

## **Privacy Policy**

Effective date: 1/13/2020

We at Cuyana know you care about how your personal information is used and shared, and we take your privacy seriously. Please read the following to learn more about our Privacy Policy. **By using or accessing Cuyana’s Services in any manner, you acknowledge that you accept the practices and policies outlined in this Privacy Policy, and you hereby consent that we will collect, use, and share your information in the following ways.** If you are a resident of the European Union (“EU”), United Kingdom, Lichtenstein, Norway, or Iceland, you may have additional rights under the EU General Data Protection Regulation (the “GDPR”) with respect to your Personal Information, as outlined below.

Remember that your use of Cuyana’s Services is at all times subject to the Terms of Use at <https://www.cuyana.com/terms-of-use>, which incorporates this Privacy Policy. Any terms we use in this Policy without defining them have the definitions given to them in the Terms of Use at <https://www.cuyana.com/terms-of-use>.

If you have a disability, you may access this Privacy Policy in an alternative format by contacting [privacy@cuyana.com](mailto:privacy@cuyana.com).

### **1. What does this Privacy Policy cover?**

This Privacy Policy covers our treatment of Personal Information that we gather when you are accessing or using our Services, but not to the practices of companies we don’t own or control, or people that we don’t manage. “Personal Information” means any information that identifies or relates to a particular individual and also includes information referred to as “personally identifiable information” or “personal information” under applicable data privacy laws, rules, or regulations. This Policy applies only to Personal Data that we collect from you directly; if we did not collect data directly from you, you should contact the entity that collected your Personal Data in the first instance to address your rights with respect to such data. We gather various types of Personal Information from our users, as explained in more detail below, and we use this Personal Information internally in connection with our Services, including to personalize, provide, and improve our services, to allow you to set up a user account and profile, to contact you, to fulfill your requests for certain products and services, and to analyze how you use the Services. In certain cases, we may also share some Personal Information with third parties, but only as described below.

We do not knowingly collect or solicit personal information from anyone under the age of 13. If you are under 13, please do not attempt to register for the Services or send any personal information about yourself to us. If we learn that we have collected personal information from a child under age 13, we will delete that information as quickly as possible. If you believe that a child under 13 may have provided us personal information, please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

### **2. Will Cuyana ever change this Privacy Policy?**

We’re constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time as well, but we will alert you to changes by placing a notice on [www.cuyana.com](http://www.cuyana.com), by sending you an email, and/or by some other means. Please note that if you’ve opted not to receive legal notice emails from us (or you haven’t provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been

posted, that means you agree to all of the changes. Use of information we collect now is subject to the Privacy Policy in effect at the time such information is collected.

### 3. What Information does Cuyana Collect?

The following chart details the categories of Personal Data that we collect and have collected over the past twelve (12) months. For each category of Personal Data, these subsections also set out our commercial or business purpose for collecting that Personal Data and the categories of third parties with whom we share that Personal Data.

	<b>Category of Personal Data</b>	<b>Purposes of Use</b>	<b>Source of Personal Data</b>	<b>Categories of Third Parties To Whom We Disclose the Personal Data for Business Purposes</b>
<b>A.</b>	<b>Personal identifiers.</b> Personal data collected:  Name Email Address Phone Number  Birthday IP address Device ID  Social Media account information Postal Address	Provide the Sites and services  Provide customer service  Personalize your experience  Improve the Sites and services  Inform you of new products and services  Conduct marketing analysis	You Third Parties	Service providers  Our affiliates  Our marketing partners  Our Site analytics partners  Other parties at your direction  Parties which acquire your Personal Data through an acquisition or change of control of Cuyana.
<b>B.</b>	<b>Protected classification characteristics under state or federal law.</b> Personal data collected:  FOR APPLICANTS ONLY (Optional disclosure of):  Gender	Provide the Sites and services  Provide customer service  Personalize your experience  Improve the Sites and services  Conduct marketing analysis	You	Service providers  Our affiliates  Other parties at your direction  Parties which acquire your Personal Data through an acquisition or change of control of Cuyana
<b>C.</b>	<b>Commercial information.</b> Personal data collected:	Provide the Sites and services  Provide customer service	You	Service providers  Our affiliates

	Products or services purchased	<p>Personal your experience</p> <p>Improve the Sites and services</p> <p>Inform you of new products and services</p> <p>Conduct marketing analysis</p> <p>Accomplish other purposes about which we notify you.</p>		<p>Our marketing partners</p> <p>Our Site analytics partners</p> <p>Other parties at your direction</p> <p>Parties which acquire your Personal Data through an acquisition or change of control of Cuyana</p>
<b>D.</b>	<p><b>Internet or other similar network activity information.</b> Personal data collected:</p> <p>Information on a consumer’s interaction with Site. Cookies Web Beacons Scripts Tracking tags</p>	<p>Provide the Sites and services</p> <p>Provide customer service</p> <p>Personal your experience</p> <p>Improve the Sites and services</p> <p>Accomplish other purposes about which we notify you.</p>	You Third Parties	<p>Service providers</p> <p>Our affiliates</p> <p>Our Site analytics partners</p> <p>Other parties at your direction</p> <p>Parties which acquire your Personal Data through an acquisition or change of control of Cuyana</p>
<b>E.</b>	<p>Professional or employment-related information Name Email address Phone number Postal address Job Title Company <b>FOR APPLICANTS ONLY</b> – Previous job history</p>	<p>Provide recruiting services</p> <p>Provide personnel and human resources services</p> <p>Accomplish other purposes about which we notify you.</p>	You	<p>Service providers</p> <p>Our affiliates</p> <p>Other parties at your direction</p> <p>Parties which acquire your Personal Data through an acquisition or change of control of Cuyana</p>

### Categories of Sources of Personal Information

We collect the Personal Information about you from the following sources:

- Information You Provide to Us:

We receive and store any information you knowingly provide to us. If you provide your third-party account credentials to us or otherwise sign in to the Services through a third party site or service, you understand some content and/or information in those accounts (“Third Party Account Information”) may be transmitted into your account with us if you authorize such transmissions, and that Third Party Account Information transmitted to our Services is covered by this Privacy Policy. Certain information may be required to register with us or to take advantage of some of our features.

If you use our Services to make a purchase, we may request certain Personal Information from you to facilitate the transaction and get you the goods. We, or companies that provide services on our behalf, may also collect certain financial information from you, such as your payment method (this may include valid credit card number, type, expiration date or other financial information). We store only a *very* limited portion of your credit card information, in a manner that is generally permitted by credit card issuers. Our payment processor, that credit card issuers require to have sufficient security, stores and processes your credit card or other payment information using industry-standard security measures. By making a purchase through the Services, you give us consent to use and provide your financial information as we consider necessary to process the transaction.

We receive Personal Data directly from you when you provide us with such Personal Data, including without limitation the following:

- First and last name
- Email address
- Mailing address
- Telephone number
- Birthday
- Gender
- Instagram Account
- Facebook Account
- Twitter Account
- Credit Card Information (in conjunction with third party payment processor)

- Information Collected Automatically

Whenever you interact with our Services, we automatically receive and record information on our server logs from your browser or device, which may include your IP address, geolocation data, device identification, “cookie” information, the type of browser and/or device you’re using to access our Services, and the page or feature you requested. “Cookies” are identifiers we transfer to your browser or device that allow us to recognize your browser or device and tell us how and when pages and features in our Services are visited and by how many people. You may be able to change the preferences on your browser or device to prevent or limit your device’s acceptance of cookies, but this may prevent you from taking advantage of some of our features.

Our advertising partners may transmit cookies or request that we transmit cookies to your browser or device when you use our Services. If you click on a link to a third party website or service, a third party may also transmit cookies to you. Again, this Privacy Policy does not cover the use of cookies by any third parties, and we aren't responsible for their privacy policies and practices. Please be aware that cookies placed by third parties may continue to track your activities online even after you have left our Services, and those third parties may not honor "Do Not Track" requests you have set using your browser or device.

Some Personal Data is automatically collected when you use our Sites, such as the following:

- IP address
  - Device identifiers
  - Web browser information
  - Page view statistics
  - Browsing history
  - Usage information
  - Transaction information (e.g. transaction amount, date and time such transaction occurred)
  - Cookies and other tracking technologies (e.g. web beacons, pixel tags, SDKs, etc.) -- For more information, please review our Cookie Policy at <https://www.cuyana.com/cookie-policy>
  - Location information (e.g. IP address, zip code)
  - Log data (e.g. access times, hardware and software information)
- *Information Collected From Other Websites and Cuyana's Do Not Track Policy*

Through cookies we place on your browser or device, we may collect information about your online activity after you leave our Services. Just like any other usage information we collect, this information allows us to improve the Services and customize your online experience, and otherwise as described in this Privacy Policy. Your browser may offer you a "Do Not Track" option, which allows you to signal to operators of websites and web applications and services (including behavioral advertising services) that you do not wish such operators to track certain of your online activities over time and across different websites. Our Services do not support Do Not Track requests at this time, which means that we collect information about your online activity both while you are using the Services and after you leave our Services.

- *Information from Third Parties, When They Provide Us with Personal Data About You, Including:*
  - Service providers. For example, we may use analytics service providers to analyze how you interact and engage with the Services, or third parties may help us provide you with customer support.
  - Account information for third party services. If you interact with a third party service when using our Sites, such as if you use a third party service to log-in to our Sites (e.g., Facebook), or if you share content from our Sites through a third party social media service, the third party service will send us information about you, such as information from your public profile, if the third party service and your account settings allow such sharing. The information we receive will depend on the policies and your account settings with the third party service.

- Advertising partners. We receive information about you from some of our service providers who assist us with marketing or promotional services related to how you interact with our websites, applications, products, services, advertisements or communications.
- Marketing partners. We may augment your personal data with additional information provided by third party marketing partners in order for us to better market our products and services to you.
- *Other Parties at Your Direction*

#### **4. How Does Cuyana Use the Personal Information it Receives?**

We process Personal Data to operate, improve, understand and personalize our Sites and our products. For example, we use Personal Data to:

- Create and manage user profiles
- Communicate with you about our products and services,
- Process orders and facilitate delivery
- Contact you about Site announcements, updates or offers
- Provide support and assistance for the Sites
- Personalize website content and communications based on your preferences
- Meet contract or legal obligations
- Respond to user inquiries
- Fulfill user requests
- Comply with our legal or contractual obligations
- Resolve disputes
- Protect against or deter fraudulent, illegal or harmful actions
- Enforce our Terms of Use at <https://www.cuyana.com/terms-of-use>
- Contact you when necessary
- Respond to your comments or questions
- Provide you with additional information according to your preferences
- Customize and personalize your experience with the Services
- Generate anonymous statistics to help us improve the customer experience
- Make the Services easier and more convenient for you (such as by prepopulating forms when you have already provided identical information)
- Provide recommendations to you
- Send you information and marketing materials about services and products available through our Services
- Train our team members
- Our other internal business purposes

We will only process your Personal Data if we have a lawful basis for doing so. Lawful bases for processing include consent, contractual necessity and our “legitimate interests” or the legitimate interest of others, as further described below.

**Contractual Necessity:** We process the following categories of Personal Data as a matter of “contractual necessity”, meaning that we need to process the data to perform under our Terms of Use at <https://www.cuyana.com/terms-of-use> with you, which enables us to provide you with the Sites. When we process data due to contractual necessity, failure to provide such Personal Data will result in your inability to use some or all portions of the Sites that require such data.

- First and last name
- Email address
- Mailing address
- Credit Card Information (in conjunction with third party payment processor)
- **Legitimate Interest:** We process the following categories of Personal Data when we believe it furthers the legitimate interest of us or third parties.
  - First and last name
  - Email address
  - Mailing address
  - Telephone number
  - Birthday
  - Gender
  - Instagram Account
  - Facebook Account
  - Twitter Account
  - IP address
  - Device identifiers
- **Examples of these legitimate interests include:**
  - Operation and improvement of our business, products and services
  - Marketing of our products and services
  - Provision of customer support
  - Protection from fraud or security threats
  - Compliance with legal obligations
  - Completion of corporate transactions
- **Consent:** In some cases, we process Personal Data based on the consent you expressly grant to us at the time we collect such data. When we process Personal Data based on your consent, it will be expressly indicated to you at the point and time of collection.
- **Other Processing Grounds:** From time to time we may also need to process Personal Data to comply with a legal obligation, if it is necessary to protect the vital interests of you or other data subjects, or if it is necessary for a task carried out in the public interest.

We may communicate with you if you've provided us the means to do so. For example, if you've given us your email address, we may send you promotional email offers for Cuyana products and on behalf of other businesses that we work with, or email you about your use of the Services. Also, we may receive a confirmation when you open an email from us. This confirmation helps us make our communications with you more interesting and improve our services. If you do not want to receive communications from us, please indicate your preference by clicking <http://shop.cuyana.com/hs/manage-preferences/unsubscribe-simple?>

## **Categories of Third Parties with Whom We Share Personal Data**

We share Personal Data with vendors, third party service providers and agents who work on our behalf and provide us with services related to the purposes described in this Privacy Policy or our Terms of Use at <https://www.cuyana.com/terms-of-use>. These parties include:

- Payment processors
- Fraud prevention service providers
- Ad networks
- Marketing service providers
- Analytics service providers
- Staff augmentation and contract personnel
- Hosting service providers
- Co-location service providers
- Communications service providers

We also share Personal Data when necessary to complete a transaction initiated or authorized by you or provide you with a product or service you have requested. In addition to those set forth above, these parties also include:

- Fulfillment partners
- Third party business partners who you access through the Sites
- Other parties authorized by you

We also share information with third parties when you have given us consent to do so (as indicated at the point such information is collected).

We also share Personal Data when we believe it is necessary to:

- Comply with applicable law or respond to valid legal process, including from law enforcement or other government agencies
- Protect us, our business or our users, for example to enforce our Terms of Use at <https://www.cuyana.com/terms-of-use>, prevent spam or other unwanted communications and investigate or protect against fraud
- Maintain the security and stability of our products and services

Last, we share Personal Data with our affiliates or other members of our corporate family. Furthermore, if we choose to buy or sell assets, user information is typically one of the transferred business assets. Moreover, if we, or substantially all of our assets, were acquired, or if we go out of business or enter bankruptcy, user information would be one of the assets that is transferred or acquired by a third party, and we would share Personal Data with the party that is acquiring our assets. You acknowledge that such transfers may occur, and that any acquirer of us or our assets may continue to use your Personal Information as set forth in this policy.

## **5. How Does Cuyana Share and Disclose the Personal Information it Receives?**

This section describes how Cuyana may share and disclose Information. Cuyana may disclose your Personal Information to service providers and other parties for the following business purposes:

- **Information that's been de-identified.** We may de-identify your Personal Information so that you are not identified as an individual, and provide that information and/or aggregate usage information with service providers, and/or with other persons we conduct

business with. These service providers and other persons may also share with us aggregated de-identified information that they have independently developed or acquired. Additionally, we may combine aggregate usage information from the pixel tags, web beacons and cookies we discussed above with similar data we collect from other visitors to help us improve our Services, but that de-identified information cannot be linked back to you.

- **Affiliated Businesses:** In certain situations, businesses or third parties we're affiliated with that may sell or provide products or services to you through or in connection with the Services (either alone or jointly with us). You can recognize when an affiliated business is associated with such a transaction or service, and we will share your Personal Information with that affiliated business only to the extent that it is related to such transaction or service. We have no control over the policies and practices of third party websites or businesses as to privacy or anything else, so if you choose to take part in any transaction or service relating to an affiliated website or business, please review all such business' or websites' policies.
- **Advertisers:** We work with advertisers and/or merchant partners ("Advertisers") to advertise Cuyana and Cuyana's partners' products and services, and you agree that we may provide information (such as email address, cookies and IP addresses for online advertising and your name and address for physical mailers) to our Advertisers, in order for that Advertiser to select the appropriate audience for those advertisements and/or offers.
- **Agents:** We employ other companies and people to perform tasks on our behalf and need to share your information with them to provide products or services to you; for example, third party analytics companies help us understand and improve our Services and we may use a payment processing company to receive and process your credit card transactions for us. Unless we tell you differently, our agents do not have any right to use the Personal Information we share with them beyond what is necessary to assist us. Note that an "agent" may also be considered a "service provider" in certain circumstances, and would be subject to the terms of the "**Information that's been de-identified**" section in that regard.
- **Business Transfers:** We may choose to buy or sell assets, and may share and/or transfer customer information in connection with the evaluation of and entry into such transactions. Also, if we (or our assets) are acquired, or if we go out of business, enter bankruptcy, or go through some other change of control, Personal Information could be one of the assets transferred to or acquired by a third party.
- **Protection of Company and Others:** We reserve the right to access, read, preserve, and disclose any information that we believe is necessary to comply with law or court order; enforce or apply our Terms of Use at <https://www.cuyana.com/terms-of-use> and other agreements; or protect the rights, property, or safety of Company, our employees, our users, or others.

## 6. **Is Personal Information about me secure?**

Your account is protected by a password for your privacy and security. If you access your account via a third party site or service, you may have additional or different sign-on protections via that third party site or service. You must prevent unauthorized access to your account and Personal

Information by selecting and protecting your password appropriately and limiting access to your computer or device and browser by signing off after you have finished accessing your account.

We endeavor to protect the privacy of your account and other Personal Information we hold in our records, but unfortunately, we cannot guarantee complete security. Unauthorized entry or use, hardware or software failure, and other factors, may compromise the security of user information at any time.

#### **7. What Personal Information can I access?**

Through your account settings, you may access, and, in some cases, edit or delete the following information you've provided to us:

- name and password
- email address
- date of birth
- gender
- shipping addresses
- credit card information (in conjunction with our third party payment processor)

The information you can view, update, and delete may change as the Services change. If you have any questions about viewing or updating information we have on file about you, please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

#### **8. What choices do I have?**

You can always opt not to disclose information to us, but keep in mind some information may be needed to register with us or to take advantage of some of our features.

You may be able to add, update, or request the removal of Personal Information as explained above. When you update information, however, we may maintain a copy of the unrevised information in our records. You may request the removal of your Personal Information in your account by emailing us at [privacy@cuyana.com](mailto:privacy@cuyana.com). Some information may remain in our records after the removal of such information from your account (including, without limitation, in back-up records that we create automatically or information regarding purchases of products). We may use any aggregated data derived from or incorporating your Personal Information after you update or delete it, but not in a manner that would identify you personally.

#### **California Resident Rights**

If you are a California resident, you have the rights outlined in this section. Please see the "Exercising Your Rights" section below for instructions regarding how to exercise these rights. If there are any conflicts between this section and any other provision of this Privacy Policy and you are a California resident, the portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

Under California Civil Code Sections 1798.83-1798.84, California residents are entitled to contact us to prevent disclosure of Personal Data to third parties for such third parties' direct marketing purposes; in order to submit such a request, please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

Your browser may offer you a “Do Not Track” option, which allows you to signal to operators of websites and web applications and services that you do not wish such operators to track certain of your online activities over time and across different websites. Our Services do not support DO Not Track requests at this time. To find out more about “Do Not Track,” you can visit [www.allaboutdnt.com](http://www.allaboutdnt.com).

### *Access*

You have the right to request certain information about our collection and use of your Personal Data over the past 12 months. We will provide you with the following information:

- The categories of Personal Data that we have collected about you.
- The categories of sources from which that Personal Data was collected.
- The business or commercial purpose for collecting or selling your Personal Data.
- The categories of third parties with whom we have shared your Personal Data.
- The specific pieces of Personal Data that we have collected about you.

If we have disclosed your Personal Data for a business purpose over the past 12 months, we will identify the categories of Personal Data shared with each category of third party recipient.

If we have sold your Personal Data over the past 12 months, we will identify the categories of Personal Data purchased by each category of third party recipient.

### *Deletion*

You have the right to request that we delete the Personal Data that we have collected from you. Under the CCPA, this right is subject to certain exceptions: for example, we may need to retain your Personal Data to provide you with the Services or complete a transaction or other action you have requested. If your deletion request is subject to one of these exceptions, we may deny your deletion request.

### *Exercising Your Rights*

To exercise the rights described above, you must send us a request that (1) provides a verified email address and a valid photo ID to allow us to confirm that you are the person about whom we have collected Personal Data, and (2) describes your request in sufficient detail to allow us to understand, evaluate, and respond to it. Each request that meets both of these criteria will be considered a “Valid Request.” We may not respond to requests that do not meet these criteria. We will only use Personal Data provided in a Valid Request to verify you and complete your request. You do not need an account to submit a Valid Request.

We will work to respond to your Valid Request within 45 days of receipt. We will not charge you a fee for making a Valid Request unless your Valid Request(s) is excessive, repetitive, or manifestly unfounded. If we determine that your Valid Request warrants a fee, we will notify you of the fee and explain that decision before completing your request.

You may submit a Valid Request using the following methods:

- Call us at: [\(844\) 326 6005](tel:8443266005)
- Email us at: [privacy@cuyana.com](mailto:privacy@cuyana.com)
- Submit a form at this address: <https://privacyportal-cdn.onetrust.com>

You may also authorize an agent (an “Authorized Agent”) to exercise your rights on your behalf. To do this, you must provide your Authorized Agent with written permission to do, and we may request a copy of this written permission from your Authorized Agent when they make a request to exercise your rights on your behalf.

#### *Personal Data Sales Opt-Out and Opt-In*

You have the right to opt-out of the sale of your Personal Data. You can opt-out using the following methods:

- You can complete the online form found here: Do Not Sell My Personal Information <https://privacyportal-cdn.onetrust.com>
- Email us at [privacy@cuyana.com](mailto:privacy@cuyana.com)

Once you have submitted an opt-out request, we will not ask you to reauthorize the sale of your Personal Data for at least 12 months. However, you may change your mind and opt back into Personal Data sales at any time by emailing [privacy@cuyana.com](mailto:privacy@cuyana.com).

We do not sell the Personal Data of minors under 16 years of age without affirmative authorization. If you are between 13 and 16 years of age, you must authorize us to sell your Personal Data, which you may do by clicking the Opt-In link above. If you are under 13 years of age, your parent or guardian must authorize us to sell your Personal Data, which your parent or guardian may do by clicking the Opt-In link above.

#### *We Will Not Discriminate Against You for Exercising Your Rights Under the CCPA*

We will not discriminate against you for exercising your rights under the CCPA. We will not deny you our goods or services, charge you different prices or rates, or provide you a lower quality of goods and services if you exercise your rights under the CCPA. However, we may offer different tiers of our Services as allowed by applicable data privacy laws (including the CCPA) with varying prices, rates, or levels of quality of the goods or services you receive related to the value of Personal Data that we receive from you.

#### *Our Financial Incentive Program*

From time to time, we may offer financial incentives, including payments to you as compensation, for the collection of your personal information, the sale of your personal information, or the deletion of your personal information. These financial incentives include offering a promotion to customers on their birthdays where relevant. You may revoke your consent to participate in our financial incentive program at any time by emailing us at [support@cuyana.com](mailto:support@cuyana.com).

## **Other State Law Privacy Rights**

### *Nevada Resident Rights*

If you are a resident of Nevada, you have the right to opt-out of the sale of certain Personal Data to third parties who intend to license or sell that Personal Data. You can exercise this right by contacting us at [privacy@cuyana.com](mailto:privacy@cuyana.com) with the subject line “Nevada Do Not Sell Request” and providing us with your name and the email address associated with your account. Please note that we do not currently sell your Personal Data as sales are defined in Nevada Revised Statutes Chapter 603A.

**How Long Do We Retain Your Personal Data?** We retain Personal Data about you as long as you have an open account with us and for three (3) months after you close your account. In some cases, we retain Personal Data for longer, if doing so is necessary to comply with our legal obligations, resolve disputes or collect fees owed, or is otherwise permitted or required by applicable law, rule or regulation. Afterwards, we retain some information in a depersonalized or aggregated form but not in a way that would identify you personally.

**What Security Measures Do We Use?** We seek to protect Personal Data using appropriate technical and organizational measures based on the type of Personal Data and applicable processing activity. For example, we encrypt certain sensitive personal information such as credit card information when we transmit such information over the Internet. We also require that our suppliers protect such information from unauthorized access, use and disclosure.

**Personal Data of Children:** As we said above, we do not knowingly collect or solicit Personal Data from anyone under the age of 16. If you are under 16, please do not attempt to register for the Sites or send any Personal Data about yourself to us. If we learn that we have collected Personal Data from a child under age 16, we will delete that information as quickly as possible. If you believe that a child under 16 may have provided us Personal Data, please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

**What Rights Do You Have Regarding Your Personal Data?** You have certain rights with respect to your Personal Data, including those set forth below. For more information about these rights, or to submit a request, please fill out this request form at <https://privacyportal-cdn.onetrust.com>. Please note that in some circumstances, we may not be able to fully comply with your request, such as if it is frivolous or extremely impractical, if it jeopardizes the rights of others, or if it is not required by law, but in those circumstances, we will still respond to notify you of such a decision. In some cases, we may also need to you to provide us with additional information, which may include Personal Data, if necessary, to verify your identity and the nature of your request.

- **Access:** You can request more information about the Personal Data we hold about you and request a copy of such Personal Data. You can also access certain of your Personal Data by emailing [privacy@cuyana.com](mailto:privacy@cuyana.com) and we can email or mail you the requested information.
- **Rectification:** If you believe that any Personal Data we are holding about you is incorrect or incomplete, you can request that we correct or supplement such data. In certain circumstances, you can correct some of this information directly by updating the information via your My Account section on [Cuyana.com](https://cuyana.com) – if you are unable to correct the information via your My Account section then please email us at [support@cuyana.com](mailto:support@cuyana.com).
- **Erasure:** You can request that we erase some or all of your Personal Data from our systems. To do so, please email us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

- **Withdrawal of Consent:** If we are processing your Personal Data based on your consent (as indicated at the time of collection of such data), you have the right to withdraw your consent at any time. Please note, however, that if you exercise this right, you may have to then provide express consent on a case-by-case basis for the use or disclosure of certain of your Personal Data, if such use or disclosure is necessary to enable you to utilize some or all of our Sites.
- **Portability:** You can ask for a copy of your Personal Data in a machine-readable format. You can also request that we transmit the data to another controller where technically feasible.
- **Objection:** You can contact us to let us know that you object to the further use or disclosure of your Personal Data for certain purposes.
- **Restriction of Processing:** You can ask us to restrict further processing of your Personal Data.
- **Right to File Complaint:** You have the right to lodge a complaint about Cuyana's practices with respect to your Personal Data with the supervisory authority of your country or EU Member State.

## **European Privacy Matters**

### *Privacy Shield*

The Services are hosted and operated in the United States ("U.S.") through Cuyana and its service providers, and if you do not reside in the U.S., laws in the U.S. may differ from the laws where you reside. By using the Services, you acknowledge that any Personal Data about you, regardless of whether provided by you or obtained from a third party, is being provided to Cuyana in the U.S. and will be hosted on U.S. servers, and you authorize Cuyana to transfer, store and process your information to and in the U.S., and possibly other countries. You hereby consent to the transfer of your data to the U.S. pursuant to EU-US and Swiss-US Privacy Shield Framework, the details of which are further set forth below.

Cuyana has certified to the EU.-U.S. and Swiss-US Privacy Shield Framework set forth by the U.S. Department of Commerce regarding the collection and use of Personal Data transferred from the EU and Switzerland. For more information about the Privacy Shield Program, and to view Cuyana's certification, please visit [www.privacyshield.gov](http://www.privacyshield.gov). Cuyana is committed to the Privacy Shield Principles of (1) notice, (2) consent, (3) accountability for onward transfer, (4) security, (5) data integrity and purpose limitation, (6) access and (7) recourse, enforcement and liability with respect to all Personal Data received from within the EU and Switzerland in reliance on the Privacy Shield. The Privacy Shield Principles require that we remain potentially liable if any third-party processing subject Personal Data on our behalf fails to comply with these Privacy Shield Principles (except to the extent we are not responsible for the event giving rise to any alleged damage). Cuyana's compliance with the Privacy Shield is subject to the investigatory and enforcement powers of the U.S. Federal Trade Commission.

Please contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com) with any questions or concerns relating to our Privacy Shield Certification. If you do not receive timely acknowledgment of your Privacy Shield-related complaint from us, or if we have not resolved your complaint, you may also resolve a Privacy Shield-related complaint through JAMS, an alternative dispute resolution provider located in the United States. You can visit <https://www.jamsadr.com/file-an-eu-us-privacy-shield-or-safe-harbor-claim> for more information or to file a complaint, at no cost to you. Under certain conditions, you may also be entitled to invoke binding arbitration for complaints not resolved by other means.

## *GDPR*

For this GDPR section, we use the terms “Personal Data” and “processing” as they are defined in the GDPR, but “Personal Data” generally means information that can be used to individually identify a person, and “processing” generally covers actions that can be performed in connection with data such as collection, use, storage and disclosure. Cuyana will be the controller of your Personal Data processed in connection with the Sites. Note that we may also process Personal Data of our customers’ end users or employees in connection with our provision of services to customers, in which case we are the processor of Personal Data. If we are the processor of your Personal Data (i.e., not the controller), please contact the controller party in the first instance to address your rights with respect to such data.

If there are any conflicts between this section and any other provision of this Privacy Policy, the policy or portion that is more protective of Personal Data shall control to the extent of such conflict. If you have any questions about this section or whether any of the following applies to you, please contact us at:

Email: [cuyana@gdpr-rep.com](mailto:cuyana@gdpr-rep.com)

DP-Dock GmbH  
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20095 Hamburg  
Germany

Tel: +49 (0) 40 99999 - 3430  
Fax: +49 (0) 40 99999 - 3332  
[www.dp-dock.com](http://www.dp-dock.com)

If you are based in the US, you can contact us at [privacy@cuyana.com](mailto:privacy@cuyana.com).

### **9. What if I have questions about this policy?**

If you have any questions or concerns regarding our privacy policies, please send us a detailed message to [support@cuyana.com](mailto:support@cuyana.com), and we will try to resolve your concerns.