

Privacy Policy

Thank you for using Whimstay!

Last Updated: April 30, 2019

This Privacy Policy describes how we collect, use, process, and disclose your information, including personal information, in conjunction with your access to and use of the Whimstay Platform.

If you see an undefined term in this Privacy Policy (such as “Property Service” or “Whimstay Platform”), it has the same definition as in our [Terms of Service](#).

When this policy mentions “Whimstay,” “we,” “us,” or “our,” it refers to Whimstay, Inc. that is responsible for your information under this Privacy Policy.

1. INFORMATION WE COLLECT

There are three general categories of information we collect.

1.1 Information You Give to Us.

We ask for and collect the following personal information about you when you use the Whimstay Platform. This information is necessary for the adequate performance of the contract between you and us and to allow us to comply with our legal obligations. Without it, we may not be able to provide you with all the requested services.

- **Account Information.** When you sign up for a Whimstay Account, we require certain information such as your first name, last name, mobile phone number, email address, and date of birth.
- **Profile and Property Service Information.** To use certain features of the Whimstay Platform (such as booking or creating a Property Service), we may ask you to provide additional information, which may include your address and a profile picture.
- **Identity Verification Information.** To help create and maintain a trusted environment, we may collect identity verification information (such as images of your government issued ID, passport, national ID card, or driving license, as permitted by applicable laws) or other authentication information.
- **Payment Information.** To use certain features of the Whimstay Platform (such as booking or creating a Property Service), we may require you to provide certain financial information (like your bank account or credit card information) in order to facilitate the processing of payments.
- **Communications with Whimstay and other Members.** When you communicate with Whimstay or use the Whimstay Platform to communicate with other Members, we collect information about your communication and any information you choose to provide.

You may choose to provide us with additional personal information in order to obtain a better user experience when using Whimstay Platform. This additional information will be processed based on your consent.

- **Additional Profile Information.** You may choose to provide additional information as part of your Whimstay profile (such as your website, a photo and a personal description). Some of this information as indicated in your Account settings is part of your public profile page and will be publicly visible to others.
- **Address Book Contact Information.** You may choose to import your address book contacts or enter your contacts' information manually to access certain features of the Whimstay Platform, like inviting them to use Whimstay.
- **Other Information.** You may otherwise choose to provide us information when you fill in a form, conduct a search, update or add information to your Whimstay Account, respond to surveys, post to community forums, participate in promotions, or use other features of the Whimstay Platform.

1.2 Information We Automatically Collect from Your Use of the Whimstay Platform.

When you use the Whimstay Platform, we automatically collect information, including personal information, about the services you use and how you use them. This information is necessary for the adequate performance of the contract between you and us, to enable us to comply with legal obligations and given our legitimate interest in being able to provide and improve the functionalities of the Whimstay Platform.

- **Geo-location Information.** When you use certain features of the Whimstay Platform, we may collect information about your precise or approximate location as determined through data such as your IP address or mobile device's GPS to offer you an improved user experience. Most mobile devices allow you to control or disable the use of location services for applications in the device's settings menu. Whimstay may also collect this information even when you are not using the app if this connection is enabled through your settings or device permissions.
- **Usage Information.** We collect information about your interactions with the Whimstay Platform such as the pages or content you view, your searches for Property Services, bookings you have made, and other actions on the Whimstay Platform.
- **Log Data and Device Information.** We automatically collect log data and device information when you access and use the Whimstay Platform, even if you have not created a Whimstay Account or logged in. That information includes, among other things: details about how you have used the Whimstay Platform (including if you clicked on links to third party applications), IP address, access dates and times, hardware and software information, device information, device event information, unique identifiers, crash data, cookie data, and the pages you've viewed or engaged with before or after using the Whimstay Platform.
- **Cookies and Similar Technologies.** A cookie is a very small text document, which often includes an anonymous unique identifier. When you visit a site, that site's computer asks your computer for permission to store this file in a part of your hard drive specifically designated for cookies. Each site can send its own cookie to your browser if your browser's preferences allow it. We use cookies and other similar technologies, such as web beacons, pixels, and mobile identifiers. We may also allow our business partners to use these tracking technologies on the Whimstay Platform, or engage others to track your behavior on our behalf. While you may disable the usage of cookies through your browser settings, the Whimstay Platform currently does not respond to a "Do Not Track" signal in the HTTP header from your browser or mobile application due to lack of standardization regarding how that signal should be interpreted. To find out more about "Do Not Track," you may wish to visit <http://www.allaboutdnt.com>.
- **Payment Transaction Information.** Whimstay collects information related to your payment transactions through the Whimstay Platform, including the payment instrument used, date and time, payment amount, payment instrument expiration date and billing postcode, IBAN information, your address and other related transaction details. This information is necessary for the adequate performance of the contract between you and Whimstay.

1.3 Information We Collect from Third Parties.

Whimstay may collect information, including personal information, that others provide about you when they use the Whimstay Platform, or obtain information from other sources and combine that with information we collect through the Whimstay Platform. We do not control and are not responsible for how the third parties process your personal data, and any information request regarding the disclosure of your personal information to us should be directed to such third parties.

- **Background Information.** For Members in the United States, to the extent permitted by applicable laws, Whimstay may obtain reports from public records of criminal convictions or sex offender registrations. For Members outside of the United States, to the extent permitted by applicable laws and with your consent where required, Whimstay may obtain the local version of police, background or registered sex offender checks. We may use your information, including your full name and date of birth, to obtain such reports.
- **Other Sources.** To the extent permitted by applicable law, we may receive additional information about you, such as demographic data or fraud detection information, from third party service providers and/or partners, and combine it with information we have about you. For example, we may receive background check results (with your consent where required) or fraud warnings from service providers like identity verification services for our fraud prevention and risk assessment efforts. We may receive information about you and your activities on and off the Whimstay Platform through partnerships, or about your experiences and interactions from our partner ad networks.

2. HOW WE USE INFORMATION WE COLLECT

We use, store, and process information, including personal information, about you to i) provide, understand, improve, and develop the Whimstay Platform, ii) create and maintain a trusted and safer environment and iii) comply with our legal obligations.

2.1 We use information to provide, improve, and develop the Whimstay Platform. This includes the use of information to:

- Enable you to access and use the Whimstay Platform.
- Enable you to communicate with other Members.
- Operate, protect, improve, and optimize the Whimstay Platform and experience, such as by performing analytics and conducting research.
- Provide customer service.
- Send you service or support messages, updates, security alerts, and account notifications.
- If you provide us with your contacts' information, we may process this information: (i) to facilitate your referral invitations, (ii) send your requests for references, (iii) for fraud detection and prevention, and (iv) for any purpose you authorize at the time of collection.
- To operate, protect, improve, and optimize the Whimstay Platform and experience, and personalize and customize your experience (such as making Property Service suggestions or ranking search results), we conduct profiling based on your interactions with the Whimstay Platform, your search and booking history, your profile information and preferences, and other content you submit to the Whimstay Platform.

We process this information given our legitimate interest in improving the Whimstay Platform and our Members' experience with it, and where it is necessary for the adequate performance of the contract with you.

2.2 We use information to create and maintain a trusted and safer environment. This includes, but is not limited to, the use of information to:

- Enable you to access and use our third-party vendor for payment services
- Detect and prevent fraud, spam, abuse, security incidents, and other harmful activity.
- Conduct security investigations and risk assessments.
- Verify or authenticate information or identifications provided by you (such as to verify your Property address or compare your identification photo to another photo you provide).
- Conduct checks against databases and other information sources, including background or police checks, to the extent permitted by applicable laws and with your consent where required.
- Comply with our legal obligations, including but not limited to requisite disclosures if we are involved in a merger, acquisition, or sale of any or all of our business and/or our assets to a third party.
- Resolve any disputes with any of our Members and enforce our agreements with third parties.
- Enforce our [Terms of Service](#) and other policies. In connection with the activities above, we may conduct analyses based on your interactions with the Whimstay Platform, your profile information and other content you submit to the Whimstay Platform, and information obtained from third parties. In limited cases, automated processes may restrict or suspend access to the Whimstay Platform if such processes detect a Member or activity that we think poses a safety or other risk to the Whimstay Platform, other Members, or third parties.

We process this information given our legitimate interest in protecting the Whimstay Platform, to measure the adequate performance of our contract with you, and to comply with applicable laws.

2.3 We use information to provide, personalize, measure, and improve our advertising and marketing. This includes the use of information to:

- Send you promotional messages, marketing, advertising, and other information that may be of interest to you based on your preferences including information about Whimstay or partner campaigns and services and social media advertising through social media platforms such as Facebook or Google.
- Personalize, measure, and improve our advertising.
- Administer referral programs, rewards, surveys, sweepstakes, contests, or other promotional activities or events sponsored or managed by Whimstay or its third-party partners.
- Perform analysis on your characteristics and preferences (based on the information you provide to us, your interactions with the Whimstay Platform, information obtained from third parties, and your search and booking history) to send you promotional messages, marketing, advertising and other information that we think may be of interest to you.

We will process your personal information for the purposes listed in this section given our legitimate interest in undertaking marketing activities to offer you products or services that may be of your interest. You can opt-out of receiving marketing communications from us by following the unsubscribe instructions included in our marketing communications or changing your notification settings within your Whimstay Account.

3. SHARING & DISCLOSURE

3.1 With Your Consent.

Where you have provided consent, we share your information, including personal information, as described at the time of consent, such as when you authorize a third-party application or website to access your Whimstay Account or when you participate in promotional activities conducted by Whimstay partners or third parties.

3.2 Sharing between Members.

To help facilitate bookings or other interactions between Members, we may need to share certain information, including personal information, with other Members, as it is necessary for the adequate performance of the contract between you and us, as follows:

- When you as a Traveler complete a booking, certain information about you is shared with the Host, including your full name, phone number, email address and other information you agree to share.
- When you as a Host have a completed booking, certain information is shared with the Traveler to coordinate the booking, such as your full name, phone number, email address and Property address.

We don't share your billing and payout information with other Members.

3.3 Profiles, Property Services, and other Public Information.

The Whimstay Platform lets you publish information, including personal information, that is visible to the general public. For example:

- Parts of your public profile page, such as your first name, your description, a photo and city, are publicly visible to others.
- Property Service pages are publicly visible and include information such as the Property approximate location (neighborhood and city) or precise location (where you have provided your consent), Property Service description, calendar availability, your public profile photo, and any additional information you choose to share.
- After completing a booking, Travelers and Hosts may write Reviews and rate each other. Reviews and Ratings are a part of your public profile page and may also be surfaced elsewhere on the Whimstay Platform (such as the Property Service page).
- If you submit content in a community or discussion forum, blog or social media post, or use a similar feature on the Whimstay Platform, that content is publicly visible.

Based on our legitimate interest to promote the Whimstay Platform, we may display parts of the Whimstay Platform (e.g., your Property Service page) on sites operated by Whimstay's business partners, using technologies such as widgets or APIs. If your Property Services are displayed on a partner's site, information from your public profile page may also be displayed.

Information you share publicly on the Whimstay Platform may be indexed through third party search engines. If you change your public-facing content, these search engines may not update their databases. We do not control the practices of third-party search engines, and they may use caches containing your outdated information.

3.4 Additional Services by Hosts.

Hosts may need to use third party services available through the Whimstay Platform to assist with managing their Property or providing additional services requested by you, such as cleaning services or lock providers. Hosts may use features on the Whimstay Platform to share information about the Traveler (like check-in and check-out dates, Traveler name, Traveler phone number) with such third-party service providers for the purposes of coordinating the stay, managing the Property, or providing other services.

3.5 Compliance with Law, Responding to Legal Requests, Preventing Harm and Protection of our Rights.

Whimstay may disclose your information, including personal information, to courts, law enforcement or governmental authorities, or authorized third parties, if and to the extent we are required or permitted to

do so by law or if such disclosure is reasonably necessary: (i) to comply with our legal obligations, (ii) to comply with legal process and to respond to claims asserted against Whimstay, (iii) to respond to verified requests relating to a criminal investigation or alleged or suspected illegal activity or any other activity that may expose us, you, or any other of our users to legal liability, (iv) to enforce and administer our [Terms of Service](#), the payment terms or other agreements with Members, or (v) to protect the rights, property or personal safety of Whimstay, its employees, its Members, or members of the public.

These disclosures may be necessary to comply with our legal obligations, for the protection of your or another person's vital interests or for the purposes of our or a third party's legitimate interest in keeping the Whimstay Platform secure, preventing harm or crime, enforcing or defending legal rights, or preventing damage.

Where appropriate, we may notify Members about legal requests unless: (i) providing notice is prohibited by the legal process itself, by the court order we receive, or by applicable law, or (ii) we believe that providing notice would be futile, ineffective, create a risk of injury or bodily harm to an individual or group, or create or increase a risk of fraud upon Whimstay's property, its Members and the Whimstay Platform. In instances where we comply with legal requests without notice for these reasons, we may notify that Member about the request after the fact where appropriate and where we determine in good faith that we are no longer prevented from doing so.

3.6 Service Providers.

Whimstay uses a variety of third-party service providers to help us provide services related to the Whimstay Platform. Our service providers are based in the United States and other countries where the service providers have operations, subsidiaries or affiliates.

For example, we use Stripe, Inc. , a trusted third-party vendor, to process any and all payments through and in connection with your use of the Whimstay Platform. For more information about Stripe's data processing activities we recommend that you read Stripe's [privacy policy](#).

Service providers may also help us: (i) verify your identity or authenticate your identification documents, (ii) check information against public databases, (iii) conduct background or police checks, fraud prevention, and risk assessment, (iv) perform product development, maintenance and debugging, (v) allow the provision of the Whimstay Services through third party platforms and software tools (e.g. through the integration with our APIs), or (vi) provide customer service, advertising, or payments services. These providers have limited access to your information to perform these tasks on our behalf, and are contractually bound to protect and to use it only for the purposes for which it was disclosed and consistent with this Privacy Policy.

Whimstay will need to share your information, including personal information, in order to ensure the adequate performance of our contract with you.

3.7 Business Transfers.

If Whimstay undertakes or is involved in any merger, acquisition, reorganization, sale of assets, bankruptcy, or insolvency event, then we may sell, transfer or share some or all of our assets, including your information in connection with such transaction or in contemplation of such transaction (e.g., due diligence). In this event, we will notify you before your personal information is transferred and becomes subject to a different privacy policy.

3.9 Aggregated Data.

We may also share aggregated information (information about our users that we combine so that it no longer identifies or references an individual user) and other anonymized information for regulatory compliance, industry and market analysis, demographic profiling, marketing and advertising, and other business purposes.

4. OTHER IMPORTANT INFORMATION

4.1 Analyzing your Communications.

We may review, scan, or analyze your activity on the Whimstay Platform for fraud prevention, risk assessment, regulatory compliance, investigation, product development, research, and customer support purposes. In some cases, we may also scan, review, or analyze messages to debug, improve, and expand product offerings. We use automated methods where reasonably possible. However, occasionally we may need to manually review some communications, such as for fraud investigations and customer support, or to assess and improve the functionality of these automated tools. We will not review, scan, or analyze your communications to send third party marketing messages to you, and we will not sell reviews or analyses of these communications.

These activities are carried out based on Whimstay's legitimate interest in ensuring compliance with applicable laws and our [Terms of Service](#), preventing fraud, promoting safety, and improving and ensuring the adequate performance of our services.

4.2 Google Maps/Earth.

Parts of the Whimstay Platform use Google Maps/Earth services, including the Google Maps API(s) and Google Places API. Use of Google Maps/Earth is subject to [Google Maps/Earth Additional Terms of Use](#) and the [Google Privacy Policy](#).

5. THIRD PARTY PARTNERS & INTEGRATIONS

The Whimstay Platform may contain links to third party websites or services, such as third-party integrations, co-branded services, or third-party branded services (“**Third-Party Partners**”). Whimstay doesn't own or control these Third-Party Partners and when you interact with them, you may be providing information directly to the Third-Party Partner, Whimstay, or both. These Third-Party Partners will have their own rules about the collection, use, and disclosure of information. We encourage you to review the privacy policies of the other websites you visit.

6. REVIEWING AND CORRECTING YOUR INFORMATION

6.1 Managing Your Information.

You may access and update some of your information through your Account settings. You are responsible for keeping your personal information up-to-date.

6.2 Rectification of Inaccurate or Incomplete Information.

You may review and correct inaccurate or incomplete personal information concerning you (and which you cannot update yourself within your Whimstay Account) at any time by contacting us at the address below.

7. OPERATIONS

To facilitate our operations Whimstay may transfer, store, and process your information directly or with service providers based in the United States and other countries where these service providers maintain operations or have subsidiaries or affiliates. Laws in these countries may differ from the laws applicable to your Country of Residence.

7.1 California & Vermont Residents.

Whimstay will not share information it collects about you with its affiliates or third parties (both financial and non-financial), except as required or permitted by your state's law.

7.2 California Privacy Rights.

California law permits Members who are California residents to request and obtain from us once a year, free of charge, a list of the third parties to whom we have disclosed their personal information (if any) for their direct marketing purposes in the prior calendar year, as well as the type of personal information disclosed to those third parties. See the "Contact Us" section for where to send such requests. Whimstay do not share personal information with third parties for their own direct marketing purposes without your prior consent. Accordingly, you can prevent disclosure of your personal information to third parties for their direct marketing purposes by withholding consent.

8. AGE OF MAJORITY

Our site is intended for a general audience over 18 years of age and is not directed to children under 13 years of age. We do not intend to collect personal information as defined by the U.S. Children's Online Privacy Protection Act ("COPPA") ("Children's Personal Information") in a manner that is not permitted by COPPA, and for any children's or mixed-use portions of our site (if any) we will comply with COPPA. If you are a parent or guardian and believe we have collected Children's Personal Information in a manner not permitted by COPPA, please contact us at the address listed below (Attention: Privacy) and we will remove such data to the extent required by COPPA.

Parents may want to consider commercially available parental control protections to limit what minors can access online and/or monitor their minor children's online activities. Examples include: www.netnanny.com; www.webwatcher.com and www.sentrypc.com. We do not endorse these or other services and are not responsible for them.

9. SECURITY

We are continuously implementing and updating administrative, technical, and physical security measures to help protect your information against unauthorized access, loss, destruction, or alteration. Some of the safeguards we use to protect your information are firewalls and data encryption, and information access controls. If you know or have reason to believe that your Whimstay Account credentials have been lost, stolen, misappropriated, or otherwise compromised or in case of any actual or suspected unauthorized use of your Whimstay Account, please contact us following the instructions in the Contact Us section below.

10. CHANGES TO THIS PRIVACY POLICY

Whimstay reserves the right to modify this Privacy Policy at any time in accordance with this provision. If we make changes to this Privacy Policy, we will post the revised Privacy Policy on the Whimstay Platform and update the "Last Updated" date at the top of this Privacy Policy. If you disagree with the revised Privacy Policy, you may cancel your Account. If you do not cancel your Account, your continued access to or use of the Whimstay Platform will be subject to the revised Privacy Policy.

11. CONTACT US

If you have any questions or complaints about this Privacy Policy or Whimstay's information handling practices, you may [email](#) us or contact us at:

- Whimstay, Inc., Privacy, 100 Pringle Avenue, Suite 360, Walnut Creek, CA 94596