with a business transaction (or potential business transaction) such as a corporate divestiture, merger, consolidation, acquisition, reorganization or sale of assets, or in the event of bankruptcy or dissolution.

Compliance with Law

We may be required to use and share your personal information to comply with applicable laws, lawful requests, and legal process, such as to respond to subpoenas or requests from government authorities.

Your Choices

In this section, we describe the rights and choices available to all users. Users who are located within European can find additional information about their rights [below](#).

Opt out of marketing communications and other push notifications. You may opt out of marketing-related communications and other notifications we may send you via push notification by changing the settings on your mobile device.

Device permissions. You may revoke any permissions you previously granted to us, such as permission to access your camera, camera roll, or microphone through the settings on your mobile device.

Cloud processing. You may request that we remove your information, including photographs, from the cloud before the 24-48 hour period after which Google Cloud Platform or Amazon Web Services automatically deletes the information by clicking the “Request cloud data removal” button in the “Support” section of the App Settings on your mobile device.

Cookies & Browser Web Storage. Most browsers let you remove or reject cookies. To do this, follow the instructions in your browser settings. Many browsers accept cookies by default until you change your settings. Please note that if you set your browser to disable cookies, the Site may not work properly. Similarly, your browser settings may allow you to clear your browser web storage.

Targeted online advertising. Some of the business partners that collect information about users’ activities on or through the Site or App may be members of organizations or programs that provide choices to individuals regarding the use of their browsing behavior or mobile application usage for purposes of targeted advertising.

Site users may opt out of receiving targeted advertising on websites through members of the Network Advertising Initiative by clicking [here](#) or the Digital Advertising Alliance by clicking [here](#). App users may opt out of receiving targeted advertising in mobile apps through participating members of the Digital Advertising Alliance by installing the AppChoices mobile app, available [here](#), and selecting the user's choices. Please note that we also may work with companies that offer their own opt-out mechanisms and may not participate in the opt-out mechanisms that we linked above.

In addition, your mobile device settings may provide functionality to limit our, or our partners', ability to engage in ad tracking or targeted advertising using the Google Advertising ID or Apple ID for Advertising associated with your mobile device.

If you choose to opt-out of targeted advertisements, you will still see advertisements online but they may not be relevant to you. Even if you do choose to opt out, not all companies that serve online behavioral advertising are included in this list, so you may still receive some cookies and tailored advertisements from companies that are not listed.

Choosing not to share your personal information. Where we are required by law to collect your personal information, or where we need your personal information in order to provide the App to you, if you do not provide this information when requested (or you later ask to delete it), we may not be able to provide you with our services. We will tell you what information you must provide to use the App by designating it as required at the time of collection or through other appropriate means.

Third-party platforms or social media networks. If you choose to connect to the App via a third-party platform or social media network, such as by using Facebook login, you may have the ability to limit the information that we may obtain from the third-party at the time you login to the App using the third-party's authentication service or otherwise connect your account. Subsequently, you may be able to control your settings through the third-party's platform or service. For example, you may access and change your settings through the Facebook [settings page](#) for Apps and Websites. If you withdraw our ability to access certain information from a third-party platform or social media network, that choice will not apply to information that we have already received from that third party.

Other Sites, Mobile Applications and Services

The App may contain links to other websites, mobile applications, and other online services operated by third parties. These links are not an endorsement of, or representation that we are affiliated with, any third party. In addition, our content may be included on web pages or in mobile applications or online services that are not associated with us. We do not control third party websites, mobile applications or online services, and we are not responsible for their actions. Other websites, mobile

applications and online services follow different rules regarding the collection, use and sharing of your personal information. We encourage you to read the privacy policies of the other websites, mobile applications and online services you use.

Security Practices

We use commercially reasonable security practices to help keep the information collected through the App secure and take reasonable steps to verify your identity before granting you access to your account (if you have an account with us). However, Gradient cannot ensure the security of any information you transmit to Gradient or guarantee that information on the App may not be accessed, disclosed, altered, or destroyed.

Please do your part to help us. You are responsible for maintaining the confidentiality of your login information and device identifiers, and for controlling access to communications between you and Gradient, at all times. Your privacy settings may also be affected by changes the social media services you connect to Gradient make to their services. We are not responsible for the functionality, privacy, or security measures of any other organization.

Retention

We configure Google Cloud Platform and Amazon Web Services to delete photographs, and the information associated with the photographs within 24-48 hours after the photograph was last edited using the App. This allows you to revisit the image for additional modifications during that time.

With respect to non-photograph information that we may collect, we will retain such information in a personally identifiable format only for as long as necessary to fulfill the purposes we have set out in this Privacy Policy. You may also ask that we delete your information using the “Request cloud data removal” button as described [above](#) or by [contacting us](#).

Cross-Border Data Transfers

We store the information we collect in connection with the App on Amazon Web Services and Google Cloud Platform. For Amazon Web Services, we specify the US as the data storage location, for Google Cloud Platform, we specify data storage at an available location closest to you when you use the App. Your personal information may be accessed by our service providers in other locations outside of your state, province, or country. Your device ID (and general App usage information) may also be accessed by the Company’s technical support team in other locations outside of your state,

province, or country. We rely on the Privacy Shield, as described [below](#), for transfers of data from the EU and Switzerland to Gradient in the United States.

EU-U.S. Privacy Shield and Swiss-U.S. Privacy Shield

Ticket to the Moon, Inc. is the US entity that publishes and hosts the App. Ticket to the Moon, Inc. complies with the EU-U.S. and the Swiss-U.S. Privacy Shield Frameworks as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States. Ticket to the Moon, Inc. has submitted its certification to the Department of Commerce that it adheres to the Privacy Shield Principles. If there is any conflict between the terms in this Privacy Policy and the Privacy Shield Principles, the Privacy Shield Principles shall govern. To learn more about the Privacy Shield program, and to view our certification, please visit www.privacyshield.gov.

Ticket to the Moon, Inc. may transfer your personal information to third parties as described in this Privacy Policy. Ticket to the Moon, Inc. maintains contracts with its third-party service providers restricting their access, use and disclosure of personal information in compliance with our Privacy Shield obligations. Ticket to the Moon, Inc. may be liable if these third parties fail to meet those obligations and we are responsible for the event giving rise to the damage.

In compliance with the Privacy Shield Principles, Ticket to the Moon, Inc. commits to resolve complaints about our collection or use of your personal information. European individuals with inquiries or complaints regarding our Privacy Policy should first contact Ticket to the Moon, Inc. at privacy@gradient.photo. Ticket to the Moon, Inc. has further committed to refer unresolved Privacy Shield complaints to JAMS, an alternative dispute resolution provider located in the United States. If you do not receive timely acknowledgment of your complaint from us, or if we have not resolved your complaint, please visit www.jamsadr.com/eu-us-privacy-shield for more information or to file a complaint. The services of JAMS are provided at no cost to you. If neither Ticket to the Moon, Inc. nor JAMS resolves your complaint, you may have the ability to engage in binding arbitration through the Privacy Shield Panel. Additional information on the arbitration process is available on the Privacy Shield website at www.privacyshield.gov.

Ticket to the Moon, Inc. may be required to disclose personal data in response to lawful requests by public authorities, including to meet national security or law enforcement requirements. The Federal Trade Commission has jurisdiction over Ticket to the Moon, Inc.'s compliance with the Privacy Shield. Ticket to the Moon, Inc.'s commitments under the Privacy Principles are subject to the investigatory and enforcement powers of the Federal Trade Commission.

Children

The App is not directed at children under the age of 13, and our [Terms of Use](#) do not allow children under 13 years of age to use the App. If we learn that we have collected personal information of a child under the age of 13, we will delete it. We encourage parents with concerns to [contact us](#).

Changes to the Privacy Policy

We reserve the right to modify this Privacy Policy at any time. If we make material changes to this Privacy Policy, we will notify you by updating the date of this Privacy Policy and posting it on the App. We may, and if required by law, will, provide notification of changes in another way that we believe is reasonably likely to reach you, such as through the App.

Any modifications to this Privacy Policy will be effective upon our posting the new terms and/or upon implementation of the new changes on the App (or as otherwise indicated at the time of posting). In all cases, your continued use of the App after the posting of any modified Privacy Policy indicates your acceptance of the terms of the modified Privacy Policy.

How to Contact Us

Please direct any questions or comments about this Policy or privacy practices to privacy@gradient.photo. You may also write to us via postal mail at:

Ticket to the Moon, Inc.
Attn: Legal – Privacy
187 E. Warm Springs Rd., Suite B495, Las Vegas, Nevada, 89119, USA

Notice to European Users

The information provided in this “Notice to European Users” section applies only to individuals who reside in Europe.

Personal information. References to “personal information” in this Privacy Policy are equivalent to “personal data” governed by European data protection legislation.

Controller and EU Representative. Ticket to the Moon, Inc. is the controller of your personal information covered by this Privacy Policy for purposes of European data protection legislation.

We have appointed Legal Bridge as our representative in the European Union for data protection matters, pursuant to Article 27 of the General Data Protection Regulation of the European Union. To contact Legal Bridge, please visit <https://legal-bridge.com>.

Alternatively, you may call Legal Bridge at +420 775 700 329, or write to Legal Bridge Czech Republic, 110 00 Praha 1, ul. Havlickova 15/1682.

Legal bases for processing. We use your personal information only as permitted by law. Our legal bases for processing the personal information described in this Privacy Policy are described in the table below.

Processing purpose	Legal basis
<i>Details regarding each processing purpose listed below are provided in the section above titled "How we use your personal information".</i>	
To operate and improve the App	Processing is necessary to perform the contract governing our provision of services in connection with the App, or to take steps that you request prior to signing up for the App. If we have not entered into a contract with you, we process your personal information based on our legitimate interest in providing the services you access and request in connection with the App.
To send you marketing and promotional communications To display advertisements to you For compliance, fraud prevention and safety To create anonymous, aggregated or de-identified data	These activities constitute our legitimate interests. We do not use your personal information for these activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).
Compliance with Law	Processing is necessary to comply with our legal obligations.
With your consent	Processing is based on your consent. Where we rely on your consent you have the right to withdraw it any time in the manner indicated when you consent or in the App.

Your rights

European data protection laws give you certain rights regarding your personal information. If you are located within the European Union, you may ask us to take the following actions in relation to your personal information that we hold:

- **Access.** Provide you with information about our processing of your personal information and give you access to your personal information.
- **Correct.** Update or correct inaccuracies in your personal information.
- **Delete.** Delete your personal information.
- **Transfer.** Transfer a machine-readable copy of your personal information to you or a third party of your choice.
- **Restrict.** Restrict the processing of your personal information.
- **Object.** Object to our reliance on our legitimate interests as the basis of our processing of your personal information that impacts your rights.

You may submit these requests by email to privacy@gradient.photo or our postal address provided [above](#).

If you would like to submit a complaint about our use of your personal information or our response to your requests regarding your personal information, you may [contact us](#) or submit a complaint to the data protection regulator in your jurisdiction. You can find your data protection regulator [here](#).

Notice to California Residents

We are required by the California Consumer Privacy Act of 2018 (“CCPA”) to provide to California residents an explanation of how we collect, use and share their personal information, and of the rights and choices we offer California residents regarding our handling of their personal information.

We do not sell personal information. As we explain in this Privacy Policy, we use cookies and other tracking technologies to analyze Site and App traffic and use, and to facilitate advertising. If you would like to opt out of our (and our third party advertising partners’) use of cookies and other tracking technologies, please review the instructions provided in the [Online Tracking Opt-out Guide](#).

In addition to disclosures of personal information to our service providers and professional advisors, for compliance, fraud prevention and safety, and in connection with a business transfer, as described in the [“How We Share Your Personal Information”](#) section of the Privacy Policy, the following chart further describes our privacy practices with respect to the personal information of our California consumers.

Personal information we collect	CCPA-defined categories	Sources of personal information	Purposes for which we may collect and use the personal information	Data Sharing
Photographs	Physical description	You	To operate and improve the App	Shared with third-party platforms (e.g., social media networks) at your direction Shared with cloud service providers (i.e., Google Cloud Platform and Amazon Web Services)
App usage information	Online identifiers Internet or network information Inferences	You Automatic collection	To operate and improve the App To send you marketing and promotional communications	Shared with affiliates that provide services to us

<u>Personal information we collect</u>	<u>CCPA-defined categories</u>	<u>Sources of personal information</u>	<u>Purposes for which we may collect and use the personal information</u>	<u>Data Sharing</u>
Purchase Gradient	Commercial information Online identifiers	The app store provider through which you purchased your subscription (i.e., Google or Apple)	To operate and improve the App	None
Social media information	Identifiers Online identifiers	Third-party platforms	To operate and improve the App	Shared with third-party platforms (e.g., social media networks) at your direction
Device data	Online identifiers	You	To display advertisements to you	Collected directly by advertising partners
Online activity data	Internet or network information Inferences	Automatic collection		

California Residents' Privacy Rights

Except as excluded from the scope of this notice above, the CCPA grants California residents the following rights.

- **Information.** You can request information about how we have collected, used and shared and used your personal information during the past 12 months. We have made this this information available to California residents without having to request it by including it in this notice, in the above chart.
- **Access.** You can request a copy of the personal information that we maintain about you.
- **Deletion.** You can ask us to delete the personal information that we collected or maintain about you.

Please note that the CCPA limits these rights by, for example, prohibiting us from providing certain sensitive information in response to an access request and limiting the circumstances in which we must comply with a deletion request. If we deny your request, we will communicate our decision to you.

You are entitled to exercise the rights described above free from discrimination.

How to Submit a Request

To request access to or deletion of personal information:

- email privacy@gradient.photo

Identity verification. The CCPA requires us to verify the identity of the individual submitting a request to access or delete personal information before providing a substantive response to the request. We may attempt to verify your identity by asking you to confirm information that we have on file about you or your interactions with us. Where we ask for additional personal information to verify your identity, we will only use it to verify your identity or your authority to make the request on behalf of another consumer.

Authorized agents. California residents can empower an “authorized agent” to submit requests on their behalf. We will require the authorized agent to have written authorization confirming such authority.

CCPA Glossary

Statutory Category

Data Elements within the Category

Commercial Information

Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.

Identifiers

Real name, alias, postal address, unique personal identifier, customer number, email address, account name, social security number, driver's license number, passport number, or other similar identifiers.

Inferences

The derivation of information, data, assumptions, or conclusions from any other category of Personal Information to create a profile about a person reflecting the person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities and aptitudes.

Internet or Network Information

Browsing history, search history, and information regarding a person's interaction with an Internet website, application, or advertisement.

Online Identifiers

An online identifier or other persistent identifier that can be used to recognize a person, family or device, over time and across different services, including but not limited to, a device identifier; an Internet Protocol address; cookies, beacons, pixel tags, mobile ad identifiers, or similar technology; customer number, unique pseudonym, or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers (i.e., the identification of a person or a device to a degree of certainty of more probable than not) that can be used to identify a particular person or device.

Physical Description

An individual's physical characteristics or description (e.g., hair color, eye color, height, weight).

Online Tracking Opt-Out Guide

Like many companies online, we may use services provided by Google, Facebook, Twitter and other companies that use tracking technology. These services rely on tracking technologies – such as cookies and web beacons – to collect directly from your device information about your browsing activities, your interactions with websites, and the device you are using to connect to the Internet. There are a number of ways to opt out of having your online activity and device data collected through these services, which we have summarized below:

- **Blocking cookies in your browser.** Most browsers let you remove or reject cookies, including cookies used for interest-based advertising. To do this, follow the instructions in your browser settings. Many browsers accept cookies by default until you change your settings. For more information about cookies, including how to see what cookies have been set on your device and how to manage and delete them, visit www.allaboutcookies.org.
- **Blocking advertising ID use in your mobile settings.** Your mobile device settings may provide functionality to limit use of the advertising ID associated with your mobile device for interest-based advertising purposes.
- **Using privacy plug-ins or browsers.** You can block our websites from setting cookies used for interest-based ads by using a browser with privacy features, like [Brave](#), or installing browser plugins like [Privacy Badger](#), [Ghostery](#) or [uBlock Origin](#), and configuring them to block third party cookies trackers. You can also opt-out of Google Analytics by downloading and installing the browser plug-in available at: <https://tools.google.com/dlpage/gaoptout>.
- **Platform opt-outs.** The following advertising partners offer opt-out features that let you opt-out of use of your information for interest-based advertising:
 - Google: adssettings.google.com
 - Facebook: www.facebook.com/about/ads
 - Twitter: twitter.com/settings/personalization
- **Advertising industry opt-out tools.** You can also use these opt-out options to limit use of your information for interest-based advertising by participating companies:
 - Digital Advertising Alliance for Websites: optout.aboutads.info
 - Digital Advertising Alliance for Mobile Apps: www.youradchoices.com/appchoices
 - Network Advertising Initiative: optout.networkadvertising.org/?c=1

Note that because these opt-out mechanisms are specific to the device or browser on which they are exercised, you will need to opt-out on every browser and device that you use.