



live mobile TV

FLO TV Privacy Statement

**FLO TV™ Incorporated f/k/a
MediaFLO USA, Inc. and
QUALCOMM Incorporated**

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U.S.A.

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FLO TV Privacy Statement
October 30, 2009

FLO TV Privacy Statement

In this Privacy Statement ("statement"), we, FLO TV Incorporated, provide information about how we and/or those working on our behalf (collectively, "we" or "us") collect, use, disclose and transfer data any time you interact with us, such as when you visit www.flotv.com and/or other web sites on which we or our distributors post a direct link to this statement, when you purchase or use our products and services (*for example*, your device and the **FLO TV™** service), or when you contact us for any reason.

We recognize that you may have concerns regarding the information that we obtain about you. This statement describes what data about you that we collect, what we do with it, and what choices you can make.

Scope

This statement applies to data and information that we or our agents collect through the flotv.com web site, any other web site on which we or our distributors post a direct link to this privacy statement, as well as through the **FLO TV** service. This statement does not apply to any other data collection or processing, including, without limitation, data collection practices of other web pages to which we link (but do not display a direct link to from this statement), data that we or our affiliates collect offline or through web sites that do not display a direct link to this statement or to any personal data that we process on behalf of wireless carriers and other data controllers in connection with the **FLO TV** service. Occasionally, we may refer to this statement in notices and consent requests related to requests for information or other agreements or terms and conditions; under such circumstances, this statement applies as modified in said agreements, terms and conditions, notices or consent requests (*e.g.*, with respect to types of data collected or purposes of collection).

Types of Data and Collection Methods

We may collect certain information when you visit our web sites or register to use our services as well as information that is made available to us solely by virtue of our relationship with you, including, without limitation, information about the quantity, technical configuration, type, destination and amount of your use of this site or the **FLO TV** service. Examples include but are not limited to the following:

- **Use of our Products & Services.** We may automatically collect certain types of information or data from your device when you use our services. For example, when you watch the **FLO TV** service on your device or when you connect your device to the Internet, we may automatically collect information about how you use our service including, without limitation, (i) activation, deactivation and subscription changes, (ii) date, time, duration and content viewed, (iii) how often and when you tune in to watch the **FLO TV** service on your device, (iv) your parental controls, (v) your "MyMedia" files, as applicable to your device, (vi) viewing of presentation events, such as changes to screen modes and interruption due to other features, (vii) what types of media files you are storing on your device and your total tune-in time and (viii) other site or **FLO TV** service impacting events such as delivery failures, time zone changes and system initiated transactions. This information may be collected when you watch the **FLO TV** service, or it may be transmitted to our servers after-the-fact when you connect your device to your computer or the Internet.



- **Use of Our Web Site.** When you visit our sites, we record the anonymous information your browser automatically sends to view any web site including, without limitation, the IP address of your computer and/or Internet service provider, the date and time you access our web sites, the Internet address of web sites from which you link to our site, the computer technology you are using (for example, the type of Internet browser or operating system you are using), and your movements and preferences on our site.
- **Forms, Help Requests, and Registrations.** When you request information (for example, through mail forms, by interacting with our Customer Care department or on our website) we usually collect data such as your name, email address(es), mailing address(es), telephone number(s), and certain information related to your inquiry. When you contact us with a service or billing-related inquiry, we may collect personal information in connection with the inquiry, such as the **FLO TV** product you own and its serial number, address, birth date and your credit card information. Similarly, when you sign up for the **FLO TV** service or purchase one of our products, we may collect personal and other information, such as your contact information, the date you activate the service, and the product serial number and date purchased. In each such instance, you will know what data we collect because you actively submit it through the applicable form.
- **Forums and Chat Rooms.** Our websites may also offer interactive services, such as chat rooms, forums and message boards. Please remember that any information that you disclose in these areas becomes public information, and you should exercise caution when deciding to disclose personally identifiable information in these areas.
- **Sweepstakes, Contests & Surveys.** From time to time we may provide you the opportunity to participate in sweepstakes, contests or other promotions promoted on our website or through mail, email, Short Message Service (sms) or Multi-Media Service (mms) text messaging or in person or other campaigns, which might be sponsored or conducted by FLO TV Incorporated or by a third party. If you participate, we will request certain personally identifiable information from you. Participation in these promotions is completely voluntary and you will have a choice whether or not to disclose this information. The requested information typically includes contact information. Except as explained otherwise in the official rules for a particular contest, giveaway, or promotion, such as in a paragraph entitled "Privacy Notice" or similar, any personal information you provide will be used in accordance with this provision. Some contests or promotions may be offered jointly with another company which may have different a privacy statement; these will be indicated and you should review that third party's privacy statement. In addition, from time to time you may be able to participate in our surveys to help us improve the **FLO TV** service, which may involve your voluntary submission of personal information.
- **Cookies.** When you visit our sites, we use technology that many other web sites employ, including, without limitation, "cookies" or small data files stored on your computer's hard drive and your device, to identify you as you navigate around our Site and to enhance and personalize your experience. We may also work with third-party advertising companies and affiliates that use cookies to help us or them display relevant advertising to you when you visit our site and other sites, and when you use the **FLO TV** service. These cookies also help us measure the performance of the advertising campaigns that we and the third party advertising companies may display on our site or through the **FLO TV** service. In some instances, we also use cookies to collect information in connection with future visits to the site, to recognize you as a previous visitor and to track your activity at the site.



- **Declining Cookies.** You are free to decline the cookies we use and you may set your computer to alert you whenever we attempt to place a cookie on your computer. By refusing cookies, however, you may not be able to use certain features on the Site or take full advantage of all of our offerings. You do not need to have cookies turned on to participate in our surveys or to visit our site. Check the “Help” menu of your browser to learn how to change your cookie preferences.
- **Web Beacons.** *A web beacon is a tiny electronic image that recognizes a cookie on your computer when you visit a website or view an email. We (or third parties acting on our behalf) may use web beacons on our site, in our advertisements on other sites, and in our emails, in order to measure the effectiveness of our site and our advertising. Web beacons do this by, for example, telling us what actions are taken from a particular advertisement (such as a page view or a transaction) or whether an email recipient opens and/or acts upon the message. Similarly, third parties that deliver ads to you when you are on our site may use web beacons to measure the effectiveness of their advertising. By rejecting cookies (see “Cookies,” above), you can make some web beacons unusable.*

Collection Purposes, Use of Data

In addition to the other uses of your information described in this statement, we may use and process the data we obtain for the following general purposes:

1. To provide, maintain, and improve our site, our service, and our products and program offerings, including our **FLO TV** service;
2. For providing customized recommendations and content;
3. To select and display advertisements on our **FLO TV** service that we hope are interesting and relevant to you by using the non-personally identifying information we collect such as the **FLO TV** programs you have watched. If you wish to opt-out of this service, please see the “Opt-Out” section below;
4. To respond to requests that you may send us such as your request for information, or your request to subscribe to a service we offer;
5. To administer, protect and improve our site, our services, our products and program offerings and our systems;
6. To develop new products, program offerings and services, and other internal business purposes;
7. To perform market research;
8. To protect our rights and the rights of our users;
9. To inform you about our products and services as well as third-party products and services in which we think you may be interested; and
10. Any other use we describe at the point where we collect the data.

To the extent permitted by applicable law, we reserve the right to combine the various types of data that we collect and to combine the data that we collect with data that we obtain from third parties or other sources. We may use the combined data for any of the purposes described in this privacy statement.



By providing your telephone number to us, you agree that such action constitutes a purchase, inquiry and/or application for purposes of telemarketing laws. Regardless of the fact that your telephone and/or cell phone number may be listed with the Federal Do-Not-Call Registry, or your local State Do-Not-Call list, you expressly consent to receive future information about products and services offered by FLO TV Incorporated via telephone and Short Message Service (sms) or Multi-Media Service (mms) text messaging campaigns, unless you subsequently ask us not to do so.

Where We Store and Process Data

We keep the data we collect in the United States of America and we may have contractors and employees around the world in various locations, including, without limitation, Asia and the European Economic Area.

Disclosures of Personal Information

Aggregated Data. We may share aggregated data that does not personally identify you with our business partners or affiliates in order to enhance our site, services, and products, including the **FLO TV** Service, and to help provide you personalized recommendations and to make the advertisements you ordinarily see on our site, services, and products, including the **FLO TV** Service, more relevant to you. We also may share aggregated data with customers and business partners (and prospective customers and business partners), other third parties, the press, and the public. Such aggregated data includes, for example, the number of **FLO TV** users who watch drama television programming or who have clicked on advertisements on our site.

Personally Identifiable Information. We do not share your personally identifiable information with others, except as follows: We may share your information with agents, service providers, business partners or affiliates who process the data only on our behalf for the purposes set forth in this statement and under terms of confidentiality. We also may share your information as required by law or in the interest of protecting or exercising our or others' legal rights, e.g., without limitation, in connection with requests from law enforcement officials and in connection with court proceedings. We may share or transfer your information in connection with a prospective or actual sale, merger, transfer or other reorganization of all or parts of our business. Finally, we may also share your personal information where you have granted us permission.

Links

Our websites may contain links to other websites that we do not own or operate. Such links may include, but are not limited to, advertising, sponsorships, promotions, recommendations, or links to other third party content. We are not responsible for the content, activities, or privacy practices of those websites, including the use of personally identifiable information about you collected by those websites and our provision of links to such other web sites is not an endorsement by us of the those web sites or any products or services they may offer. Those websites and the data that they collect and that you provide them are governed by the privacy policies of such web sites and not this privacy statement.



Opt-Out

Targeted Advertising Opt-Out. We may use non-personally identifying information such as the television programming you have watched on the **FLO TV** service to select and display advertisements that we hope are more relevant and interesting to you. If you don't want us to customize the advertising we display to you, you may opt out by contacting us by email at opt-out@flotv.com or by postal mail at FLO TV Incorporated, 5775 Morehouse Dr., San Diego, CA 92121, Attn: Targeted Advertising Opt-out. Please provide your name, account number, and email address and specify that you would like to opt out of targeted advertising.

Promotional Material Opt-Out. You may opt out of receiving promotional materials by contacting us by email at opt-out@flotv.com or by postal mail at FLO TV Incorporated, 5775 Morehouse Dr., San Diego, CA 92121, Attn: FLO TV Legal Department - Privacy. Please provide your name, account number, and email address and specify whether you wish to opt out of receiving all promotional materials from FLO TV Incorporated, otherwise we assume you just wish to opt out of receiving the certain type of communications at issue, such as direct mail sent to your home.

FLO TV Incorporated reserves the right to communicate electronically with online users, including those who have opted out of receiving solicitation-based emails, to notify you about service or product affecting changes, respond to your email inquiry, confirm transactions, orders, payments and registrations placed online, send information that you have requested, notify you of updates to your Terms of Service or Service Plan, make inquiries regarding your account, and provide emergency, security and online account maintenance information.

Access

If personal information you have submitted is no longer accurate, current, or complete and you wish to update it, please contact us at <http://flotv.com/contactus>, contact us by telephone or postal mail (see Contact Us below) or click on the "Update Profile" link that may be included at the bottom of email newsletters and promotional email communications. If you are a subscriber to the **FLO TV** service and wish to change your account information, please contact our Customer Care department at 888-99FLOTV. (Upon appropriate request we will provide you a copy of your information within a reasonable time and we will correct or delete it upon your request. Notwithstanding the foregoing, there may be circumstances where we are legally required to retain the information we collect about you (for example, in connection with court proceedings) and despite your request for us to delete your information, we will retain what we are legally required to keep. We also reserve the right to use previously obtained information to verify your identity or take other actions that we believe are appropriate.

Security

Transmissions over the Internet are never 100% secure or error-free. However, we take reasonable steps to protect your personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction.



Children's Privacy

The site is intended for adults in the United States. We do not intentionally or knowingly collect personally identifiable information from children under the age of 13. We request that individuals under the age of 13 not submit any personal information on the site or through the **FLO TV** service.

Amendments

We reserve the right to change this statement from time to time and in our sole discretion. If we materially change this statement with respect to your personal information, we will provide appropriate notice to you. When we make changes to this statement we will alert you that changes have been made by notifying you of said changes or by indicating on the statement the date it was last updated. When you visit our site or use our services, you are accepting the current version of this statement as posted on our site or through our services at that time. We recommend that users revisit this statement on occasion to learn of any changes.

Contact Us

Please feel free to contact us with any comments, questions, or suggestions you might have regarding the information practices described in this statement. Also, if you encounter any third party who claims to be associated with FLO TV Incorporated, or who obtained your data from the site, and who you feel is improperly using your personal information, please contact us:

Phone: 888-99FLOTV toll free

Email: customercare@flotv-support.com; For Opt-Outs: opt-out@flotv.com

Postal Address: FLO TV Incorporated, 5775 Morehouse Dr., San Diego, CA 92121, Attn: FLO TV Legal Department – Privacy

Web site URL: www.flotv.com

Effective October 30, 2009.

