

## KMGV PRIVACY POLICY AND YOUR CALIFORNIA PRIVACY RIGHTS

MEGA979.com ("Site," "us," or "we") is the official website for Radio Station KMGV 97.9 FM ("Station"). This site is owned and operated by Peak Broadcasting License of Fresno LLC d/b/a KMGV ("Owner and Operator"), a subsidiary of Peak Broadcasting LLC ("Peak Broadcasting").

Your privacy is very important to us. Because we gather certain types of personally identifiable information ("Personal Information") from users of our website and for various Station activities, operational and business purposes, we feel you should know how we collect, use, disclose, manage, and store the Personal Information that you may voluntarily provide us and the Personal Information that is collected passively through the use of cookies or image tags on our website. This Privacy Policy is a part of the Site's Terms of Use Agreement, which is binding on all Site users. This Policy applies only to the Personal Information collected by this Station and does not cover any such information collected by its corporate parent(s), affiliates, or any other company, unless specifically stated.

**If you do not agree with this Privacy Policy, please do not participate in the Station's online or off-line activities and services that require you to provide your Personal Information. (The type of Personal Information collected is listed below.)** This Policy provides information regarding your choices to either Opt-out or Opt-in when your Personal Information is used for various promotional and marketing purposes by the Station, Site, its corporate affiliates, and/or our advertisers, sponsors, or promotional partners (collectively, "Advertisers"). For example, for the Station, the Site or our corporate affiliates use of your Personal Information for marketing and promotional purposes, we provide you with the right to Opt-out. However, the choice for sharing your Personal Information with Advertisers may be different. Please see details in the "Disclosure to Advertisers " section below.

### **YOUR CALIFORNIA PRIVACY RIGHTS**

Residents of the State of California, under a new provision of the California Civil Code, have the right to request from companies conducting business in California a list of all third parties to which the company has disclosed Personal Information during the preceding year for direct marketing purposes. Alternatively, the law provides that if the company has a privacy policy that gives either an Opt-out or Opt-in choice for use of your Personal Information by third parties (such as advertisers or affiliated companies) for marketing purposes, the company may instead provide you with information on how to exercise your disclosure choice options.

This Station qualifies for the alternative option; it has a comprehensive privacy policy and provides you with details on how you may Opt-out or Opt-in to the use of your Personal Information by third parties for direct marketing purposes. Therefore, we are not required to maintain or disclose a list of the third parties that received your Personal Information during the preceding year for marketing purposes.

If you are a California resident and request information about how to exercise your third party disclosure choices you must send a request to the following address with a preference on how our response to your request should be sent (email or postal mail). You may contact us in two ways. Send email to Privacy Administrator at [postmaser@MEGA979.com](mailto:postmaser@MEGA979.com). Alternatively, you may contact the Station at:

**KMGV Radio Station**  
**1071 W. Shaw Ave**  
**Fresno, CA 93711**  
**Attn: Your California Privacy Rights**  
**c/o Privacy Administrator**

**For requests sent via email, you must put the statement "Your California Privacy Rights" in the subject field of your email. All requests sent via postal mail must be labeled "Your California Privacy Rights" on the envelope or post card and clearly stated on the actual request.** For all requests, please include your name, street address, city, state, and zip code. (Your street address is optional if you wish to receive a response to your request via email. Please include your zip code for our own recordkeeping.) **We will not accept requests via the telephone or by facsimile.** We are not responsible for notices that are not labeled or sent properly, or do not have complete information.

To all other users of this Site, if you have other questions about this Privacy Policy, please contact our Privacy Administrator at the following email address:  
[PrivacyAdministrator@MEGA979.com](mailto:PrivacyAdministrator@MEGA979.com) or:

**KMGV Radio Station**  
**1071 W. Shaw Ave**  
**Fresno, CA 93711**  
**Attn: Privacy Administrator**

Unless specified otherwise on the Site, all users must be at least 18 years of age and a legal resident of the United States to participate in any activity that requires the submission of Personal Information. This Site is designed and targeted to United States (U.S.) audiences and is governed by and operated in accordance with the laws of the United States. We make no representation that this Site is operated in accordance with the laws or governed by other nations. By your participation in our Site activities, you certify that you are at least 18 years of age and located in the U.S. If you are located in the European Union or elsewhere outside of the U.S. and you participate in activities on this Site contrary to our policy that only U.S. residents are eligible for certain activities, you do so at your own risk and initiative, and are responsible for compliance with any applicable local laws. Please be aware that any Personal Information you transfer to us will be transferred to the U.S and subject to U.S. law. By using this Site, participating in any Site activities, and/or providing us with your Personal Information, you consent to this transfer of Personal Information to the U.S., and waive any claims that may arise under your own national laws. All users of the Site are required to provide true, current, complete and accurate Personal Information when prompted and we will reject and delete

any entry that we believe in good faith to be false, fraudulent, or inconsistent with this Privacy Policy.

Your continued participation on this Site indicates your acceptance of this Privacy Policy and of the collection, use, disclosure, management and storage of your Personal Information as described below. We may from time to time, transfer or merge any Personal Information collected off-line to our online databases or store off-line information in an electronic format. We may also combine Personal Information we collect online with information available from other sources, including information received from Advertisers, or marketing companies. This Privacy Policy covers all such Personal Information and will remain in full force and effect as long as you are a user of the Site or a participant in Station activities. **We reserve the right to revise this policy at any time by updating this posting without advance notice to you. Such revisions shall be effective to you immediately upon posting. Therefore, we encourage you to check this Privacy Policy often.**

### **GENERAL PRIVACY GUIDELINES**

We use your Personal Information to provide you with the features, services, or goods you request and to respond to billing and/or other such questions related to the Station or Site. We will also use your Personal Information to notify you about updates, new features, programming and activities on behalf of the Station, Site, or our Advertisers that may be of interest to you. (We explain below in the next section what our policy is for the collection, use and disclosure of Personal Information to Advertisers.)

We may also use your information for hiring, operational and business purposes, or to find out how we can improve our Station and Site via surveys or online tracking mechanisms. We use aggregate Personal Information to help us to evaluate and modify existing services and features. We also use your Personal Information to develop new services and features that may be of interest to you.

We will not sell, exchange, rent, lease or otherwise disclose your Personal Information or Sensitive Personal Information to other third party marketers or any such persons that are not associated with the Station as Advertisers unless it is necessary to: 1) conform to regulatory and legal requirements or to comply with legal process; 2) to protect the safety and security of our users, employees, or property; 3) to defend the rights of the Site or the Station; or 4) to enforce the Terms of Use Agreement.

We will share your Personal Information with our corporate parent, Peak Broadcasting LLC and affiliated entities primarily for business and operational purposes. On occasion, we will share your Personal Information with Peak Broadcasting LLC related corporate entities for promotional and marketing purposes. We will inform you when we conduct cross-promotional events between our various stations or companies, and you will have the right to Opt-out of such use.

It is also necessary that we share your Personal Information and Sensitive Personal Information with our operational service providers, the specialists that provide internal support to Station operations and activities and/or for Site design, development, hosting and operations including maintenance, management, storage and/or fulfillment of our membership and e-mail clubs, various contests, sweepstakes, services, events and online stores. We use operational service providers to efficiently provide the full range of content, activities and membership services we bring to you and we request that our operational service providers also protect your privacy and not disclose your Personal Information or Sensitive Personal Information to third party marketers that are not associated with the Station or website. Additionally, such providers are not to use your personal Information for their own marketing or promotional purposes.

In the event that the assets or stock of the Station, its corporate licensee or parent company(s) are sold or transferred, merged with a different company or entity, restructured, or subject to other fundamental corporate changes, we reserve the right to disclose any and all databases compiled from Personal Information or Sensitive Personal Information collected by the Station to such successor. We will seek to obligate the Station's successor to agree to the terms of the Privacy Policy, as it may hereafter be modified, but cannot guarantee that we will be able to do so or that the successor company will comply with this obligation.

We reserve the right to collect Personal Information using any new technology yet to be developed and to use such technology to provide new services and features to you, as well as for marketing and promotional purposes. Specific information regarding your choice to Opt-in or to Opt-out to such use, or for sharing your Personal Information with Advertisers, will be provided once the new technology, service, or feature is introduced.

#### WEBSITE COLLECTION, USE, AND DISCLOSURE OF PERSONAL INFORMATION

Generally, you may browse this Site without providing any Personal Information. For certain activities (such as contest and sweepstakes registrations, membership, awards points and loyal listener clubs, music sampling and surveys, news/sports/weather alerts, or registration for chat rooms and message boards) the Personal Information you voluntarily provide may include your first/middle and last name, home address, business address, email address, telephone number, mobile phone/text messaging device number, birth date, gender, employer or personal preferences, depending on the activity.

Unless stated otherwise, we do not request contact information for a mobile phone, text messaging or any wireless device that includes a domain name address (such as ".net" or ".com") as part of the contact information. Federal law prohibits the sending of commercial email messages directly to a wireless device that uses a domain name, unless you have first given your affirmative consent. We may inadvertently collect a wireless device number that includes a domain name when you send us an inquiry or register for a contest or membership club. However, we will not knowingly use that contact information for sending commercial email. We reserve the right to respond to user

inquiries or requests sent via a wireless device that uses a domain name as such messages are not deemed to be commercial email and therefore, are not regulated by Federal law. **However, when "computer to phone" commercial emails are prohibited by law, we may reject your wireless device contact information when such information is submitted for certain Site features or services. We will attempt to notify you if we will need new contact information.**

For specific purposes (such as the purchase of goods and services) we may request a type of confidential personally identifiable information which shall be called "Sensitive Personal Information" and is defined as any individual's: (1) social security number; (2) driver's license number or state identification card number; or (3) account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account. This Sensitive Personal Information will only be used to implement the specific activity or event it was submitted for. We will not share your Sensitive Personal Information with Advertisers.

However, more general Personal Information will be used to implement the specific activity or event and will also be used for the marketing of additional events, services and merchandising for this Site and the Station.

### **DISCLOSURE TO ADVERTISERS**

Advertising support allows us to offer, free of charge, many great activities and services to our users such as contests, sweepstakes and special events. Therefore, we may also use your Personal Information for the marketing of events, products or services of our generous Advertisers. There are two ways users may receive such information from Advertisers, either indirectly via newsletters, email or direct mail from the Site, or directly from the Advertiser. We may use one or both methods depending on the activity and the Advertiser.

We do not currently share Personal Information with our Advertisers. However, depending on the activity, we may in the future do so and you will receive notice on the Site and/or in the rules of participation ("Rules of Participation") for the event or activity, or via an email notice. Please be informed that our Advertisers may not have the same privacy policies that we do. Therefore, we will ask you for your consent first to receive marketing information directly from our Advertisers. You will need to check the "Opt-in" click boxes that may be included on the registration area for the particular activity or event, in an email, or notify the Site's Privacy Administrator at [PrivacyAdministrator@MEGA979.com](mailto:PrivacyAdministrator@MEGA979.com)

However, if you do not wish to receive marketing or promotional materials from the Site and/or Station, you will need to tell us so by clicking the "Opt-Out" click boxes that may be included on the registration area for the particular event, or alternatively, notify the Site's Privacy Administrator. Please note that this notification process is different than the one for Advertisers.

We also provide you with an option to "Opt-out" of receiving advertising and promotional email from us in compliance with federal law by installing an Opt-out mechanism with all such email messages. You must use the designated method in the email message to notify us of your Opt-out request, as we cannot guarantee that other methods of notification will be effective or timely. Please be aware that we may continue to contact you via email for administrative or informational purposes, including follow-up messages regarding contests you have entered or other transactions you have undertaken. By law, such messages are not considered to be commercial email.

We are not responsible for removing your Personal Information from third party lists or entities which you have previously authorized us to share your information. You will need to contact those entities directly.

### **COOKIES AND IMAGE TAGS**

The use of cookies is an industry standard and they are currently used on most websites, including this Site. Cookies are a small text file containing a unique identification number that is transferred from a website to the hard drive of a user's computer so that the website administrator or a third party operational service provider may identify the computer and passively track the user's activities on the website. Image tags work in conjunction with cookies and are small image files that may be located on select pages of our Site, or within web-based email newsletters that we may send. (Image tags are also called web beacons, web bugs, clear GIFs or single-pixel GIFs.) Tracking is important because we can better understand what parts of our website are used the most, when to launch new services and how to enhance current offerings. We may share the information we receive from cookies and image tags with third-parties and our Advertisers in aggregate form, which means that such information does not contain specific Personal Information or Sensitive Personal Information about any one visitor.

In short, cookies and image tags collect a user's Internet protocols and server information. Such data files allow our Site to remember your web browser when you visit our Site and are necessary tools for quick and efficient access to membership clubs, awards programs and contests. A cookie will not allow the Site to learn any Personal Information (such as your real name and email address) or Sensitive Personal Information that you have not otherwise disclosed. Cookies and image tags allow the Site to remember important information that will make the Site easier for you to use and helpful in our administration of various activities. We do not use cookies or image tags to collect other Personal Information or Sensitive Personal Information unless you give us permission to do so.

You can choose to have your computer warn you each time a cookie or image tag is being sent, or you can choose to turn off all such devices. This is done through your browser. If you turn cookies off, you may not have access to many features at our Site that make your Internet experience more efficient and enjoyable - like the features mentioned above - and some of our other services will not function properly.

## CHILDREN'S PRIVACY POLICY

Although persons of all ages may visit our Site and participate in activities that do not require the collection of Personal Information or Sensitive Personal Information, we do not knowingly or intentionally collect Personal Information or Sensitive Personal Information from children under the age of 13. Except for the limited circumstances listed below, we will automatically reject and delete the registration or entry of any person we believe in good faith to be underage. Any false or fraudulent registration or entry from a minor will be deemed to be ineligible and will disqualify the minor from the receipt of a prize, benefit, or other participation.

Except to meet Federal Communications Commission ("FCC"), or other regulatory and legal purposes, we will not use, store, or disclose any child's Personal Information to a third party without prior parental consent.

## EMAIL POLICY

We do not generally keep email correspondence, except for those emails that relate to the on-air programs or operations of KMGV. As required by the FCC, if any part of your email correspondence relates to Station programming or operations, we must place such correspondence in the Station's FCC Public Inspection File, or make the correspondence available via electronic file access at the Station to anyone that requests such information. Therefore, be informed that your Personal Information or Sensitive Personal Information contained in certain emails, including Personal Information knowingly received from a child under the age of thirteen, will be disclosed to the general public. (Please see our Children's Privacy Policy section for details.) We request that you not place any Sensitive Personal Information in your email correspondence to the Station that pertains to station programming or operations. You understand and agree that we are not responsible for Sensitive Personal Information that is improperly disclosed in emails that are made available to the general public in compliance with FCC regulations.

## SHOPPING & E-COMMERCE

If this Site sells goods and/or services or provides auction services we will request Sensitive Personal Information that includes your credit card, debit card or other payment information. Alternatively, the Site may use a third party operational service provider to conduct the financial transaction in a secured manner; the third party payment will be accessible via a hyperlink from the Site and will be solely responsible for all financial transactions and the collection, use, and storage of your Personal Information. The Site may request additional Personal Information such as full name, billing and shipping address, email address and telephone number and any such information that is required to fulfill your order and to communicate with you regarding your order. Sensitive Personal Information will be encrypted or collected through a secured Internet connection generally via SSL or S-HTTP protocols. Such Sensitive Personal Information will also be stored in a commercially reasonable secure manner. We may use your Personal Information, (but not your credit card or debit card number) to contact you about future products, services

and discounts from the Station or to provide such information indirectly from our Advertisers, unless you tell us otherwise ("Opt-out"). We will only use your credit card and debit card number to complete the specific transaction you requested.

## **CHAT ROOMS, MESSAGE BOARDS AND PUBLIC AREAS**

For your enjoyment and entertainment, this Site offers user interactive activities such as chat rooms, message boards, and/or public forums ("Public Areas"). We do not share any Personal Information or Sensitive Personal Information that is entered into the Public Area registration section on the Site with Advertisers.

We reserve the right, at our sole discretion, to save and archive any content of any nature posted to the Site and that we may, without liability to any user: 1) disclose such content if required to do so by law or to comply with legal processes; 2) to respond to claims that any of the content violates the property, privacy, publicity or other rights of others; or 3) to protect the rights, property or safety of the Site, the Station, its employees, users and members of the public. For more information on this Site's rules of conduct for these Public Areas, please see our Terms of Use Agreement.

## **MONITORING AND USE OF AGGREGATE PERSONAL INFORMATION**

We reserve the right to monitor and edit any Personal Information about our users, including information about the use of website activities and services, the contents of users' email and messages for internal purposes, and when necessary, to disclose to law enforcement personnel, and/or the employer and/or Internet Service Provider of a user that is not in compliance with the Terms of Use Agreement or Privacy Policy. We will take such measures if we believe it is necessary to protect the security, integrity, and operations of this Site or Station. Without disclosure of Personal Information or Sensitive Personal Information about individual users, we may provide aggregate statistics about our users, traffic patterns and related website information to Advertisers, reputable third party vendors or marketing companies.

## **ADVERTISING AND OTHER THIRD PARTY CONTENT**

This Privacy Policy does not cover third party advertising or third party content that may be present on the Site. This Site may provide banner and general advertising, in addition to other content provided by our Advertisers or operational service providers. Users may from time to time purchase goods or services offered through, or otherwise participate in or send messages concerning such advertising, promotions or third party content offered through the Site. Such correspondence, transactions and agreements are solely between the user and the Advertiser or the third party content provider and do not involve the Site. Also, Advertisers and such third party content providers may not have the same privacy policies that we do and you are encouraged to read their privacy policy first.

## **HYPER LINKS TO OTHER WEBSITES**

This Site often provides links to third party websites that could be of interest to our users, including the websites of our Advertisers. As stated in our Terms of Use Agreement, the Station does not own or control these websites and therefore, is not responsible for the content, business practices, nor operations of such websites. Third party websites linked on this Site may have different privacy policies and business practices than we do. The presence of a link to a third party website does not constitute or imply our endorsement, recommendation, or sponsorship of the third party content, goods, or services available through, or contained on, the Site. By use of this Site, you have agreed that you will use the hyperlinks to third party sites at your own risk.

### **OFF-LINE COLLECTION, USE, AND DISCLOSURE OF PERSONAL INFORMATION**

The Station also collects and uses Personal Information by other means, via on-air broadcasts, telephone, direct mail, and direct from members of the public. The various uses of such Personal Information include, but are not limited to, contests & sweepstakes, loyal listener club registration, other special membership only features/events, news-tip lines, job applications, listener complaints, and operational and business purposes.

Except for contests & sweepstakes entries, or registrations for a loyal listener or other special membership features/events, we do not ordinarily use your Personal Information collected off-line for promotional or advertising purposes, nor do we share it with third parties for promotional or marketing purposes. If Personal Information collected off-line will be used by the Station, its parent company(s), or corporate affiliates for promotional and marketing purposes, you will have the opportunity to Opt-out of such use. If such information will be shared with Advertisers, you will have the same rights as provided for the disclosure of Personal Information collected online. (Please see the "Website Collection, Use, and Disclosure of Personal Information" section.)

### **SECURITY MEASURES**

We conduct the collection, management, maintenance and storage of listener or website user information in a secure and commercially reasonable manner using acceptable industry standards of security technology and practices (such as electronic security systems and password protections) to protect against the loss, misuse or alteration of Personal Information. We also request that our operational service providers take such precautions. KMGV databases are accessible only by authorized personnel.

However, please note that when users transmit Personal Information over an unsecured Internet connection, the Site is not responsible for the security of that information during the transmission stage as your email or registration could be copied or intercepted by unknown third parties. We use a secured connection only for the collection of Sensitive Personal Information, which is necessary for the purchase of goods or services, but we do not use a secured connection for other types of activities. Therefore, you understand, acknowledge, and agree that you transmit certain Personal Information over this Site at your own risk.

## REVIEW, UPDATE, CORRECT, OR DELETE PERSONAL INFORMATION OR SENSITIVE PERSONAL INFORMATION

Generally, you may review, update or delete your Personal Information or Sensitive Personal Information collected by the Site. You may also correct factual inaccuracies. Certain types of Personal Information that are necessary to check eligibility, such as birth date or age, cannot be deleted, but may be modified with sufficient verification of the new information. Note that we reserve the right to terminate or delete any membership or entry if we believe the Personal Information submitted was knowingly false or fraudulent.

To review, update or delete your Personal Information or Sensitive Personal Information collected by the Site, please email the Site's Privacy Administrator at [PrivacyAdministrator@MEGA979.com](mailto:PrivacyAdministrator@MEGA979.com) . To have access to your Personal Information or Sensitive Personal Information, you must provide proof of identification such as full name, street address, city/state and zip code, user ID and password, and/or information about your recent activity on the website. We reserve the right to deny access to any user if we believe there is a question about your identity. And if the burden or expense of providing access to your Personal Information is disproportionate to the risks to your privacy, or if the legitimate rights of others would be violated, we may decide not to provide access to such information. In such cases, we will provide to you an explanation of why access cannot be provided and a contact person for further inquiries.

This Privacy Policy was last updated on April 1, 2007 and is effective immediately.