

Privacy Policy

Effective Date: September 01, 2018

www.thekrakenisalive.com (the “Site”) is owned and operated by The Sicario Effect (Pty) Ltd. This privacy policy (the “Privacy Policy”) explains the information gathering, use and sharing practices for the Site, including what information is collected, how that information is acquired, maintained, stored, shared and/or used, and how you may access and update certain information you provide us.

Please read this Privacy Policy carefully as it contains important information about the use of any personal information which you provide to us.

This Privacy Policy is independent from our offline personal data collection practices.

This Privacy Policy will explain how we protect your information and what choices you have about how it is stored or used.

For some features and services available on the Site, we either collect and transfer personal information to a third-party service provider or use a third-party service provider to collect information for us.

In some cases, you also may visit third party websites through links on our Site who may collect and use your personal information and other non-personal information. We encourage you to review the policies of any such third parties before disclosing your personal information, as we have no control over, and are not liable for, their privacy practices.

Provided it is reasonably possible, we will try to use or disclose your personal information only in the manner stated in this Privacy Policy.

We do, however, reserve the right to amend this Privacy Policy from time to time, in which case the amended Privacy Policy will supersede and replace any previous policies with effect from the date on which it is posted on this website. Wherever possible, we will give you notice of any changes prior to their implementation. Please visit this Privacy Policy regularly to familiarise yourself with the latest version and to understand what we can do with your personal information.

This Privacy Policy forms part of the Terms and Conditions of use for this website.

Information Collection. *How we collect information from you.*

Information You Provide:

- **When You Send Email Communications:** When you contact us via email, the email address you use to communicate with us will be subject to this Privacy Policy. We may collect, store and use the email address you used to communicate with us to

inform you about our products and services (unless you opt out of receiving such communications (and in some cases you will be required by law to opt in)), to answer questions, resolve concerns or send you other information related to our Site and our services. We may also share your email address with our third-party service providers, our sponsors, subsidiaries or any other affiliated company. The contents of your email communications with us including any information, resumes, ideas, concepts or inventions, will not be subject to this Privacy Policy. We may keep a record of your communications with us and use the contents of those communications for any purpose.

- When You Sign Up for Newsletters, Create an Account or Register to Purchase Tickets: To use certain features of the site, you may be required to provide information such as your name, username, password, email address, mailing address, zip code, telephone number, date of birth, ID number, gender, age verification and/or country of residence (the “Personal Information”). You may view our Site without registering or submitting any Personal information, in which case we will be only collecting non-personal information through cookies and the recording of Log Data (discussed below).

Third Party Service Providers and Affiliates:

- Purchasing Tickets: When you purchase a ticket to any event hosted by The Kraken is Alive through our Site, you will be required to provide certain Personal Information, as well as credit card or debit card information, card expiration date, CVV code, billing address (collectively the “Payment Information”) and, possibly, a shipping/delivery address for processing your purchase. We use a third-party ticketing service provider to facilitate and process all payments and ticket purchases. Therefore, the information you provide during the ticket payment process will be subject to the privacy practices of such third-party service, which you can view [HERE](#). We do not receive Payment Information from our third-party service provider, and therefore do not have access to, collect or store your Payment Information or other financial information. We do, however, receive aggregate data of users who made purchases through the Site from our third-party service provider. The aggregate data is not linked to any other information collected from you and is therefore anonymous.
- Contests, Sweepstakes and Surveys: We use third party services to help operate some of the services and other features offered on the Site such as any sweepstakes, contests and surveys. We receive all Personal Information you provide when participating in any of these services or features, as well as other non-personal information collected by our third-party service providers by your use or access of these features.
- Links: The website may contain links to other websites. Please note that we are not responsible and cannot be held liable for the privacy practices of third-party websites or platforms or the manner in which they use cookies and advise you to read the privacy statements of each website/platform you visit which collects personal information. We encourage you to read their privacy statements.

Information We Collect When You Interact With the Site:

- Cookies: In an effort to provide improved and more customized service to Site visitors, we collect anonymous, non-personal information when you use or access the Site, send us emails, and respond to special promotions or newsletters. To do this, we,

or a third-party service provider such as Google Analytics, use cookies that automatically collect website usage data. A cookie is a small data file that is transferred to your computer's hard disk that collects information about your activities on our Site. Google Analytics uses first-party cookies to track visitor interactions. These cookies enable us to better understand how users interact with our Site and may be used to acquire, maintain or store information such as the frequency of visits, whether the visitor has been to the site before, what other site referred the visitor to our Site, as well as the age, the gender and the interests of visitors, among other information (collectively the "Analytics Information"). Analytics Information allows us to statistically monitor how many people are using our Site (and select affiliated businesses partners' and sponsors' websites) and how users are interacting with our services. Most web browsers automatically accept cookies. You may refuse the use of Google Analytics and other cookies by selecting the appropriate settings on your browser. However, please note that if you change the applicable preferences to restrict cookies, you may not be able to use the full functionality of the Site. It also may be possible to link non-personal cookie information to Personal Information collected. In any event, some services on the website may, however, be restricted to subscribers / registered users only. See the following link for additional information about Google Analytics and how or whether your Personal Information may be used by Google Analytics: (www.google.com/analytics/terms/us.html).

- **Log Data:** When you access and use the Site, we may automatically receive and record information created by your interaction with the Site. Log Data may include information such as your IP address, browser type, operating system, the referring web page, pages visited, location, your mobile carrier, device, search terms and cookie information (the "Log Data"). We use your Log Data to help administer our website and to help diagnose problems and improve our website. We also use Log Data to help us improve your personal experience when interacting with our Site.

Use of Information. *How we use information we collect from you.*

In addition to any other uses stated in this Privacy Policy, the Personal Information, Analytics Information and/or Log Data (collectively, the "Information") may be used to relay information, news and other updates to you, to contact you, market to you, deliver purchases and to improve our products and services. We may use the Information to help improve and administer our Site, to help diagnose problems with our Site, and improve your personal experience when interacting with our Site. We may use the Information to analyse how you interact with our Site, to monitor aggregate usage by our users and Site traffic routine on our Site. We may also keep track of how you interact with links across our Site and services, including our email notifications, third-party services and client applications, by redirecting clicks or through other means. We do this to help improve our Site and services, enabling us to share aggregate click statistics such as how many times a particular link was clicked on. We may also receive information about you from our corporate affiliates in order to help provide, understand, and improve our Site and services and our affiliates' services.

Information Sharing and Disclosure.

- **Sale or Transfer:** We may sell or otherwise transfer all Information collected to third parties without further notification and without additional compensation to you.

Depending on the circumstances, we may or may not charge third parties for this Information. We may or may not limit the third parties' use of the Information.

- Third Parties, Subsidiaries and Affiliates: We may share your Information with our affiliates, sponsors, licensees, designees, assigns or successors (including third-party vendors such as payment processors) in order to assist us in managing or providing products and services or to assist us with the administration of the Site. We may also share your information with potential advertisers, partners and sponsors. By using this Site, you are consenting to and authorizing such third parties the right to acquire, maintain, store, use and process your Information on the same terms set forth herein and on their servers. By using this Site you are also consenting that we may share your Information with third parties, including for: (a) payment processing and authorization, (b) fraud protection, (c) products and services customization, (d) order fulfilment, (e) shipping, (f) distributing marketing and promotional material, (g) Site evaluation, (h) data collection, storage, management, and analysis, (i) internet-based, targeted and/or online behavioural advertising, and/or (j) any other services designed to assist us in maximizing our business potential and profits and for any other legitimate business purpose. We may provide our analysis and certain non-personally identifiable information to potential partners, advertisers or other third parties.
- Third Party Service Providers. We engage service providers to perform functions and provide us with services. We may share your Information with such service providers subject to confidentiality obligations consistent with this Privacy Policy, and on the condition that the third parties use your Information only on our behalf and pursuant to our instructions. These third parties include vendors and suppliers that provide us with technology, services, and/or content related to the operation and maintenance of our Site and services. These third parties may send newsletters or special promotions to you on our behalf, send emails to you for purposes such as conducting market research on our behalf, conduct surveys, sweepstakes, contests, collect registration information from you or provide other services. Access to your Information by these third parties is limited to the information reasonably necessary in order for them to perform their service(s) to us. Certain content, products and services offered to you through our Site are operated and served by third parties other than us, such as our ticket purchase service. If you purchase services or products through one of these third-party websites, you will be purchasing it from the third party and not from us. Further, you should be aware that any information you disclose once you access these other sites is not subject to this Privacy Policy. Therefore, you should review the privacy policy posted on the third-party website to understand how the third party collects and uses your information.
- Sale or Transfer of the Business: In the event that The Sicario Effect (Pty) Ltd is involved in a bankruptcy, merger, acquisition, reorganization or sale of assets, your information may be sold or transferred as part of that transaction. This Privacy Policy will apply to your information if and when it is transferred to the new entity.
- Law and Harm: We may preserve or disclose your information if we believe that it is reasonably necessary to comply with a law, regulation, legal request such as a court order or subpoena, or to protect the safety of any person, or to protect our rights or property, or the rights or property of any third party, without your consent. We may disclose your Information (i) to enforce compliance with, or to investigate, potential violations of this Privacy Policy, (ii) to detect, prevent or otherwise address fraud, (iii) to detect potential or actual security breaches or (iv) to enhance security or to address technical issues relative to either the use of the Site or the attendance of our event.
- Your Consent: We may share or disclose your information when you consent.

- **Unintentional Disclosure:** We have commercially reasonable security measures in place to protect against the loss or misuse of your Personal Information in electronic form that is under our control. However, we cannot guarantee that any of the Personal Information that you disclose or transmit through use of the Site will be secure from breaches, software malfunctions or other acts out of our control. The Sicario Effect (Pty) Ltd, and our respective affiliates, successors, subsidiaries, assigns, agents, designees, licensees or sponsors (collectively the “Indemnitees”) shall not be liable to you whatsoever for any unauthorised access of your Personal Information.

All Information Collected is Our Asset.

Any and all Information provided by you or collected by us in connection with your use of the Site shall be deemed an asset of ours and shall be deemed part of our business records.

Forums, Chat Rooms and Other Interactive Features.

If and when these features become available on the Site, please remember that any information (including confidential, financial or other personal information) that you reveal in any of our public forums, chat rooms or other features that allow users to share information or other content, is not protected by this Privacy Policy. All information that you share or post is public information and may be collected and shared by third parties.

You Consent to the Collection of Your Information.

By, and in exchange for, using the Site, you acknowledge that you have read, agree with and are accepting the terms and conditions set forth herein, and that you knowingly, voluntarily and unconditionally consent to the collection, use and processing of your Information by us and our respective designees, agents, successors, assigns, affiliates, licensees, subsidiaries or sponsors in any lawful manner, and for any lawful purpose whatsoever. You further agree that we shall forever have the right to use the Information provided hereunder and may, at any time, in our sole and absolute discretion, assign, sell, license and/or otherwise transfer the Information to any third party without additional consent by or notification to you, or without any additional consideration to you.

Age of Consent.

Tickets for sale are intended for purchase only by adults, and admission to our event is only for individuals 18 years of age and older.

By using this Site, you represent that you are at least the age of majority in your country of residence, 18 in South Africa.

Your Privacy Choices.

You may opt-out of receiving email communications and other marketing materials from us (or any third-party email marketing service we may use) via links provided in each email or on the Subscription Confirmation Page. You may also contact us at info@thekrakenisalive.com if you wish to opt-out of receiving such email communications.

If you wish to be deleted from our database entirely, you can also email to us at info@thekrakenisalive.com stating just that however this is subject to the Cancellations/Returns/Refunds Policy and you may need to cancel your ticket in order to be removed.

You can help to preserve your privacy by never sharing your password or Information with anyone else.

If your Ticket was booked by a third party, please communicate any changes to us via the same third party to ensure consistency and audit trail as well as validity.

Modifying Your Personal Information for Payment Plans.

If you are a registered user on our Site or on/via any approved and designated third-party Site, you may update or modify your account information by visiting and navigating to your account settings.

Changes to This Policy.

We may revise this Privacy Policy from time-to-time, without advance notice to you. The most current version of our Privacy Policy will be posted to this URL. If we make changes to the Privacy Policy that we determine, in our sole discretion, are material, we may notify you either via email, if you have provided one, or by posting a notification on the Site. Once posted, the changes to the Policy will be effective immediately. By continuing to access or use the Site after changes have become effective, you agree to be bound by the terms of the revised Privacy Policy. If you do not agree with our Privacy Policy, please do not use the Site.

Personal Jurisdiction, Forum Selection and Legal Compliance.

Use of our computer systems and services are subject to the laws of the Republic of South Africa, and subject to the jurisdiction of any South African Magistrate's Court of competent jurisdiction in respect of your person to adjudicate on any dispute arising from or in connection with these terms of use notwithstanding that the amount in dispute may exceed such court's jurisdiction, and you consent thereto. You agree to accept service of legal process at the addresses you may provide to us.

You acknowledge and agree that we make no representation that the Site is governed by or operated in accordance with the laws of other nations, or that the Site (or any portion thereof) is appropriate or available for use in any particular jurisdiction.

Visitors who elect to access the Site, acknowledge and agree that they do so on their sole initiative and at their sole risk, and are solely responsible for complying with all local laws, rules and regulations.

By using this Site, visitors from outside of the Republic of South Africa acknowledge this Site is subject to the laws and regulations of the Republic of South Africa and waive any claims that may arise under other laws.

Contacting Us.

If you have any questions or comments about this Privacy Policy, please email info@thekrakenisalive.com.

We reserve the right to request identification or personal information in certain circumstances to assist with any queries.