

TOP OF THE ROCK™ Photos Privacy Policy

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This document explains the online privacy practices and policy of Top of the Rock, L.L.C. (“TOTR”), for the TOP OF THE ROCK™ Photos web site at TopOfTheRockPhotos.venuePhotos.com (this “Photo Site”) and in connection with the digital photography services provided to you by Event Imaging Solutions, Inc. a Kodak Company (“EIS”) through this Photo Site. This Photo Site is separate and distinct from the TopOfTheRockNYC.com web site, which provides different services and products and therefore such site has a different privacy policy and different Terms of Use. Please refer to the privacy policy and terms of use for such site when using such site or for information on visiting the TOP OF THE ROCK™ and the observation deck at TOP OF THE ROCK™.

If you have not already done so, [please click here](#) to review the Terms and Conditions (the “Terms”) that govern your use of this Photo Site and the services and products offered on this Photo Site. This Privacy Policy is considered part of the Terms.

By using this Photo Site, you consent to the collection and use of information in the manner described below. This Privacy Policy explains what information we collect and how we use the information so we can continue to provide outstanding service and products to use.

Collecting Personal Information

Personal information is requested whenever you choose to use any of our services or order any of our products.

The type of personal information we request has to do specifically with the type of service you are using or product you are ordering. This Photo Site does not knowingly collect personal information or data from children under the age of 13. To register as a member of this Photo Site and to purchase the services and products offered, you must be 18 years of age or over.

This Photo Site receives and stores personal data (such as your name, user ID, password, address, e-mail address, shipping information, and telephone number).

When you sign up with us to obtain your photographs from your visit to the TOP OF THE ROCK™, you establish a password-protected personal account for storing, organizing and sharing digital images, as well as for using our other services. In order to establish your account, we will need your name, user ID, e-mail address, password, and the information contained in the Photo Claim ID provided to you during your visit to TOP OF THE ROCK™.

When you order prints, products or other paid products or services, we will need the shipping address, billing name and address, as well as the credit-card number and expiration date. See the

Terms for other terms and conditions relating to such purchases, including, without limitation, credit-card authorization, refund policy, pricing, and sales tax.

We use this data to process your order and to reply to your e-mail. If you opt into our promotional e-mailing list, we also will use this data to deliver a TOTR newsletter and updates by e-mail. You must supply the requested personal data to enable you to view, order or share photos. You can refrain from supplying personal data, but you then will be unable to take full advantage of this Photo Site and the services and products offered.

When you want to share your photographs with others (“Invitees”), we will ask for e-mail addresses of your Invitees.

Any contact with our Customer Service team or communication from you, such as telephone calls or e-mails, may be recorded to help us provide better service.

If you contact us by e-mail (through a hyperlink on a webpage, or otherwise), then we naturally will have your e-mail address and name and any other information in your message. We will use this information only to reply to your message. We will not share your e-mail address with third parties, except as provided herein.

Password

The password you select will allow you access to your account; as such, it needs to be as secure as possible. A good password includes seemingly random letters and numbers, and isn’t obvious (such as names of a spouse, child, or pet). You can update your account information and change your password at any time through the “My Account” link on this Photo Site. If you have forgotten your password, you can set a new one by clicking on the “Forgot Your Password” link on the Welcome Page. You will be responsible for all activities that occur under your password.

Non-Personal Data

In addition to personal information we also collect non-personally identifying data about visitors to this Photo Site that helps us track their number and navigation through this Photo Site. This data may include the website the visitor arrived from and departs to as well as the IP address of the computer being used to access this Photo Site. While it may be possible to correlate this information with particular individuals, we do not do so. We use this data only in the aggregate, to show overall patterns for all visitors.

Information We Automatically Collect

Cookies and Invisible Gifs (also known as “Clear Gifs,” “Web Bugs” and “Tracker Gifs”)

Generally speaking, we use cookies and invisible gifs to track users of the service (including our newsletter service) and this Photo Site, including photographs and the shopping areas. For example, when you visit this Photo Site, we assign you a unique user ID and store it on your computer in the form of a cookie (unless your browser’s cookie support has been disabled). Through the use of cookies, user IDs, and invisible gifs, we are able to optimize the performance

and functionality of this Photo Site, and to personalize this Photo Site for you and present you with content and offers specific to your interests.

Disabling Cookies

If you are uncomfortable with the idea of your information being stored in cookies, we recommend disabling cookie support in your browser, though please understand this will limit the performance and functionality of this Photo Site. Your browser documentation will provide specific procedures for disabling cookie support.

IP Address

We analyze IP addresses in the aggregate for system administration purposes and to gather broad demographic information. We do not link IP addresses to your computer's user ID, with the following exception: when you place an order using our online checkout process we record your computer's IP address with your order to help us identify fraudulent credit-card use. We may share this information with the financial institution that issued the credit-card with which an order was placed, or with law enforcement authorities if we determine, or are notified, that the use of the credit-card was fraudulent.

Use and Sharing Personal Data

We are not in the business of selling data about our customers. Your personal information will not be rented, sold or shared with any third party, except as described in this Privacy Policy or as otherwise agreed by you. There are limited circumstances in which we share personal data with third parties. Our primary goal in collecting your personal information is to provide you with a personalized, relevant, user-friendly experience on this Photo Site and in connection with our services and products.

Third Parties

We share personal information with carefully screened third-party service providers for the sole purpose of providing you with the products, services and information you have requested. We may also choose to offer certain third party products through this Photo Site and may disclose certain portions of your personally identifiable information to allow those product producers to fulfill your product order. Examples of such third-party service providers are credit-card authorization companies, merchandise distributors and shippers as well as EIS, which provides various services in connection with this Photo Site and the products and services offered and may take many of the actions described herein. Among the many services EIS provides in connection with this Photo Site and the services and products, EIS handles all orders, including credit-card authorizations. The third-party service providers do not store, retain or access your information except to provide our services and products to you.

From time to time, we may also engage the services of third parties to help us analyze use of this Photo Site. These third parties will be contractually bound to use the personal data only according to this Privacy Policy. They are not authorized to send you any information about goods and services from other companies without your express permission.

Promotional Materials

We will give you the opportunity to opt into our promotional e-mailing list, in which event we may send you separate e-mail messages announcing events featured in the newsletter. Our promotional e-mailing list informs you of site improvements, feature announcements, newsletters, TOTR promotional offers, and occasional third-party promotional offers that may be of interest to you. You can opt out of these messages by unsubscribing through the email received or by selecting the opt out option available through the “My Account” link on the Photo Site.

Other Uses

We use your personal information to make your TOTR experience enjoyable. For example, because we know who you are after you log in, we can present you with the right set of photographs in your password-protected account. We also know where to e-mail you to let you know your order has been shipped.

Note that one reason we are able to offer you relevant promotions is that we reserve the right to use aggregated, anonymous, non-personal data about our users as a group. We use such information for statistical analysis of user behavior, product development, content improvement and marketing, promotional and advertising purposes. We may also make that aggregate non-personal information available to select third party partners.

We may transfer personal data to an affiliate or third party as part of a transfer of business assets. The data would continue to be covered by the promises in this Privacy Policy.

We may release personal data in order to comply with the law, enforce terms of use and other agreements, and protect customers and others.

Protecting the Privacy of Photographs

This Photo Site is designed so that you can control who may view the photographs stored in your account. We are committed to keeping your photographs private and secure. Please note that if you share your photographs with your friends or family members and they post your share invitation on a website or forward to other individuals, these photographs may be accessible to others who view the e-mail invitation or visit these websites.

In order to provide quality products, our employees and third-party service providers, fulfilling your order or providing Customer Support to you, may see your photographs.

The photographs must be claimed within 30 days from when they were taken. Photographs not claimed within such 30 days will no longer be available. Once photographs are claimed and associated with a user account, they will be available for viewing, sharing and purchasing for 60 days, after which the photographs will be permanently deleted.

Protecting the Privacy of Your Friends & Family

Sharing your photographs electronically through our share service is one of the key benefits we offer. If you want to share photographs with friends and family so that friends and family may order the photographs, you need to enter their e-mail addresses. An invitation with a web link created specifically for your photographs will be sent to them with your email address as the sender. They may view or purchase products using your photographs. We will not add their e-mail addresses to a mailing list, or send them further e-mail unless they sign up and choose to receive such communications from us per this Privacy Policy.

Who Sees Your Photographs After They Have Been Posted Online?

You, your Invitees and their Invitees can see your photographs online. An Invitee includes anyone who is invited to this Photo Site to see your photographs. Anyone who is invited to see your photographs online is not required to provide an e-mail address and a password to access this Photo Site to view the shared photographs. When you choose to share your online images with Invitees, those individuals will be able to view your photographs. The Invitees will be prohibited from re-sharing the photographs from within their view of the Photo Site. However, as with any e-mail, your Invitees could forward the e-mail invitation to others, who will then be able to click on the link to the photographs within the e-mail, and see the photographs too.

TOTR employees or employees of third party partner companies or service providers that provide services to TOTR in connection with this Photo Site may see your photographs while they are being scanned or printed. In addition, your photographs or personal account information may be seen by employees of TOTR and such third parties, including, without limitation, EIS, in order to evaluate, validate, or correct problems with your account.

Copyrights

The content and the software on this Photo Site and the compilation thereof are each the property of TOTR and/or its suppliers and are each protected by U.S. and international copyright laws. You may not remove any notices or credits posted on this Photo Site, or any additional information contained along with any such notices and credits.

TOTR, unless stated otherwise, is the content owner of any photographic material contained on this Photo Site. You may not publish, distribute, extract, re-utilize or reproduce part or all of any such content in any material form (including photocopying or storing it in any medium by electronic means). Photographs are only for private, personal and noncommercial use. Photographs cannot be published, sold, reproduced, transferred, distributed, or otherwise commercially exploited in any manner whatsoever. TOTR reserves the right, at its sole discretion, to withhold and/or withdraw permission to photograph on its premises or to reproduce photographs.

Security

We use reasonable measures to safeguard personal data, including passwords, electronic firewalls, and encryption. Credit-card numbers that you enter on our billing webpage are encrypted and transmitted through SSL (Secure Sockets Layer). Neither TOTR nor EIS store

credit-card data on the web-server. TOTR and EIS will use your credit-card number only to process your payment.

TOTR endeavors to provide a secure website, but cannot guarantee the confidentiality of electronic communication. Except for credit-card data, transmissions to and from this Photo Site are not encrypted, nor are e-mail messages. Accordingly, you should carefully consider whether to submit sensitive information that you would not want made public, and should recognize that your use of this Photo Site is solely at your own risk.

Accessing Your Data

If you would like to review the personal data collected through this Photo Site, please mail a self-addressed stamped envelope and a check for \$10.00 for administrative costs, payable to Top of the Rock, L.L.C., c/o Tishman Speyer, 45 Rockefeller Plaza, New York, New York 10111-1200. If you inform us of outdated or inaccurate data, we will make a reasonable effort to correct it.

Links

This Photo Site may contain links to other websites. TOTR is not responsible for their privacy practices, policies, or content.

Revision

We reserve the right to modify, amend, or change this Privacy Policy at any time. TOTR may change the features and content of this Photo Site. This Privacy Policy may change accordingly. If our practice of not collecting personal data changes, we will give you the option to have the data used solely for the purpose for which you provided it. You should periodically revisit this webpage to familiarize yourself with our current Privacy Policy. By visiting this Photo Site, you agree to be bound by the then-current Privacy Policy.

Nothing in this Privacy Policy is intended to interfere with the ability of TOTR to transfer all or part of its business or assets (including this Photo Site, and any personal data collected under an applicable revised Privacy Policy) to an affiliate or independent third party, at any time, for any reason.

Claims and Comments

If you believe that TOTR has acted inconsistently with this Privacy Policy, please notify us at the address below. We will respond to your concerns, and take remedial action, if appropriate. If you have questions or comments about this Privacy Policy or the practices of this Photo Site, you may contact Webmaster, Top of the Rock, L.L.C. c/o Tishman Speyer, 45 Rockefeller Plaza, New York, New York 10111-1200, or [info@ TopOfTheRockPhotos.venuePhotos.com](mailto:info@TopOfTheRockPhotos.venuePhotos.com)

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