

Scope and Purpose of this Privacy Policy

The purpose of this privacy policy (“Privacy Policy”) is to disclose what information we may collect, how we may collect it, and with whom we may share it. This Privacy Policy applies to information we collect both online and offline, including at our box offices or in phone or email interactions you have with us.

The web site located at <https://www.highergroundatx.com/> (the “Site”) is operated by 720 Space ATX, LLC, a Texas limited liability company, and its affiliate companies, which together operate and run the venue Higher Ground located at 720 Congress Ave, Austin, TX 78701 (hereinafter referred to as “Higher Ground”). This Privacy Policy describes Higher Ground’s current policies and practices concerning Personal Information collected by us through our Site or otherwise.

The term “Personal Information” refers to personally identifiable information about you, such as your name, birth date, e-mail address or mailing address, and any other information that is identified with you personally.

Through your use of any of our services or the Site, or by providing us with your Personal Information, you consent to the terms of, and the practices described in, this Privacy Policy.

Please note: This Privacy Policy does not apply to information collected by third parties, for example, when you purchase a ticket from a third-party ticketing provider, visit a third-party website, or interact with online advertisements. Please take a moment to review the privacy policies of third-party sites before you disclose information to them, as we cannot be held responsible for their actions with regard to your information.

We collect Personal Information to facilitate commercial transactions and provide you with a more personalized experience. We created this Privacy Policy with you in mind to demonstrate our commitment to protecting the privacy of all our customers and patrons.

What Information We Collect and How We Collect It

We collect Personal Information directly from you when you use the Site and voluntarily provide information. This includes contact and billing information that you provide when you sign up to receive communications. We may also collect demographic information like your age range, race, or gender, or information about events you like or products you buy. This type of information might be collected as part of a voluntary survey, for example. We may also collect details about your health requirements if you require accommodations when attending events.

We may also collect information you post in a public space on our Site or on third-party social media sites.

When you use our Site, we may collect anonymous information about the browser and device you’re using, your IP address, your location, the site you visited before and after ours, and how you used our Site (click-stream data). If you do not want information collected through the use of browser cookies, you can

generally opt-out of providing this information by turning cookies off on your browser. Unlike the Personal Information that you provide us with voluntarily through things like purchases and surveys, information collected through the use of cookies, IP addresses, and click-stream data does not identify you personally. It simply enables us to use the compilation of data about the visitors of our Site and improve the content and functionality, accordingly.

By using the Site, you acknowledge that you have read, agree, and are accepting the terms and conditions in this Privacy Policy and that you knowingly, voluntarily, and unconditionally consent to the collection, use, and processing of your Personal Information by us and our respective designees, agents, successors, assigns, affiliates, licensees, subsidiaries, subprocessors, or sponsors in any lawful manner, and for any lawful purpose whatsoever. You further agree that we will forever have the right to use the Personal Information provided hereunder and may, at any time, in our sole and absolute discretion, assign, sell, license or otherwise transfer the Personal Information to any third-party without obtaining additional consent or providing notice or additional consideration to you.

How We Use Your Personal Information

We use your Personal Information to improve your experience in a variety of ways. We use your Personal Information to provide you with products and services and provide you with customer support. This includes contacting you about your account or purchase and about this Privacy Policy or other terms. We might use your Personal Information to confirm your registration for an event or contest. If you provide someone else's information as part of a referral promotion, for example, they can contact us at privacy@nocohospitalityatx.com to ask us to delete their information.

We also use your Personal Information to improve our Site, products, and services. We may use your Personal Information to customize your experience with us, including displaying content based on your preferences. We may use your Personal Information for marketing purposes, such as sending you communications (e.g. via emails, SMS messages, etc.) with information about our shows, events, special promotions, or offers. You can opt out of receiving our marketing communications at any time by following the instructions in any such marketing communications you receive from us.

We also use Personal Information as otherwise permitted by law or as we may notify you. We keep your Personal Information as long as it is necessary or relevant for our business. We also keep Personal Information to resolve disputes, enforce our agreements, and as otherwise required by law.

Finally, we may use your Personal Information to protect our customers, our company, and our Site. This includes efforts to detect or prevent unreasonable or unlawful behavior or behavior in violation of our company policies.

Who We Share Personal Information With

We may share some or all of the Personal Information collected through the Site with our family of companies, which includes our affiliates, who use this data in accordance with this Privacy Policy. Personal Information we collect may also be shared with a variety of third parties, depending upon the

scope and reason for which the Personal Information was originally collected, the terms of that engagement, and the policies into or out of which you have opted. For example, we share information with vendors who fulfill your purchases. Some vendors may be located outside of the United States. From time to time, we may send you offers from Higher Ground, its affiliated companies, and our promotional partners based on the information you have provided to us. In addition, we may provide Personal Information we collect about you with third-party companies who sell products or services to you, like event tickets or merchandise. Such third parties may also contact you regarding events, promotions, or offers. These third parties will use the information we share with them as described in their privacy policies. Our Site may also feature links to third-party sites for your convenience. If you click on one of these links, you will be taken to websites we do not own or control and for which we are not responsible. This Privacy Policy does not apply to the privacy practices of those third-party websites. We encourage you to read the privacy policy of other websites carefully.

We may also share information if it is necessary to comply with the law, if a governmental agency or investigatory body requests it, to protect ourselves, or if we are investigating potential fraud. Lastly, we may share your Personal Information with any purchaser of all or part of our business.

We will inform you before we share your information for reasons other than those described in this Privacy Policy.

Your Choices and Rights

You can use much of our Site without giving us any Personal Information. As described above, you can adjust your device settings to control cookies and tracking tools and you can opt out of marketing emails. You can also modify the information you give us. To do so, simply email us at privacy@nocohospitalitytx.com.

Notice to California Residents

Under the California Consumer Privacy Act (CCPA), California residents have certain rights regarding their Personal Information. You may request, free of charge, a list of Personal Information that we shared with third parties and the identity of those third parties. California residents can make a request once a year. You may opt-out of the sale of your Personal Information to third parties. You may request that we delete any Personal Information collected from you. We will not discriminate against you based on your exercise of any of the above rights.

If you are a California resident and would like to exercise any of these rights, please submit your request by email to privacy@nocohospitalitytx.com.

Notice to Visitors from Outside of the United States

If you live outside of the United States, and use the Site, you understand and agree that we may transfer your information to the United States. By using the Site, you acknowledge that the Site is subject to United States laws and waive any claims that may arise under other laws.

Protecting Your Information

We use commercially reasonable security measures to protect your Personal Information. The security measures we use will depend on the type of information collected. However, no method of data transmission is guaranteed against unlawful third-party interception or other misuse. If you think that an unauthorized account has been created using your name, please contact us at privacy@nocohospitalityatx.com.

Our Site is Not Intended for Children

We do not knowingly collect Personal Information from children under the age of thirteen. If you are under the age of thirteen, please do not transmit any Personal Information. If you have reason to believe that a child has provided Personal Information to us, please contact us at privacy@nocohospitalityatx.com, and we will endeavor to delete that information from our databases.

Governing Law

This Privacy Policy will be governed by and construed in accordance with the laws of the State of Texas without regard to its conflicts of law principles. Any dispute concerning this Privacy Policy must be brought in the state and federal courts located in Travis County, TX, and you expressly consent to exclusive venue and jurisdiction in such courts.

LIMITATION OF LIABILITY

BY PROVIDING US WITH ANY PERSONAL INFORMATION, YOU EXPRESSLY AND UNCONDITIONALLY RELEASE AND HOLD HARMLESS HIGHER GROUND, ITS PARENTS, SUBSIDIARIES, AFFILIATES, RELATED COMPANIES AND THEIR RESPECTIVE SHAREHOLDERS, OWNERS, MEMBERS, DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS (COLLECTIVELY, THE "RELEASEES") FROM ANY AND ALL LIABILITY FOR ANY INJURIES, LOSS OR DAMAGES OF ANY KIND ARISING FROM OR IN CONNECTION WITH THE USE AND/OR MISUSE OF YOUR COLLECTED PERSONAL INFORMATION. IN ADDITION, YOU EXPRESSLY AGREE THAT WE WILL NOT BE HELD LIABLE FOR ANY INJURIES, LOSS, OR DAMAGE OF ANY KIND ARISING FROM OR IN CONNECTION WITH THE USE AND/OR MISUSE OF YOUR PERSONAL INFORMATION BY ANY THIRD PARTIES WHO RECEIVE YOUR PERSONAL INFORMATION IN ACCORDANCE WITH THIS PRIVACY POLICY. WE MAKE NO REPRESENTATIONS OR WARRANTIES REGARDING ANY THIRD-PARTY'S USE, COLLECTION, OR DISCLOSURE OF YOUR PERSONAL INFORMATION.

Updates to This Policy

Our data practices may change from time to time due to changes in the law, the changing nature of technology, or improvements to the Site, our products, services, or programs. If and when our data practices change, we will post the changes to the Site. Once posted, the changes to the Privacy Policy will

be effective immediately. Please check this page frequently for any updates to these terms. This Privacy Policy was last updated on March 1, 2023.

If you have any questions about this Privacy Policy, please contact us at privacy@nocohospitalitytx.com.