

## PRIVACY POLICY

(“Policy”)

Last Revised: 9/6/2019

### CONSENT TO INSTALLATION OF THE APP

Under data protection laws, we are required to provide you with certain information about who we are, how we process your personal Information and for what purposes, and your rights in relation to your personal Information. This information is provided in [gmoji.us/privacy-policy](https://gmoji.us/privacy-policy) and it is important that you read that information.

By registering with the App or using the Website you give your consent to our processing of your personal Information (including your name, contact details, financial and device information) as described in the Policy [gmoji.us/privacy-policy](https://gmoji.us/privacy-policy).

IF YOU DO NOT AGREE WITH THIS PRIVACY POLICY IN GENERAL OR ANY PART OF IT, YOU SHOULD NOT INSTALL THE APP AND USE THE SERVICES.

### HOW YOU CAN WITHDRAW CONSENT

Once you provide consent by selecting to register with the App or by using the Website, you may change your mind and withdraw consent at any time by contacting us at [hi@gmoji.us](mailto:hi@gmoji.us) but that will not affect the lawfulness of any processing carried out before you withdraw your consent.

### INTRODUCTION

This Policy (together with our Terms of Use as set out at [gmoji.us/terms](https://gmoji.us/terms) (“**Terms**”) and any additional terms incorporated by reference into the Terms apply to your use of:

- Gmoji mobile application software (“**App**”) available on the App Store and Google Play and our website [gmoji.us](https://gmoji.us) (“**Website**”), once you have downloaded or streamed a copy of the App onto your phone or other handheld device (“**Device**”).
- Any of the services accessible through the App (“**Services**”, as defined in the Terms).

This Policy sets out the basis on which any Personal Information we collect from you, or that you provide to us, will be processed by us. Please read the following carefully to understand our practices regarding your Personal Information and how we will treat it.

APP, WEBSITE AND SERVICES ARE NOT DIRECTED TO CHILDREN UNDER THE AGE OF 13. WE DO NOT KNOWINGLY COLLECT INFORMATION, INCLUDING PERSONAL INFORMATION, FROM CHILDREN OR OTHER INDIVIDUALS WHO ARE NOT LEGALLY ABLE TO USE OUR APP, WEBSITE AND SERVICES. IF WE OBTAIN ACTUAL KNOWLEDGE THAT WE HAVE COLLECTED PERSONAL INFORMATION FROM A CHILD UNDER THE AGE OF 13, WE WILL PROMPTLY DELETE IT, UNLESS WE ARE LEGALLY OBLIGATED TO RETAIN SUCH DATA. CONTACT US IF YOU BELIEVE THAT WE HAVE MISTAKENLY OR UNINTENTIONALLY COLLECTED INFORMATION FROM A CHILD UNDER THE AGE OF 13.

All terms used in this Privacy Policy that are not otherwise defined have the meanings set forth in the Glossary and in the Terms.

## **IMPORTANT INFORMATION AND WHO WE ARE**

Gmoji, Inc. is the controller and is responsible for your Personal Information (collectively referred to as “Company”, “we”, “us” or “our” in this Policy).

Our full details are:

- Full name of legal entity: Gmoji, Inc.
- Name or title of data privacy manager: Pavel Sochnev, CEO
- Email address: hi@gmoji.us
- Phone number: 740-200-0070

You have the right to make a complaint at any time to the supervisory authority for data protection issues of your state. We would, however, appreciate the chance to deal with your concerns before you approach the authority so please contact us in the first instance, whenever you are experiencing an issue concerning your Personal Information.

You should also be aware that we do not sell your Personal Information to any third parties and we shall not incorporate such practice in our business, unless providing you with a clear and explicit way to exercise your opt-out right and before introducing appropriate changes to this Policy.

## **CHANGES TO THE PRIVACY POLICY**

This Policy may be modified from time to time, so check back often. So that you are aware changes have been made, we will adjust the “Last Revised” date at the beginning of this document. If we make a significant change in the way we use or share your Personal Information, you will be notified when **you next start the App**. The new policy may be displayed on-screen and you may be required to read and accept the changes to continue your use of the App, the Website or the Services. Continued access to the Services by you will constitute your acceptance of any changes or revisions to this Policy.

## **THE INFORMATION WE COLLECT ABOUT YOU**

We will collect and process the following Information (“**Personal Information**”) about you:

- Registration and Usage Information: When you register to use our Services by establishing an Account, we will collect Personal Information as necessary to offer and fulfil the Services you request. We will require you to provide us with your name, date of birth, gender, telephone number, email address and other identification information to establish an Account. We may require you to provide us with additional Personal Information as you use our Services.
- Transaction Information: When you use our Services or access our App or Website, for example, to make purchases from Vendors, we collect information about the transaction, as well as other information associated with the transaction such as amount sent or requested,

amount transferred, merchant information, including bank account and payment card details used to for transaction.

- Device Information: We collect information about the Device you use to access your Account, including the hardware model, operating system and version, and unique device identifiers, **but this information is anonymized and not tied to any particular person.**
- Login Information: We log technical information about your use of the Services, including the type of browser and version you use, last access time to your Account, the Internet Protocol (IP) address used to create the Account and the most recent IP address used to access the Account.
- Participant Personal Information: When you use our Services or access our Website, we collect Personal Information you provide us about the other participants associated with the transaction (your contacts that you send electronic documents for prepaid Goods).
- Contacts Information: your list of contacts.
- Location Information: includes your current location disclosed by GPS technology.

We also collect, use and share aggregated data such as statistical or demographic data for any purpose (“**Aggregated Data**”). Aggregated Data could be derived from your Personal Information but is not considered personal data in law as this data will not directly or indirectly reveal your identity. For example, we may aggregate your Usage Information to calculate the percentage of users accessing a specific App feature. However, if we combine or connect Aggregated Data with your Personal Information so that it can directly or indirectly identify you, we treat the combined data as personal information which will be used in accordance with this Policy.

We do not collect any special categories of Personal Information about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health, and genetic and biometric data).

## HOW WE ACQUIRE YOUR DATA

- Information you give us. This is information (including Registration and Usage Information, Contacts, Transaction Information) you consent to giving us about you by filling in forms on the Website or in the App, or by corresponding with us (for example, by email or chat). It includes information you provide when you download or register with the App, subscribe to any of our Services, search for an App or Services, and when you report a problem with an App, our Services, or Website. If you contact us, we will keep a record of that correspondence.
- Information we collect about you and your Device. Each time you visit Website or use our App we will automatically collect Personal Information including Device, and Usage Information, some of Transaction Information, Participant Personal Information and Login Information. We collect this data using cookies and other similar technologies.
- Location Information. We also use GPS technology to determine your current location. Some of our location-enabled Services may require your Personal Information for the feature to work. If you wish to use the particular feature, you will be asked to consent to your data being used for this purpose. You can withdraw your consent at any time by disabling Location Information in your settings.
- Information we receive from other sources including third parties and publicly available sources. We will receive Personal Information about you from various third parties and public sources. For example, we may purchase or otherwise acquire such Information from third

party data suppliers. We reserve the right to merge or co-mingle this other Information with your Personal Information collected on or through the Services.

## **COOKIES**

We also use “cookies” from time to time to help personalize your online experience with us. A cookie is a small text file that is stored on your computer to help us make your visit to our sites more “user-friendly”. Cookies provide us with information about your use of the Website that can help us improve the site and your experience with it. We will process Personal Information collected through cookies in accordance with this Privacy Policy. If you have set your browser to warn you before accepting cookies, you should receive a warning message with each cookie. You may refuse cookies by turning them off in your browser, however, you should be aware that our sites, like most other sites, may not work well with cookies disabled.

## **WHY DO WE RETAIN PERSONAL INFORMATION**

We retain Personal Information in an identifiable format for the least amount of time necessary to fulfill our legal or regulatory obligations and for our business purposes. We may retain Personal Information for longer periods than required by law if it is in our legitimate business interests and is not directly prohibited by the applicable law. If your Account is deleted, we may take steps to mask Personal Information and other information, but we reserve our right to retain and access the data for so long as required to comply with applicable laws. We will continue to use and disclose such Personal Information in accordance with this Policy.

## **HOW WE USE YOUR PERSONAL INFORMATION**

We will only use your personal Information when the law allows us to do so. Most commonly we will use your Personal Information in the following circumstances:

- Where you have consented before the processing.
- Where we need to perform a contract we are about to enter or have entered with you (e.g. when you are paying for Goods).
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply in good faith with a legal or regulatory obligation.

We will only send you direct marketing communications by email or text if we have your consent. You have the right to withdraw that consent at any time by contacting us.

We will get your express opt-in consent before we share your personal Information with any third party for marketing purposes.

## **PURPOSES FOR WHICH WE WILL USE YOUR PERSONAL INFORMATION**

- To operate the Website and the App and provide the Services, including to:
  - 1) initiate a payment for a Good, pass a right to receive a Good to your contact, or communicate the necessary information about your purchase to a Vendor;
  - 2) authenticate your access to the Account;
  - 3) communicate with you about your Account, the Website, the Services, or the App;
  - 4) create an account connection between your Account and a third-party platform, including messaging apps;
  - 5) compare information for accuracy and verification purposes;
  - 6) keep your Account and information up to date.
- To manage our business needs, such as monitoring, analyzing, and improving the Services, the App and the Website performance and functionality. For example, we analyze User behavior and perform research about the way you use our Services.
- To manage risk and protect the App, the Website, the Services and you from abuse of the Services and fraud by verifying your phone number.
- To comply with our obligations and to enforce the Terms, including to comply with all applicable laws and regulations.
- To provide personalized Services (also called interest-based marketing) offered by us on third-party websites and online services. We may use your Personal Information and other information collected in accordance with this Privacy Policy to provide a targeted display, feature or offer to you on third-party websites. We may also process your Personal Information to tailor the marketing content and certain Services, App or Website experiences to better match your interests and other third-party websites.
- To respond to your requests, for example to contact you about a question you submitted to our customer service team.

## **DISCLOSURES OF YOUR PERSONAL INFORMATION**

To verify your Account we may disclose such information to third parties such as financial institutions, third party reference agencies and data verification service providers to comply with our legal obligations. We will also disclose your personal information to other third parties including: regulatory authorities and law enforcement agencies; non-affiliated third parties for payments processing, payments, sales, data analysis, research and surveys; and/or professional advisors such as tax or legal advisors, consultants and accountants.

We also may disclose your Personal Information to third-parties contactors in order to maintain our App and Website, or receive administrative services, when needed. Furthermore, we will transfer your Personal

Information in case of any corporate restructuring (e.g. a merger with a third-party business or acquisition of our Company).

## INTERNATIONAL TRANSFERS

We are an Delaware-based company. Your Personal Information may be processed, transferred to, and maintained on, servers and databases **located within** United States. We reserve the right to transfer your Information to and from any state, province, country or other governmental jurisdiction. Your consent to this Privacy Policy followed by your submission or our collection of such Personal Information represents your agreement to any such transfer. We will ensure that transfers of personal Information to a third country or an international organization are subject to appropriate safeguards.

## YOUR LEGAL RIGHTS

Under certain circumstances you have the following rights under data protection laws in relation to your Personal Information. Please be aware that any requests will be processed only after your identity is confirmed. This limitation protects your Information against fraudulent actors wishing to access or harvest personal information of our users for personal, commercial, or illegitimate uses.

You have the right to:

- **Request access** to your Personal Information (commonly known as a “data subject access request”). This enables you to receive a copy of the Personal Information we hold about you and to check that we are lawfully processing it. We will provide a response only regarding your Personal Information collected within the last 12 months before the request. When legally obliged, you may be provided with the following:
  - a) The categories of personal information collected about that specific individual in the 12 months preceding the request;
  - b) The categories of sources for that personal information collected;
  - c) The business or commercial purposes for collecting or selling that personal information;
  - d) The categories of third parties with whom the business's shares that personal information;
  - e) The specific pieces of personal information collected.
- **Request deletion** of your Personal Information. This enables you to ask us to delete or remove Personal Information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your Personal Information to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Request the transfer** of your Personal Information to you or to a third party. We will provide to you, or a third party you have chosen, your Personal Information in a structured, commonly used, machine-readable format. Note that this right only applies to automated information

which you initially provided consent for us to use or where we used the information to perform a contract with you.

- **Withdraw consent at any time** where we are relying on consent to process your Personal Information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent. We also reserve a right to set more incentive prices for those users who are providing their consent. Nevertheless, you will never be discriminated on the basis of your decision to withdraw your consent.

You also have the right to ask us not to continue to process your Personal Information for marketing purposes.

You can exercise any of these rights at any time 2 times a year (except for deletion) by contacting us at [hj@gmoji.us](mailto:hj@gmoji.us) or by Chat.

We will respond to your request within 45 to 90 days and provide any information free of charge, unless manifestly unfounded or excessive.

## GLOSSARY

**Consent** means processing your Personal Information where you have signified your agreement by a statement or clear opt-in to processing for a specific purpose. Consent will only be valid if it is a freely given, specific, informed and unambiguous indication of what you want. You can withdraw your consent at any time by contacting us.

**Legitimate Interest** means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal Information for our legitimate interests. We do not use your Personal Information for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by contacting us.

**Performance of contract** means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

**Comply with a legal obligation** means processing your Personal Information where it is necessary for compliance with a legal obligation that we are subject to.

**Register with the App** means creating or restoring an Account which enables the user to choose and pay for Goods, as well as pass on to user's contacts a right to receive such Goods.