

## **Privacy Policy**

Last Updated: May 1, 2017

Endless Pools ("Endless Pools", "we", "us") is concerned about online privacy issues, and wants you to be familiar with how Endless Pools collects, uses and discloses your personally identifiable information in connection with our online business. Accordingly, we have created this Privacy Policy to describe our practices in connection with information that we collect through websites operated by us from which you are accessing this Privacy Policy (the "Sites"), through the software applications made available by us for use on or through computers and mobile devices (the "Apps"), through our social media pages and apps located at Facebook (<https://www.facebook.com/EndlessPools>), Twitter (<https://twitter.com/EndlessPools>), Pinterest (<http://www.pinterest.com/EndlessPools/>), Instagram (<http://instagram.com/EndlessPools>), Houzz (<https://www.houzz.com/pro/endlesspools/>), Google+ (<https://plus.google.com/+endlesspools>) and Blogger (<http://www.endlesspoolsblog.com/>) (collectively, our "Social Media Pages") as well as through HTML-formatted email messages that we send to you that link to this Privacy Policy (collectively, including the Sites, Apps and our Social Media Pages, the "Services"). This Privacy Policy discloses Endless Pools' information gathering and dissemination practices for the information collected by Endless Pools through the Services. Except as otherwise expressly provided herein, this Privacy Policy does not govern our collection of information through any web site, or by any other means, other than through the Services; nor does this Privacy Policy govern the collection of information by any of our Affiliated Entities (as defined below) or by third parties.

We encourage you to read this Privacy Policy before using the Services or submitting your personally identifiable information to us. Your use of the Services signifies that you agree with all terms of this Privacy Policy, so please do not use the Services or share your personally identifiable information with us or otherwise through the Services if you disagree with any part of this Privacy Policy.

### **Policy Modifications**

Endless Pools reserves the right to make changes to this Privacy Policy. In the event that Endless Pools makes a material change to this Privacy Policy, it will be posted here. We encourage you to check this page regularly because your continued use of the Services following any changes to the Privacy Policy will be deemed to constitute your acceptance of such change. You can determine when this Privacy Policy was last revised by referring to the "Last Updated" legend at the top of this page.

### **Notice Regarding Use of the Services by Children**

The Services are not directed to children under the age of eighteen (18), and we request that children do not provide personally identifiable information through the Services.

### **How We Collect and Use Personally Identifiable Information**

We will collect personally identifiable information about you, such as your name, postal address, telephone and mobile numbers, email address and, credit card number or other payment number,

profile pictures, or social media IDs when you voluntarily provide it to us through the Services such as when you create an account or profile, order or register a product, order literature, enter contests or incentive programs, sign up for newsletters, download an App, participate in a survey, contact customer service, or otherwise interact with the Services. We may receive your personally identifiable information from other sources, such as public data bases; joint marketing partners; social media platforms; from people with whom you are friends or otherwise connected on social media platforms; as well as from other third parties. For example, if you elect to connect your social media account to your Site account, certain personally identifiable information from your social media account will be shared with us, which may include personally identifiable information that is part of your profile or your friends' profiles.

We use your personally identifiable information to provide the services you request from Endless Pools such as responding to product information requests; registering products; fulfilling orders for parts, products or customer service; initiating refunds; administering contests or incentive programs; and facilitating on-line product visualization applications and preferred products catalogs. We also use personally identifiable information to send you (via email, telephone or postal mail) news about our products and promotions and to notify you of special events and advertising in which you might be interested. We and our service providers may deliver such advertising on the Services or on third-party online services, including social media platforms. In addition, we may use personally identifiable information to conduct online surveys, contests, other similar promotions or incentive programs via email, telephone or postal mail. Please see the "Sweepstakes, Contests, and Other Promotions" section below for more information on participating in such activities.

Further, we may also use personally identifiable information to send you important information regarding the Services, changes to our terms, conditions, and policies and/or other administrative information. Because this information may be important to your use of the Services, you may not opt-out of receiving such communications. In addition, we may use the information to improve Endless Pools' online and other services, such as through customer service and product support, to understand consumer preferences in developing product improvements and innovations, information used to personalize them, such as custom product configurations and to ensure that our Services are of interest to you. We may also use your personally identifiable information for internal business purposes, such as optimizing users' Services experiences and analyzing and managing and expanding our businesses. If you apply for employment with Endless Pools, we may use the personally identifiable information you supply to process your job application.

The Services may offer a feature that allows you to send an electronic postcard or otherwise share a message with a friend. If you choose to use this feature, we will ask you for the recipient's name and email address, along with the text of any message you choose to include. By using this feature, you are telling us that you are entitled to use and provide us with the recipient's name and email address for this purpose.

We may also use your personally identifiable information: (i) as permitted by law; (ii) where we determine that such use is necessary to comply with the request of a law enforcement or regulatory agency or other legal process; (iii) to protect our operations or those of any of the Affiliated Entities; (iv) to protect the rights, privacy, property, interests or safety of Endless

Pools, the Affiliated Entities, Services visitors, customers, business partners, employees or the public; (v) to permit us to pursue available remedies or limit the damages that we may sustain; (vi) to enforce our Terms of Use; and (vii) to respond to an emergency.

### **How We Collect and Use Other Information**

We may also collect other information that does not reveal your specific identity or directly relate to an individual through the Services (“other information”), such as your postal or Zip code, gender, IP address, domain name, URL, browser and operating system, a record of the Services pages you visited, App usage data, physical location and information collected through cookies, pixel tags and other technologies.

We and our third-party service providers may collect other information in a variety of ways, including:

- **Through your browser or device:** Certain information is collected by most browsers or automatically through your device, such as your Media Access Control (MAC) address, computer type (Windows or Macintosh), screen resolution, operating system name and version, device manufacturer and model, language, Internet browser type and version and the name and version of the Services (such as the App) you are using. We use this information to ensure that the Services function properly.
- **Through your use of the Apps:** When you download and use an App, we and our service providers may track and collect App usage data, such as the date and time the App on your device accesses our servers and what information and files have been downloaded to the App based on your device number.
- **Using cookies:** Cookies are pieces of information stored directly on the computer that you are using. Cookies allow us to collect information such as browser type, time spent on the Services, pages visited, language preferences, and other traffic data. We and our service providers use the information for security purposes, to facilitate navigation, to display information more effectively, and to personalize your experience while using the Services, [Masco: If the tracking is already covered elsewhere in this paragraph (such as in the sentence about statistical info), consider deleting the following. We can recognize your computer to assist your use of the Services. We also gather statistical information about the usage of the Services in order to continually improve the design and functionality, understand how the Services are used and to assist us with resolving questions regarding the Services. Cookies further allow us to select which of our advertisements or offers are most likely to appeal to you and display them while you are on the Services. We may also use cookies in online advertising to track responses to our advertisements, and we may use cookies to track how you arrived at our site from another website to improve your on-line experience with us.

If you do not want information collected through the use of cookies, there is a simple procedure in most browsers that allows you to automatically decline cookies, or be given the choice of declining or accepting the transfer to your computer of a particular cookie (or cookies) from a particular site. You may also wish to refer to <http://www.allaboutcookies.org/manage-cookies/index.html>. However, if you do not accept these cookies, you may experience some inconvenience in your use of the Services. For example, we may not be able to recognize your

computer and you may need to log in every time you visit the applicable Services. You also may not receive advertising or other offers from us that are relevant to your interests and needs.

- **Using pixel tags and other similar technologies:** Pixel tags (also known as web beacons and clear GIFs) may be used in connection with some Services to, among other things, track the actions of users of the Services (including email recipients), measure the success of our marketing campaigns and compile statistics about usage of the Services and response rates. We do not respond to browser do-not-track signals at this time.

- **Using Google Analytics:** We use Google Analytics, a Google service that uses cookies and other, similar technologies to collect and analyze information about use of the Services and report on activities and website trends, without identifying individual users. We also use an enhancement to Google Analytics called “Demographics and Interest Reporting,” through which Google provides us with information about our users’ demographics (e.g., age, gender) and interests. This information, which Google may collect by tracking a user’s behavior across third-party websites, helps us to learn more about our users. You can learn about Google’s practices in connection with this enhanced tracking and opt out of it by visiting [www.google.com/settings/ads](http://www.google.com/settings/ads) or by downloading the Google Analytics opt-out browser add-on, available at <https://tools.google.com/dlpage/gaoptout>.

- **Using Adobe Flash technology (including Flash Local Shared Objects (“Flash LSOs”)) and other similar technologies:** We may use Flash LSOs and other technologies to, among other things, collect and store information about your use of the Services. If you do not want Flash LSOs stored on your computer, you can adjust the settings of your Flash player to block Flash LSO storage using the tools contained in the Website Storage Settings Panel. You can also control Flash LSOs by going to the Global Storage Settings Panel and following the instructions (which may include instructions that explain, for example, how to delete existing Flash LSOs (referred to “information” on the Macromedia site), how to prevent Flash LSOs from being placed on your computer without your being asked, and (for Flash Player 8 and later) how to block Flash LSOs that are not being delivered by the operator of the page you are on at the time). Please note that setting the Flash Player to restrict or limit acceptance of Flash LSOs may reduce or impede the functionality of some Flash applications, including, potentially, Flash applications used in connection with the Services or our online content.

- **IP Address:** Your “IP Address” is a number that is automatically assigned to the computer that you are using by your Internet Service Provider (ISP). An IP Address may be identified and logged automatically in our server log files whenever a user accesses the Services, along with the time of the visit and the page(s) that were visited. Collecting IP Addresses is standard practice and is done automatically by many websites, applications and other services. We use IP Addresses for purposes such as calculating usage levels of the Services, helping diagnose server problems, administering the Services and identifying your device’s approximate physical location.

- **Physical Location:** We may collect the physical location of your device by, for example, using satellite, cell phone tower or WiFi signals. We may use your device’s physical location to provide you with personalized location-based services and content. We may also

share your device's physical location, combined with information about what advertisements you viewed and other information we collect, with our marketing partners to enable them to provide you with more personalized content and to study the effectiveness of advertising campaigns. In some instances, you may be permitted to allow or deny such uses and/or sharing of your device's location, but if you choose to deny such uses and/or sharing, we and/or our marketing partners may not be able to provide you with the applicable personalized services and content.

- **From you:** Information such as your location, as well as other information, such as your preferred means of communication, is collected when you voluntarily provide this information. Unless combined with personally identifiable information, this information does not personally identify you or any other user of the Services.
- **By aggregating information:** Aggregated personally identifiable information does not personally identify you or any other user of the Services, (for example, we may aggregate personally identifiable information to calculate the percentage of our users who have a particular telephone area code).

We may use and disclose other information for any purpose, except where we are required to do otherwise under applicable law. If we are required to treat other information as personally identifiable information under applicable law, then we may use it for all the purposes for which we use and disclose personally identifiable information.

In some instances, we may combine other information with personally identifiable information (such as combining your name with your geographic location). If we do combine any other information with personally identifiable information, the combined information will be treated by us as personally identifiable information in accordance with this Policy.

### **How We Share Personally Identifiable Information**

Endless Pools may share personally identifiable information collected via the Services with Affiliated Entities or other third parties as described below. You should also be aware that personally identifiable information about you may be transferred to or received by Affiliated Entities or third parties in the U.S. or in other countries, which countries may have different privacy regulations than those applicable in the country where you reside.

- *Affiliated Entities.* We may share personally identifiable information with our parent, subsidiaries and affiliates worldwide (collectively, "Affiliated Entities") for the purposes described in this Privacy Policy, including to permit such Affiliated Entities to send you marketing materials. If you wish to opt-out from our sharing of your personally identifiable information with Affiliated Entities for their marketing purposes, please see the "Choice: Opt-Out" section below for information on how to opt-out.
- *Service Providers.* We may use third-party service providers to help us operate our business and the Services or to administer activities on our behalf, such as sending emails, hosting dealer locator sites, providing order fulfillment, conducting advertising or customer service, and administering contests or incentive programs. We may share personally identifiable information with these third parties for those business purposes.

For instance, if you request a brochure, we may share personally identifiable information about you with fulfillment and management agencies to complete your request.

- *Dealers and Retailers.* We may share personally identifiable information with third parties that offer our products for sale. The third-party dealer or retailer may contact you directly by email, phone or postal mail. If you wish to opt-out from our sharing of your personally identifiable information with such third parties for their marketing purposes, please see the “Choice: Opt-Out” section below for information on how to opt-out.] If you provide any personally identifiable information to such a third- party through its website or otherwise, your transaction will occur with the third- party (and not on the Services) and the personally identifiable information you provide will be collected by, and controlled by pursuant to the privacy policy of, that third- party. Endless Pools recommends that you review the privacy policy of third parties who may contact you about Endless Pools or Affiliated Entities’ products or services.
- *Other Third Parties.* We may share personally identifiable information with unaffiliated third parties, including dealers and retailers discussed above, to permit such third parties to send to you marketing materials. If you wish to opt-out from our sharing of your personally identifiable information with third parties for their marketing purposes, please see the “Choice: Opt-Out” section below for information on how to opt-out.
- *E-mails to Friends.* Please note that any personally identifiable information you provide in connection with sending an electronic postcard or other message to a friend through the Services, such as your name and your e-mail address, will, of course, be disclosed to your friend.
- *Social Media.* We reserve the right to share any personally identifiable information you provide with your friends associated with your social media account, to other website users and as well as to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your Services account or log-into your Services account from you social media account. By connecting your Services account and your social media account you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by the social media site’s privacy policy. If you do not want your personally identifiable information shared with other users or with your social media account provider, please do not connect your social media account with your Services account and do not participate in social sharing on the Services.
- *Promotions.* We reserve the right to share the personally identifiable information you provide in connection with sweepstakes, contests and similar promotions with third parties-party sponsors of such sweepstakes, contests and other promotions (irrespective of whether such promotions are hosted by us), or otherwise in accordance with the rules applicable to such sweepstake, contest or other promotion. Please see the “Sweepstakes, Contests, and Other Promotions” section below for more information on participating in such activities.

- *Assignment.* We reserve the right to transfer any and all information that we collect from Services users to an Affiliated Entity or a third- party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of Endless Pools’ business, assets or stock (including without limitation in connection with any bankruptcy or similar proceedings).
- *Other Disclosures.* We may share your personally identifiable information with other companies, persons or entities outside Endless Pools: (i) as permitted by law; (ii) where we determine that disclosure of specific information is necessary and we believe to be necessary or appropriate: (a) under applicable law, which may include laws outside your country of residence; (b) to comply with the request of a law enforcement or regulatory agency (including agencies outside your country of residence) or other legal process; (c) to protect our operations or those of any of the Affiliated Entities; (d) to protect the rights, privacy, property, interests or safety of Endless Pools, the Affiliated Entities, Services visitors, customers, business partners, employees or the public; (e) to permit us to pursue available remedies or limit the damages that we may sustain (f) to enforce our Terms of Use; and (g) to respond to an emergency.
- *Co-Branded Pages.* From time to time, we may enter into a special relationship with another company that is not owned by or affiliated with Endless Pools to provide additional features on the Services, such as co-branded sites (referred to here as “co-branded pages”). Both Endless Pools and the third- party provider are collecting personally identifiable information on these co-branded pages. Endless Pools’ collection, use and disclosure of the personally identifiable information is subject to this Privacy Policy, and the third- party’s Endless Pools’ collection, use and disclosure of the personally identifiable information is subject to its privacy policy. You should review the privacy policies posted on these co-branded pages to understand how personally identifiable information collected through these pages will be collected and used.
- *Purchases.* We may use third-party payment services (each, a “Payment Service”) to collect payments made through the Services. If you wish to make a payment and through the Services, you will be directed to a webpage that is hosted by the Payment Service (or the Payment Service’s service providers) and not by us (such page, the “Payment Service Page”). Any personally identifiable information that you provide through the Payment Service Page will be collected by Payment Service and not by us, and will be subject to Payment Service’s privacy policy, rather than this Policy. Endless Pools has no control over, and shall not be responsible for, Payment Service’s use of information collected through the Payment Service Page. PLEASE NOTE THAT THIS POLICY DOES NOT ADDRESS THE COLLECTION AND USE OF INFORMATION THROUGH THE PAYMENT SERVICE PAGE OR THE PRIVACY OR INFORMATION PRACTICES OF PAYMENT SERVICE.

### **User Generated Content Functions**

Certain pages on the Services, including our Social Media Pages, enable users to create their own profile page or submit their own content (for example, message boards, forums, chat functionality and blogs, among other services). Any information you disclose in such a profile

page or connection with such services may be publicly available and be read, collected, or otherwise used by anyone who visits the URL of the page on which you have chosen to comment, and you should exercise caution in deciding whether to disclose your personal, financial or other sensitive information there. Endless Pools cannot prevent such publicly-available information from being used by others in a manner that may violate this Policy, the law, or your personal privacy and safety, and is not responsible or liable for the results of any postings or the use or disclosure of any information that you disclose via such postings.

### **Choice: Opt-out**

If you do not wish to receive marketing-related emails from us, or if you would prefer that we do not share personally identifiable information about you collected via the Services or otherwise with Affiliated Entities or other third parties for such Affiliated Entities' or other third parties' marketing purposes, you may opt-out of receiving such marketing-related emails and from such sharing by calling 800-732-8660 and requesting removal from the Endless Pools mailing list in the case of postal mail and email. For email-only opt outs you may use the opt-out link at the bottom of your html email from us. You may also email [swim@endlesspools.com](mailto:swim@endlesspools.com) or call 800-732-8660 with your request.

We will endeavor to comply with your request as soon as reasonably practicable. Please note that, if you opt-out as described above, we will not be able to remove personally identifiable information about you from the databases of Affiliated Entities or other third parties with which we have already shared your personally identifiable information as of the date on which we implement your opt-out request. If you wish to cease receiving marketing-related emails from such Affiliated Entities or other third parties, please contact such Affiliated Entities or other third parties directly or utilize any opt-out mechanisms set forth in their respective privacy policies or marketing-related emails.

### **Sweepstakes, Contests, and Other Promotions**

We may operate sweepstakes, contests, raffles and similar promotions through the Services that may require online registration with us or with third-party sponsors of such sweepstakes, contests, raffles or other promotions. You should carefully review the rules of each sweepstakes, contest, raffle and promotion in which you participate through the Services, as they may contain additional important information about Endless Pools' or a sponsor's use or disclosure of your personally identifiable information. To the extent that the terms and conditions of such rules concerning the treatment of personally identifiable information conflict with this Policy, the terms and conditions of such rules shall control.

### **Third-Party Services**

The Services may contain links to other sites which are not operated by Endless Pools. ENDLESS POOLS IS NOT RESPONSIBLE FOR THE PRIVACY PRACTICES OR THE CONTENT OF SUCH OTHER WEBSITES, INCLUDING WEBSITES OPERATED BY AFFILIATED ENTITIES. We provide such links only as a convenience, and the inclusion of links on the Services does not imply endorsement of the linked site by Endless Pools. If you provide any personally identifiable information through any such third-party website, your transaction will occur on such third-party's website (and not on the Services) and the personally identifiable information you provide will be collected by, and controlled by subject to the



privacy policy of, that third- party. Endless Pools recommends that you review the privacy policy of third-party websites arrived at from links on the Services.

Please note that in addition, we are not responsible for the information collection, usage and, disclosure policies and practices (including the data or security policies or practices) of other organizations, such as Facebook, Apple, Google, Microsoft, RIM or any other app developer, app provider, social media platform provider, operating system provider, wireless service provider or device manufacturer, including with respect to any personally identifiable information you disclose to other organizations through or in connection with the Apps or our Social Media Pages.

### **Third-Party Advertisers**

Endless Pools may use third-party advertising companies to serve advertisements regarding goods and services that may be of interest to you when you access and use the Services and other websites, based on information relating to your access to and use of the Services and other websites. To do so, these companies may place or recognize a unique cookie on your browser (including through use of pixel tags). If you would like more information about this practice and to learn about your choices in connection with these practices, please visit [http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp) and <http://www.aboutads.info/>.

We may use third-party advertising companies to serve advertisements regarding goods and services that may be of interest to you when you access and use the Services and other websites or online services, based on information relating to your access to and use of the Services and other websites or online services on any of your devices, as well as on information received from third parties. To do so, these companies may place or recognize a unique cookie on your browser (including through the use of pixel tags). They may also use these technologies, along with information they collect about your online use, to recognize you across the devices you use, such as a mobile phone and a laptop. If you would like more information about this practice, and to learn how to opt out of it in desktop and mobile browsers on the particular device on which you are accessing this Privacy Policy, please visit [http://www.networkadvertising.org/managing/opt\\_out.asp](http://www.networkadvertising.org/managing/opt_out.asp) and <http://www.aboutads.info/>. You may download the AppChoices app at [www.aboutads.info/appchoices](http://www.aboutads.info/appchoices) to opt out in mobile apps.

In addition to this language, any site or app through which information is collected for IBA purposes must include “enhanced” notice of the practice. Specifically, a site has to include a link in its footer, separate from the link to this policy, named “Our Ads,” “About Our Ads,” or the like, that clicks through to this section of the policy. The disclosure requirements for apps that collect information for IBA purposes are different. Please let us know if they are relevant.]

### **Security of Personally Identifiable Information**

Endless Pools takes measures designed to protect personally identifiable information collected through the Services against unauthorized access, disclosure, alteration or destruction. Unfortunately, however, no security system or system of transmitting data over the Internet can be guaranteed to be entirely secure. If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any account you might have with

us has been compromised), please immediately notify us of the problem by contacting us in accordance with the “Questions” section below.

For your own privacy protection, we encourage you not to include sensitive personally identifiable information, such as payment card information, in any emails you may send to us. Please do not send credit card numbers or any sensitive personally identifiable information to us via email. Note that Endless Pools will not request sensitive personally identifiable information in our emails to you and you should verify the authenticity of any such request.

### **Jurisdictional Issues**

The Services are controlled and operated by us from the United States, and are not intended to subject us to the laws or jurisdiction of any state, country or territory other than that of the United States. Your Personal Information may be stored and processed in any country where we have facilities or in which we engage service providers, and by using the Services you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have data protection rules that are different from those of your country. In certain circumstances, courts, law enforcement agencies, regulatory agencies or security authorities in those other countries may be entitled to access your personal information.

### **Questions**

If you have any questions about this Policy or how Endless Pools processes your personally identifiable information, please contact us by e-mail at [swim@endlesspools.com](mailto:swim@endlesspools.com).