



April 28, 2023

To the City of Fairfax:

Our apologies for the concern our Privacy Policy and Terms of Service has raised. Our current Terms are indeed outdated and were last updated March 2021. We have spent the past 2 years iterating the product, integrating feedback from users and customers to be as easy and delightful for users as possible and our Terms of Service and Privacy Policy have not kept up.

It is important to note that Throne is in the bathroom business, not the data business. Throne ties an anonymized Unique User ID (UUID) to every use to create accountability among public bathroom users and inform operations to keep Thrones available and sparkling. The majority of sensor data collected is not tied to user profiles or specific uses, but used to monitor the health and safety of the tech-enabled system and fed into the product improvement cycle. We collect data with the express intention of using it to provide a lovable bathroom experience.

The current Terms of Service and Privacy Policy are currently under review and being updated with expected release June 1, 2023. We will push our legal review to meet this deadline sooner and confirm with you when it is updated.

In the meantime, we would like to provide clarity around what we are currently doing in practice. We commit to you that any user interaction with Thrones that takes place between the placement of Thrones in Fairfax and the release of the updated Terms and Privacy Policy will be treated as we are currently operating (outlined below).

TERMS OF SERVICE

- We do not limit use of Throne to 18 and older for text message or tap cards. The app has that limitation due to Google Play and App Store considerations. We cannot (and do not try to) validate a Throne users' age.
- We do not charge, and will not charge for Throne use. The "credit" language is being fully removed from future Terms of Service and is not part of our current business model.

PERSONALLY IDENTIFIABLE INFORMATION

- We do not collect names or emails of users
- We DO NOT sell or share *any personal information* (i.e. phone number) with any third party, including paid customers (i.e. City of Fairfax).

Based on extensive user feedback, we have found that allowing an individual to enter quickly is the most important feature and the easiest way to do that while enabling security and accountability features of the Throne is via text message, which by definition captures phone number.

- When the system receives a user phone number, it is anonymized and secured in the system. The phone number is automatically converted into a *random* Unique User ID (UUID) that is anonymized in our system. The individual phone number is not visible on dashboards. Data is discoverable only by system administrators that require access for their product development work, not monitors or general staff.
- We use the anonymized UUID to:
 - Promote accountability and elevate the public bathroom experience
 - Identify if an user attempting to use the Throne is active or restricted (UUIDs are restricted only if there is a clear breach of the Terms of Service including use of Throne to: sleep, vandalize, conduct illicit activities, wash clothes, smear or place feces outside of the toilet, have intercourse, sell access to Throne)
 - Generate usage counts that are anonymized and aggregated to inform operations and determine if Throne is delivering value by serving a bathroom need

By tying the UUID to a phone number in the backend, we mitigate against the creation of fraudulent or multiple accounts being created by those that seek to misuse the Throne without consequence.

- All data we collect is encrypted. Even if someone were to physically steal a hard drive from Amazon Web Services they would not get access to personally identifiable data and the database is protected and closed by VPN.
- We offer a way to access a Throne without providing a phone number with Throne tap cards. Throne tap cards use NFC technology and may be registered to an individual by a partner organization (e.g. the Lamb Center or the Parks & Recreation Department). The partner organization collects a name, but nothing else, and provides a card (with a random UUID) to the individual. Throne does not ask for the name or any personally identifiable information from the partner organization. The partner organization keeps the registration info in order to prevent individuals from accumulating multiple cards from that location and enables Throne to cancel lost cards if an individual requests a replacement card.
- We may collect a phone number and/or email from individuals that *actively* reports an issue to Throne support. The user may be contacted to confirm that the feedback has been

received and is being responded to, to clarify the issue, or ensure the health or safety of the individual.

WHAT DATA WE COLLECT & HOW WE USE IT

- The sensor data we collect is used to ensure the health and safety of the Throne and inform operations to ensure Throne provides a lovable bathroom experience that upholds safety of users
- No sensor data is tied to an individual UUID (e.g. the water level or temperature is monitored over time, but is not saved in relation to a specific UUID)
- Sensor data collected includes:

Data	How we use it
Door status	Door open/close is collected as the indicator of the beginning of a use. This is used in two ways: 1) to optimize power utilization and initiate lights, water pumps, and climate control to enable a pleasant use; and 2) detect potential cleanliness or other uses (e.g. if there are sequential uses with door opens and closes without entry/occupancy this alerts monitors to a potential issue).
Light curtain	When beams of the light curtain are broken, Throne detects user occupancy. This is used multiple ways: 1) All power, water, etc. stay on to provide a fully functional bathroom use; 2) Door stays locked until user exists to protect privacy; 3) identifies “extended use” if user stays beyond 10 minutes and initiates “move along” sequence and alerts Throne monitor to potential misuse (sleeping/loitering) or a medical issue so that a staff member can be dispatched if needed.
Air quality	Air quality is used to detect smoke/fire or other safety issues and flagged for monitors. If significant smoke is detected during a use and it is determined there was no fire, the UUID may be manually flagged in the warning system as a potential smoker (against Terms of Service). If smoke is detected repeatedly during uses by that UUID, they will be warned or have access restricted.
Temperature	Temperature is monitored over time to ensure the inside temp is comfortable and optimize power

	usage by turning HVAC on when it is needed, and off when it is not.
Fresh/Waste Water Level	Fresh water and waste water tank levels are monitored over time to ensure Throne never runs out of water for handwashing, nor gets too full to use. The sensor is not sensitive enough to detect the amount of waste flushed during a use.

- For users individuals that opt to use the Throne App, additional data is collected as follows:

Location	Location is only collected if an individual opts to use the App and accepts location services. After registration, the individual is presented with the option to Allow Once, Allow While Using App or Don't Allow. Location data is used to: 1) Identify the nearest Throne and prevent users from opening Thrones when they are not physically present at that unit and 2) Help users find and navigate to nearby Thrones.
Device Information	Device information is collected for App users as is standard across apps. The Throne software team uses device information to identify any potential issues or bugs with how the app is performing on different operating systems and ensure the Throne app works well on all types and ages of devices.

- We do NOT collect information on:
 - Cookies
 - Biometric data of any kind
 - Weight (this used to be our method of detecting occupancy, but no longer)
 - How many people are inside
 - Age or gender of users
 - Whether an individual did a #1 or #2
 - How long the individual sits on the toilet – we do not know where an individual is in the unit at any point during use
 - Amount of water used by the individual
 - Unit tilt (this was collected previously with smaller/lighter units to detect if a Throne had been toppled – current unit is not tippable)

DATA WE SHARE WITH CUSTOMERS (E.G CITY OF FAIRFAX) & PARTNERS

- We share Throne data with our Customers as a planning tool and for transparency. We do not provide any personal data or data about individual UUIDs:
 - Aggregated and anonymized usage data to understand demand for bathrooms
 - Aggregated and anonymized cleanliness ratings provided by users
 - Other aggregated and anonymized insights such as: usage trends (popular usage times/days), % of repeat users
 - Transparent service records and stats (e.g. time/date of cleans and other servicing)
- In the event that a UUID is restricted and a Throne Tap Card is deactivated as a result of misuse, we will communicate the card number to the Partner that signed it out to prevent additional cards from being issued to that individual. We do not provide the specifics of the incident. The Partner may assist the individual to get in touch with Throne if they would like to appeal, but do not have the means to contact Throne or advocate for themselves.

I hope this information is helpful in addressing concerns raised by the Council. We are extremely excited to be working with you to bring the cutting edge of public bathrooms to the City of Fairfax! If you do have any additional questions or clarifications you'd like to discuss, please let me know. I will make myself and our technical team available as required.

Sincerely,



Jessica Heinzelman
Co-founder & COO