Let's understand the agreement we're entering into

We've designed our Terms of Service FAQ style. We want it to be as easy and painless as possible to understand what you're agreeing to.

01. Our Responsibilities

What we agree to do for you.

Your safety matters. The privacy and security of your data is essential. This is the entire premise of our community.

Q. **What are #open's responsibilities?**

We will try our best to keep our service up and running so you will be able to use it.

We will try our best to keep your data safe and secure, as described in our Privacy Policy.

We will let you know if we're changing these Terms of Service or our Privacy Policy so you can decide if the changed deal still works for you.

That said, you need to understand that some things are out of our control. We talk about this below.

Q. **Why might #open change its Terms of Service or Privacy Policy?**

There are basically three reasons we might need to make changes.

First, providing our service costs money. Our current business model is to give away a basic version of the service for free, and to charge for a premium version with more features. If it turns out that we can't make enough money to cover our costs using our current business model, we'll have to change it somehow, or else shut down.

Second, as we get more experience with how the community uses our service, we will probably come up with ways to make it better for you. This might also happen if some new technology comes along that we can use to improve the service.

Finally, we have to follow any laws and regulations that apply to us. If those laws or regulations change, or if our understanding of what we have to do to comply with them changes, we'll have to change how we do things.

Q. How will we let you know about any changes?

We'll let you know about changes in our Terms of Service or Privacy Policy in three ways. First, we'll update them on this site. You can check here any time to see the current versions. Second, we'll send an in-app notification to you the first time you use the app after we've made the change. And, third, if we have an email address on file for you, we'll email you there, letting you know about the change.

In each case, you'll be able to familiarize yourself with the changes and decide if you would like to continue participating.

Q. What things are out of our control?

Technology. #open relies on a lot of technologies that are outside of our control - like the Internet, the cloud, and wireless phone networks. If those technologies fail or become unavailable to us, then #open could stop working. This could happen at any time. The situation could be a temporary glitch, or it could be permanent. If this happens, we'll let you know as soon as we can so that you can decide whether you'd like to move, store, or discard your information. If you are a fee-paying subscriber, we will reimburse you accordingly.

Vendors. We buy a lot of services from third parties (you can learn more about them in our Privacy Policy). If our vendors run into a problem and stop providing their services, #open may lose some capabilities or may stop working. Again, this could be a temporary glitch, or it could be permanent. If this happens, we'll let you know as soon as we can so that you can decide whether you'd like to move, store, or discard your information. If you are a fee-paying subscriber, we will reimburse you accordingly.

People in the Real World. We do everything we can to keep our community sane, safe, and secure, but we cannot control what community members do in the real world, even if the way they act in the real world seems really different from the way they come across on #open. So, please be safe, be careful, take the time to get to know people, and do not share more information than is necessary.

If you feel that your safety has been compromised as a result of your use of #open, please contact your local authorities and report the incident to us by emailing support@hashtagopen.com or contacting our support via the in-app messaging system. In addition, unmatch anybody who makes you feel unsafe, and rate that person appropriately as soon as you can, if you can.

We cannot and do not guarantee that you will not be harmed in real-world interactions with other community members, and we cannot and do not guarantee that we will be able to do anything to deal with anyone you may report to us.

Governments and Law Enforcement. Governments and law enforcement have a lot of power, including the power to make us give them information that we have about you and your use of #open. Sometimes they even have the power to get that information without us being able to tell you about it in advance. When we can, though, we will notify you of any inquiry, subpoena, or warrant from a law enforcement or government agency that asks for information about you or your use of #open.

Q. What are you going to do to protect my data and my safety?

We talk about this in our Privacy Policy, which is really worth a read. At a high level, we have a data ethics framework that calls on us to internally challenge the decisions we make and to commit to using data in ways that maximize good and minimize bad for our community. In general, we try to only learn as much about you as we must to deliver a great service.

We Practice Trust and Privacy by Design

We have tried from the beginning to design the operation of #open to protect your privacy and earn your trust. Privacy is not something we just bolted on at the last minute. As the community continues to develop we expect to find even better ways to protect your data and your privacy.

To keep you and our community safer, we need your help.

We all share responsibility for helping our community flourish. We need your help to make our community work and thrive.

Q. What are your responsibilities?

Your access to #open is permitted on the basis that

- you are 18 years old or older and
- you provide accurate information about yourself when registering.

Our service is only for adults, and your age lets us confirm that you are an adult. The other information you share lets us help you connect with people you might like to connect with.

Letting you know about updates to our policies is our responsibility, but reading those updates is up to you. If you find anything confusing or want to challenge any changes, please connect with us! We'll talk it through together.

You're also responsible for making sure your device is compatible with our software.

Here's a guide to the devices that we currently support:

iOS
- Any GPS-enabled device running iOS 10.0 or later.

Android
- Any GPS-enabled device running Android 5.0 (Lollipop) or later.

Q. What is playing NICE?

Our rules are at the core of our community. It's the way we self-govern and support each other to do the right thing. We summarize this with the idea of playing NICE:

Negotiate: Communicate your intentions, expectations, and desires with clarity and honesty.

Include: Treat yourself and your fellow players with respect. Be welcoming and accepting of others.

Consent: Always obtain affirmative, enthusiastic consent. Please don't send unsolicited NSFWpictures to others, or display them publicly on your profile.

Experience: Be open to new experiences and the experiences of others. Allow yourself and others to explore without shame or judgement.

Your use of #open is subject to the Community Rules, set out below.

Q. How are you expected to behave?

Be lawful

Make sure that any information you post complies with all applicable laws. This includes laws governing privacy, obscenity, intellectual property, and spam. Don't post, link to, or otherwise publish any content about illegal activities such as making or buying drugs or illegal weapons.

Be discreet

At least, be somewhat discreet: the information in your profile is public—that is, any member of the #open community (which is, potentially, anybody in the world) can see it. So, for your profile, don't use language or pictures that a reasonable person would find to be offensive, malicious, threatening, abusive, defamatory, or otherwise unlawful. And, please, please don't use language or pictures depicting harm to humans or animals.

#open lets you privately chat with other community members. Subject to being NICE (as described above) and being safe, what you say in private is up to you. But for the public stuff, at a minimum, avoid anything that a reasonable person would find NSFW.

Be courteous

When you are chatting with someone, just like in real life, always be courteous. Spend some time getting to know them before talking about things that are private or intimate; if someone tells you you've gone over the line, apologize and back off.

Be responsible

Don't promote discrimination, racism, bestiality, bigotry, hatred or physical harm of any kind against any group or individual or animal by publishing any original content or by linking to exploitive, violent or otherwise unlawful content.

Be fair

Don't post, link to, or otherwise publish content which contains videos, stills, photographs, audio photographs, or images of another person without their permission.

NSFW Rules

Never send unsolicited NSFW content to another individual or a group without prior consent. Get to know the context, ask for consent, then send an image that matches the expectation that has been set.

NSFW content is not acceptable in public settings on #open, including the publicly viewable portions of your profile.

If your content is flagged as inappropriate, we will review it in light of our community standards. If it breaks the rules, we will delete it.

We recognize the power to delete things gives us a lot of control. Understand that we do not take it lightly. We need this power (a) to help us keep the tone of the #open community as it should be, and (b) to help protect ourselves from possible legal damages based on content you might post.

Q. Are there rules for uploading content to the community?

Written, photographic or any multimedia content is a way of self identifying. It's self-expression and it's a core part of our community experience.

Because of this, we cannot guarantee the accuracy of any information that any user presents. We can't check user content for accuracy or completeness, and we are not going to try. So, be mindful that what you read, watch, or listen to is provided on an "as is" basis.

Intellectual property—copyrights, trademarks, etc.—can be really complicated. In some cases, we can get into trouble for stuff that you post. So here are the rules about posting stuff:

When you post something that you create yourself (your "content"), you retain the intellectual property and other rights to it. What you're doing by uploading your content to the app is giving us a limited license to it, which means giving us the right to publish it within the community (and only within the community). This means that you're allowing us to share your content when you ask us to do so. For

example, the photos you upload as profile pictures will be published to enable other users to view your profile.

When you post something that you yourself didn't create ("third-party content"), you are telling us (a) that you have the right to post it to the app and to have it used within the app just like your content; and (b) if we get sued for having it on the app, you will pay to defend the lawsuit and pay any damages we might get stuck with.

For our part, #open and the content on the service (whether provided by you or us) are protected by certain rights. These include all patents, copyrights, database rights, performer's property rights, moral rights, trademarks and service marks, business names and domain names, goodwill and the right to sue for passing off (that is, selling counterfeit goods) or unfair competition, rights in designs and all other intellectual property and proprietary rights. You need to respect those rights. If you aren't sure about what to do in some situation, ask us at support@hashtagopen.com.

Any community content you read, view or hear on #open can only be used for your own personal, non-commercial use. We believe that all creative content deserves respect. Read something life-changing on #open and want to spread the word? Reach out to the creator of the content to request their permission, and give acknowledgment where appropriate.

Q. How can I report inappropriate content?

If you believe that any user content published on #open is problematic in any way (for example, you think it is untrue, offensive, unlawful, misleading or otherwise fails to comply with these Terms of Service), you can notify us by emailing us at support@hashtagopen.com or by reporting the offending profile in the app.

We will promptly review the content in question and decide if it is necessary to remove it. As of now, we don't have an automatic system to provide feedback on how we respond to notifications of problematic content, so we have to do it manually. Please know that we indeed review notifications and will let you know as soon as we practically can how we responded to it.

Q. Can I advertise on #open?

No. This is a community for people to learn about themselves, learn about others, and connect meaningfully. It's not about selling stuff. Our "no advertising" rule includes offers to sell or to buy anything, including pictures, physical stuff, or services.

To be very clear, this community is not a place to buy or sell porn, not a place to buy or sell toys, and not a place to buy or sell sex-work services. If we learn that somebody is trying to use #open for those kinds of purposes, we reserve the right to delete their content and suspend their account.

Q. Are there any legal consequences if I don't behave as I am supposed to?

Yes.

First, and at a minimum, we can and will suspend or delete the accounts of people who break the rules.

More generally, our community is not some never-never land outside the reach of the normal laws that apply in the real world. Just like in the real world, you can be sued or prosecuted if you break the law by, for example, defaming someone, threatening someone, or proposing illegal transactions (such as selling illegal drugs or conspiring to commit a crime).

Also, be aware that even though we will do our best to keep the conversations and postings on the service private, they are not "secret" – law enforcement has the right and the power when investigating possible crimes to make us provide them with copies of the information we have about you.

Putting it simply, you are responsible for your actions. You are therefore liable for the actions you choose to take.

Q. What law controls these Terms of Service?

Different states and countries have different laws and sometimes interpret contracts like this one a little differently. By using #open, you agree that these terms are to be governed by and interpreted in accordance with the laws of the State of Connecticut in the United States of America, without regard to the "choice of law" rules of that state. That means that the laws of Connecticut govern, even if Connecticut might, in some cases, be willing to have other laws apply.

Q. What happens if you and we get into a dispute and can't work it out?

We hope that we do not get to a point where you are so unhappy with what we've done that you want to pursue a formal case against us. But to deal with that possibility, you agree, as part of using the #open application and service, to resolve any disputes you may have with us by arbitration instead of a lawsuit in court. The Federal Arbitration Act and federal arbitration law apply to these Terms of Service and to our Privacy Policy.

There is no judge or jury in arbitration, and court review of an arbitration award is limited. But an arbitrator can award on an individual basis the same damages and relief as a court (including injunctive and declaratory relief or statutory damages), and must follow the terms of these Terms of Service and the terms of our Privacy Policy in the same way a court would.

To begin an arbitration proceeding, you must send us a registered letter requesting arbitration and describing your claim. Here's our address:

Open App LLC

18 N Main St

West Hartford CT 06017

The arbitration will be conducted by the American Arbitration Association (AAA) under its rules, including the AAA's Supplementary Procedures for Consumer-Related Disputes. The AAA's rules are available on their website or by calling 1-800-778-7879. Payment of all filing, administration and arbitrator fees will be governed by the AAA's rules.

We will not seek attorneys' fees and costs in arbitration unless the arbitrator determines that the claims you raised are frivolous. You may choose to have the arbitration conducted by telephone, based on written submissions, or in person in Hartford, Connecticut, although you and we may agree to hold the arbitration at another location if we both so choose.

We each agree that any dispute resolution proceedings will be conducted only on an individual basis and not in a class, consolidated or representative action. If for any reason a claim proceeds in court rather than in arbitration, we each waive any right to a jury trial. We also both agree that you or we may bring suit in court to enjoin infringement or other misuse of intellectual property rights.

Q. How can I reach #open?

You can always reach us by emailing us at support@hashtagopen.com or, if you're a member of the #open community, by sending a message to *#open team* in the app.

In case you need it, here's our postal address:

Open App LLC

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03. Data Processing

We strive to deliver the best experience possible.

We do not and will never sell your information to any advertiser or any other third party, and we do not and will not use your information to help third parties target you with ads. This doesn't align with our values. It's not our business model. We don't think it's even ethical.

Q. What is the data you are collecting from me?

Every time you interact with our app or website, our services are collecting data. We deliberately keep this to a minimum. Check out our Privacy Policy for more details.

Q. Where is my data being stored?

All #open data is stored on computers at one or more U.S.-based Google Cloud data centers.

Q. What happens to my data when I delete my account?

You can delete your account at any time by scrolling to the bottom of the *Profile tab* in the app, and selecting *Delete Account*.

As soon as you delete your account, we will either (a) delete or (b) anonymize all data we have collected about you. When we anonymize data, we will remove things like your name, phone number, email addresses, and pictures, but keep other data for research and analysis to help us make the app better and for scientific purposes. But there are two key exceptions: (1) where the law requires us to keep the data, and (2) where our legitimate interest in preventing fraud and protecting the safety of our users requires us to keep it.

If you are a fee-paying subscriber, you will also need to unsubscribe from #open via your iTunes / Apple App Store account or Google Play account to ensure that your account is fully terminated.

Q. What is your cookies policy?

Cookies are a type of tracking technology that we use on the #open website to help run our services.

You can find more details in our Privacy Policy.

Q. Who are the 3rd parties that are involved in the processing of my data?

We rely on a number of third party services to help run the #open app and community. You can view all of these services and learn more about how and why we use them in our Privacy Policy.