

EU Data Act Compliance Notice

Your Data, Your Control

What makes Nex Playground a "connected product"

Nex Playground creates magic through motion tracking, AI-powered gameplay, and real-time connectivity. Under the EU Data Act (Regulation (EU) 2023/2854), that makes it a "connected product"—which means you have special rights over the data it generates while you play.

The data your Nex Playground creates

While you're jumping, ducking, and dancing your way through games, Nex Playground generates data to make the experience work. This includes:

- Motion tracking and gesture recognition from gameplay
- Connectivity logs and session info
- Performance metrics and interaction patterns
- Device settings and status information
- Your customization preferences

We use this data to deliver what you love: responsive motion-based gaming, AI that adapts to your play style, smooth performance, and personalized experiences.

Data Holder Information

Nex Team Inc. ("Nex", "we", "us", or "our") is the data holder for Nex Playground and related services. This declaration provides information about data generated by our connected products and related services in accordance with Regulation (EU) 2023/2854 (the "EU Data Act").

Contact Information:

- Company: Nex Team Inc.
- Address: Nex Team Inc. 333 West San Carlos Street, Suite 600, San Jose, CA, USA 95110
- Data Protection Officer: dpo@nex.inc
- Data Access Requests: privacy@nex.inc
- General Support: hello@nexplayground.com

Complete Data Inventory and Classification

While you're jumping, ducking, and dancing your way through games, Nex Playground generates data to make the experience work. Here's a complete breakdown of what data we collect, why we collect it, and how it's handled:

1. Motion and Gameplay Data

- Types of data:
 - Motion tracking coordinates and gesture recognition data
 - Player movement patterns and body positioning
 - Gameplay performance metrics (scores, completion times, accuracy)
 - Game session duration and frequency
- Purpose: Enable responsive motion-based gaming, adapt AI to your play style, track progress
- Data format: Structured JSON, binary sensor data streams
- Collection frequency: Real-time during active gameplay sessions
- Data volume: Approximately 5-15 MB per hour of gameplay
- Storage location: Temporarily on device during session; aggregated summaries stored in secure cloud infrastructure
- Retention period: Session data retained for 90 days; aggregated performance statistics retained for 2 years or duration of subscription, whichever is longer

2. Device and System Data

- Types of data:
 - Device identifier (unique device ID)
 - Firmware version and software updates
 - Hardware configuration and component status
 - System health metrics and error logs
- Purpose: Ensure device performance, provide technical support, enable automatic updates, diagnose issues
- Data format: JSON, XML, plain text log files
- Collection frequency: Continuous system monitoring; diagnostic logs generated on error events
- Data volume: Approximately 1-3 MB per day of device operation
- Storage location: On-device storage; critical diagnostics transmitted to secure cloud servers
- Retention period: Device logs retained for 12 months; warranty-related data retained for statutory warranty period plus 6 months

3. Connectivity and Network Data

- Types of data:
 - Wi-Fi connection status and signal strength
 - Network configuration data (not including router passwords)
 - Connection timestamps and session metadata

- Data transmission statistics
- Purpose: Maintain stable connectivity, optimize network performance, troubleshoot connection issues
- Data format: JSON, CSV
- Collection frequency: Event-triggered (on connection/disconnection); periodic status checks every 5 minutes when active
- Data volume: Approximately 500 KB per day
- Storage location: Device cache and secure cloud servers
- Retention period: 30 days for connection logs; aggregated statistics retained for 1 year

4. User Settings and Preferences

- Types of data:
 - Game difficulty settings and customizations
 - Audio and display preferences
 - Parental control settings
 - Accessibility feature selections
- Purpose: Personalize gameplay experience, remember user preferences across sessions
- Data format: Structured JSON configuration files
- Collection frequency: Updated when user modifies settings
- Data volume: Less than 100 KB per user profile
- Storage location: Device storage and synchronized to cloud (if account is created)
- Retention period: Duration of account/subscription plus 90 days, or until user requests deletion

5. Account and Subscription Data (where applicable)

- Types of data:
 - Account registration information (email, username)
 - Play Pass subscription status and history
 - Game library and content downloads
 - Purchase history (processed through third-party payment providers)
- Purpose: Manage user accounts, provide subscription services, enable content access
- Data format: Structured database records (JSON, SQL)
- Collection frequency: At account creation and when changes are made
- Data volume: Approximately 1-2 MB per user account
- Storage location: Secure cloud infrastructure with encrypted databases
- Retention period: Duration of account relationship; financial records retained per applicable tax and commercial law (typically 7-10 years); anonymized analytics may be retained indefinitely for research and development

Note: Personal data within any of these categories is also subject to GDPR and will be processed in accordance with our Privacy Policy. Not all data types contain personal information.

Data Sharing and Third-Party Access

Nex controls access to data generated by Nex Playground. We may use this data for the purposes described above, including fulfilling our contractual obligations to you, complying with legal requirements, improving product quality, and enhancing your experience.

Third-party data sharing is limited and subject to strict controls:

Authorized third-party sharing:

- Cloud service providers: We use trusted cloud infrastructure providers (e.g., AWS, Google Cloud) to securely host and process data. These providers are bound by data processing agreements and can only use data for Nex's specified purposes.
- Technical support and maintenance: Service partners may access diagnostic data strictly for support purposes under contractual confidentiality obligations.
- Analytics partners: We may share anonymized, aggregated usage statistics with analytics partners to improve software performance. This data cannot identify individual users.
- Content partners: When you play games from third-party content providers (e.g., Peppa Pig, Sesame Street games), minimal usage data may be shared with those partners to deliver the gaming experience and verify licensing compliance.
- User-authorized sharing: If you explicitly request that we share your data with a third-party service provider, we will do so in accordance with your instructions and the EU Data Act.

We do not sell your data to third parties. Any third party with whom we share data may only use it for purposes that have been agreed upon with you or are necessary to provide the Nex Playground service.

Your Rights Under the EU Data Act

You're in control. Here's what you can do:

1. Right to Access Data

You have the right to request access to the data generated by your use of Nex Playground. We will provide this data in a structured, commonly used, and machine-readable format such as JSON or CSV.

How to access:

- Email privacy@nex.inc with your account information or device ID and specify which data categories you want to access.
- We will respond within 30 days with your requested data or an explanation if we cannot fulfill the request.

2. Right to Data Portability

You can obtain your data in portable formats and, where technically feasible, request that we transmit your data directly to a third-party service provider of your choice.

How to request portability:

- Include in your email request: (a) your preferred data format, (b) the third-party service provider details if requesting direct transmission, and (c) authorization for us to share your data with that provider.
- We will assess technical feasibility and security requirements before transmitting data to third parties.

3. Right to Data Deletion

You may request deletion of stored data, subject to technical feasibility, contractual obligations (such as warranty support), and legal retention requirements.

How to request deletion:

- Email privacy@nex.inc with your request to delete specific data categories or all data.
- We may retain certain data if required by law (e.g., financial records for tax purposes) or for legitimate business purposes (e.g., defending legal claims).
- Some data may be retained in anonymized form for research and development.

4. Right to Request Third-Party Data Sharing

You can authorize us to make your data available to third-party service providers, subject to technical feasibility and security safeguards.

How to authorize sharing:

- Provide explicit written authorization identifying the third party, the data to be shared, and the purpose.
- We will verify the identity and security practices of the third party before sharing data.
- You can track active data-sharing authorizations by contacting privacy@nex.inc.

5. Right to Withdraw or Terminate Data Sharing

You can withdraw authorization for third-party data sharing at any time, or terminate your data-sharing agreement with Nex.

How to withdraw authorization:

- Email privacy@nex.inc with your request to terminate specific data-sharing arrangements.
- Withdrawal will take effect within 10 business days.
- Note: Withdrawing data sharing may affect your ability to use certain Nex Playground features that depend on that data sharing.

6. Contractual Relationship and Termination

Your contractual relationship with Nex begins when you activate your Nex Playground device and create an account (if applicable). This relationship continues as long as you maintain an active account or subscription.

Termination terms:

- You may terminate your relationship with Nex at any time by closing your account and requesting data deletion.
- Upon termination, we will delete or anonymize your data in accordance with the retention periods specified above, unless longer retention is required by law.
- Subscription terms and cancellation policies are governed by our Terms of Service.
- Hardware warranty obligations survive account termination for the duration of the statutory warranty period.

7. Right to Lodge a Complaint

If you believe we have violated your rights under the EU Data Act, you have the right to lodge a complaint with the competent supervisory authority in your EU member state.

However, we encourage you to contact us first at dpo@nex.team so we can address your concerns directly. We take your rights seriously and will work to resolve any issues promptly.

Supervisory authority contact:

- You can find your local data protection authority through the European Data Protection Board website: <https://edpb.europa.eu/>

Trade Secrets and Proprietary Information

While we're committed to honoring your data rights, certain information is protected as trade secrets or proprietary technology. This includes:

- AI algorithms and machine learning models
- Motion tracking algorithms and calibration methods
- Proprietary software source code
- Security protocols and encryption keys
- Business intelligence and competitive information

We will not disclose trade secrets or proprietary information in response to data access requests. However, this limitation does not affect your ability to access data about your own usage and gameplay.

How This Works with GDPR

If your data includes personal information (information that identifies you personally), it's also covered by GDPR. That gives you additional rights—like the right to correct, delete, restrict processing, object to processing, and not be subject to automated decision-making.

The EU Data Act and GDPR work together to protect you. The EU Data Act focuses on product-generated data from connected devices, while GDPR focuses on personal data. Where data is both product-generated AND personal, both sets of rights apply.

Check our Privacy Policy at [insert link to Nex Privacy Policy] for comprehensive information about personal data processing, including:

- What personal data we collect and why
- Legal bases for processing
- International data transfers
- Your GDPR rights
- How to exercise those rights

How We Keep Your Data Safe

Security isn't optional. We protect your data with:

- End-to-end encryption when data moves between your device and our systems
- AES-256 encryption for data at rest
- Strong authentication and access controls
- Regular security audits and penetration testing
- Automated security updates
- Data minimization practices that only collect and keep what we need
- Staff training on data protection and privacy
- Incident response procedures for data breaches

If Something Changes

We'll let you know in advance if we make material changes that affect how you can access, use, or share your product-generated data. We'll notify you through:

- Email to your registered account (if applicable)
- In-app notifications on your Nex Playground
- Updates to this page with a revised "Last Updated" date

More Info & How to Reach Us

For complete details, please review:

- Nex Privacy Policy - <https://www.nex.inc/content/legal/privacy>
- Nex Terms of Service for Hardware - <https://www.nex.inc/playground/legal/terms>
- Nex Terms of Service for Software - <https://www.nex.inc/content/legal/terms>

Nex Play Pass Terms

IMPORTANT – READ THIS TERMS OF USE BEFORE USING YOUR NEX PLAYGROUND VIDEO GAME CONSOLE. USING THE NEX PLAYGROUND INDICATES YOUR ACCEPTANCE OF THIS TERMS OF USE

Questions about your data rights?

- Data Protection Officer: dpo@nex.team
- Data Access Requests: privacy@nex.inc
- General Support: support@nexplayground.com
- Help Center: <https://support.nexplayground.com/>

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EU Regulation: Regulation (EU) 2023/2854 of the European Parliament and of the Council

Company: Nex Team Inc.

Address: Nex Team Inc. 333 West San Carlos Street, Suite 600, San Jose, CA, USA 95110