

PRIVACY POLICY

Effective Date: June 10, 2023

Polina Kravchenko and its affiliates and licensors (collectively, "Company", "we", "us", or "our") recognizes the importance of your personal data.

This Privacy Notice (the "Notice") sets out how Company collects, processes, stores and protects your personal data through, or in association with, iOS mobile software applications allowing you, among other things, to create, edit, publish, store, and share photos and images, and is an agreement between you and Polina Kravchenko that governs your use of the App. By submitting your personal data to Polina Kravchenko, you are bound by all terms of this Notice.

PLEASE READ THIS PRIVACY NOTICE CAREFULLY TO UNDERSTAND HOW WE TREAT YOUR PERSONAL DATA AND WHAT CHOICES AND RIGHTS YOU HAVE IN THIS REGARD. IF YOU DO NOT AGREE WITH THE TERMS AND CONDITIONS OF THIS NOTICE, YOU SHOULD NOT DOWNLOAD OR USE THE APP OR ENGAGE IN COMMUNICATIONS WITH US.

WHAT PROCESSING ACTIVITIES ARE COVERED?

This Notice applies to the processing of personal data when you:

- download and/or use our App;
- receive communications from us, including emails, etc.;
- complete surveys from us; and
- request data from us.

WHO IS RESPONSIBLE FOR YOUR PERSONAL DATA?

If you are a user in the European Union (the "EU") or European Economic Area ("EEA"), for purposes of the EU General Data Protection Regulation, 2016/679 (the "GDPR"), we act as a data controller with respect to the personal data described in the "What Personal Data Do We Collect" section of this Notice. In this role, we are responsible for implementing the applicable data protection principles and for safeguarding personal data.

WHAT PERSONAL DATA DO WE COLLECT AND PROCESS?

We may collect and process the personal data on the legal basis and for the purposes set forth below:

Purpose	Personal Data	Legal Basis
creating a profile in the App	e-mail address, name, user name, nickname, social media accounts, subscription status (including a token indicating payment of the subscription and payment method)	Contract, i.e. by registering in the App, you have concluded an agreement with us.

and additional optional information such as profile photo and hashed password or other information used for authentication and access control

App functionality	technical and aggregated usage data, user agent, IP addresses, device data (such as type, OS, device ID, browser version, locale and language settings used), access times and dates logs, communication and performance logs, and the cookies and pixels installed or utilized on your device, etc.	Consent, where appropriate, and Legitimate interests, i.e. if cookies are used it will be to deliver functionality that you would expect.
your usage of the App	photos and image data, such as image setting (e.g., sunset, indoor, party), the posture, location and characteristics of faces or other face parts (eyes, lips, etc.) that appear in an image, and the number, estimated age and gender of people in the image, etc. We <u>do not</u> collect or retain any biometric information or biometric identifiers from your images.	Contract, i.e. it is necessary for us collect and store this data to enable us to provide you with an effective service.
processing your requests, including data related requests	messages, comments, feedback (e.g., internal communications), as well as correspondence with us, (e.g., for user enablement, support and training purposes), including chats, surveys, calls and video recordings, transcriptions, and analyses thereof, and any other data you choose to provide or upload via the App or in the context of the interaction with one of our customer experience representatives	Legitimate interests, i.e. it is necessary for us to read and store your message so that we can respond in the way that you would expect.
performing our marketing campaigns	our e-mail address	Consent, where appropriate, and Legitimate interests

HOW DO WE SHARE OR DISCLOSE YOUR PERSONAL DATA?

We may share your personal data in the following contexts:

Affiliates and Subsidiaries	We may share the data we collect within the Company's group of companies and with their respective officers, directors, employees, accountants, professional advisors, attorneys and agents.
Service Providers	We may provide access to or share your personal data with select third parties that use the data only to perform services on our behalf (e.g. AppsFlyer, Facebook, TikTok, Google, Apple, DevToDev, Firebase, Amplitude, Intercom, AdMob, AppLovin). These third parties provide a variety of services to us, including without limitation sales, marketing, provision of content and features, analytics, data storage, security, fraud prevention, and other services.
Business Transactions	If the ownership of all or substantially all of our business changes, we may transfer your data to the new owner. In such case, your data would remain subject to the promises and commitments contained in this Notice until such time as the acquiring party modifies it. If such transfer is subject to additional mandatory restrictions under applicable laws, Company will comply with such restrictions.
Consent	We may also disclose your data to third parties with your consent to do so.
Legal Obligations and Rights	We may disclose your personal data in response to subpoenas, warrants, court orders or other legal process, or to comply with relevant laws. We may also share your personal data in order to establish or exercise our legal rights, to defend against a legal claim, and to investigate, prevent, or take action regarding possible illegal activities, suspected fraud, safety of person or property, or a violation of our contracts. We may also disclose personal data as needed to protect vital interests.

WE DO NOT SELL YOUR PERSONAL INFORMATION FOR THE INTENTS AND PURPOSES OF THE CALIFORNIA CONSUMER PRIVACY ACT (CCPA)

HOW LONG DO WE STORE AND USE YOUR PERSONAL DATA?

We will retain and use your personal data for as long as is necessary to fulfill the purposes for which it was collected, to comply with our business requirements and legal obligations, to resolve disputes, to protect our assets, to provide our services, and to enforce our agreements. We take reasonable steps to delete the personal data we collect when (1) we have a legal obligation to do so, (2) we no longer have a purpose for retaining the data, and (3) if you ask us to delete your data, unless we determine that doing so would violate our existing, legitimate legal, regulatory, dispute resolution, contractual, or similar obligations. We may also decide to delete your personal data if we

believe it is incomplete, inaccurate, or that our continued storage of your personal data is contrary to our legal obligations or business objectives. To the extent permitted by law, we may retain and use anonymous or aggregated data for performance reporting, benchmarking, and analytic purposes and for service improvement.

HOW DO WE PROTECT YOUR PERSONAL DATA?

Company takes technical and organizational measures to protect your data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access. Company stores your data on AWS data servers in various locations we operate around the globe. However, no method of transmission over the Internet, and no means of electronic or physical storage, is absolutely secure, and thus we cannot ensure or warrant the security of that data. If a data breach compromises your personal data, we will notify you and any applicable regulator when we are required to do so by applicable law. Also, as the security of information depends in part on the security of the device or network you use to communicate with us, and the security you use to protect your user IDs and passwords. Please make sure to take appropriate measures to protect this information.

INTERNATIONAL TRANSFERS OF PERSONAL DATA

When storing, hosting, or otherwise processing your personal data, we may send such data outside of the European Union (EU) and the European Economic Area (EEA). When we transfer data to the United States or other countries, we do so for the purposes set forth in this Notice and in accordance with applicable law. We rely on recognized legal bases to lawfully conduct cross-border/international transfers of personal data outside of the EU and EEA, such as your express informed consent to do so (as noted above), when transfer is necessary for us to deliver services pursuant to an agreement between us and you, or when the transfer is subject to safeguards that assure the protection of your personal data, such as the European Commission's approved standard contractual clauses.

RIGHTS AND CHOICES ABOUT HOW WE USE AND DISCLOSE YOUR DATA

Please use the "Contact Us" details at the end of this Notice to exercise your rights and choices under this Notice. If you would like to manage, change, limit, or delete your personal data or if you no longer want to receive any email, such requests may be submitted via the "Contact Us" details at the end of this Notice.

1. Email Opt-Out

If you no longer wish to receive communications from us via email, you may opt-out by clicking the unsubscribe link available at the bottom of our emails. Once we receive your instruction, we will promptly take action.

2. Cookies

You may choose to not allow statistics cookies via the cookies consent banner or set your browser to refuse all or some browser cookies or to alert you when cookies are being set. For more information on how to modify your browser settings to block or filter cookies, visit <http://www.aboutcookies.org/> or <http://www.cookiecentral.com/faq/>. You may learn more about internet advertising practices and related consumer resources at <http://www.aboutads.info/consumers/>, <http://www.networkadvertising.org/choices>, and <http://youonlinechoices.eu/>.

3. Online Tracking Signals

We do not currently recognize browser settings or signals of tracking preferences, which may include "Do Not Track" instructions. "Do Not Track" is a web browser setting that seeks to disable the tracking of individual users' browsing activities. We adhere to the standards set out in this Notice and do not currently respond to "Do Not Track" signals on the App or on third-party sites or online services where we may collect data.

4. Accuracy And Updating Your Personal Data

Our goal is to keep your personal data accurate, current, and complete. If any of the personal data you have provided to us changes, please let us know via the "Contact Us" details at the end of this Notice. For instance, if your email address changes, you may wish to let us know so that we can communicate with you. If you become aware of inaccurate personal data about you, you may want to update your data. We are not responsible for any losses arising from any inaccurate, inauthentic, deficient or incomplete personal data that you provide to us.

5. Preferences

If you wish to change your communication preferences or ask that we restrict how we use your personal data, please contact us via the "Contact Us" details at the end of this Notice.

6. California Residents

Under California law, California residents who provide personal data in obtaining products or services for personal, family, or household use may be entitled to request and obtain from us once a calendar year information about the data we shared, if any, with other businesses for direct marketing uses. At present, we do not share your personal data with third parties for those third parties' direct marketing purposes. Please be aware that not all data sharing is covered by the "Shine the Light" requirements and only data on covered sharing, if any, will be included in our response. As part of the California Online Privacy Protection Act, all users of our App may make any changes to their data at any time by contacting us at support@faceaiapp.com.

7. Nevada Residents

You may submit a verified request to us at support@faceaiapp.com to request that we not make any sale (as defined under Nevada law) of any covered data (as defined under Nevada law) that we have collected or will collect about you. Please provide your name and contact information in your request, and we will respond to your request in accordance with Nevada law.

8. EU Residents

If you are located in the EU, you have the following rights under the GDPR. All requests should be sent to the address noted in the "Contact Us" section of this Notice, and we will fulfill requests to the extent required by applicable law.

- Right of Access** To the extent required by law, you have the right to receive confirmation as to whether or not personal data concerning you are being processed, and, where that is the case, access to the personal data and the following information: the purposes of the processing; the categories of personal data concerned; and the recipients or categories of recipient to whom the personal data have been or will be disclosed. We will provide a copy of your personal data in compliance with applicable law.
- Right of Rectification** Our goal is to keep your personal data accurate, current, and complete. Please contact us if you believe your data is not accurate or if it changes.
- Right to Erasure** In some cases, you have a legal right to request that we delete your personal data when (1) it is no longer necessary for the purposes for which it was collected, (2) consent has been withdrawn in certain instances, (3) you have objected to the processing in certain instances, (4) the personal data has been unlawfully processed, (5) the personal data have to be erased for compliance with a legal obligation; and (6) the personal data were collected in relation to the offer of information society services. However, the right is not absolute. When we delete personal data, it will be removed from our active servers and databases as well as the App; but, it may remain in our archives when it is not practical or possible to delete it. We may also retain your personal data as needed to comply with our legal obligations, resolve disputes, or enforce any agreements.
- Right to Restrict Processing** You have the right to restrict the processing of your data when (1) the accuracy of the personal data is contested, for a period enabling us to verify the accuracy of the personal data; (2) the processing is unlawful and you oppose erasure and request a restriction instead; (3) we no longer need the personal data, but you need us to keep it for the establishment, exercise, or defense of legal claims; or (4) you have objected to us processing the personal data, pending resolution of the objection.
- Right to Object** In certain circumstances, you have the right to object to the processing of your personal data where the processing is necessary for performance of a task carried out in the public interest, for our legitimate interests, or for the legitimate interests of others. You also have the right to object where personal data are processed for direct marketing purposes or for scientific or historical research purposes or statistical purposes.

Right to Withdraw Consent If you have provided your consent to the collection, processing, and transfer of your personal data, you may have the right to fully or partially withdraw your consent. Once we have received notice that you have withdrawn your consent, in whole or in part, we will no longer process your data for the purpose(s) to which you originally consented and have since withdrawn unless there are compelling legitimate grounds for further processing that override your interests, rights and freedoms or for the establishment, exercise, or defense of legal claims. Withdrawal of consent to receive marketing communications will not affect the processing of personal data for the provision of our services.

Right to Complain If you believe we have not processed your personal data in accordance with applicable provisions of the GDPR, we encourage you to contact us at support@faceaiapp.com. You also have the right to make a GDPR complaint to the relevant Supervisory Authority or seek a remedy through the courts. A list of Supervisory Authorities is available at: https://edpb.europa.eu/about-edpb/board/members_en. If you need further assistance regarding your rights, please contact us using the contact information provided below and we will consider your request in accordance with applicable law.

CHILDREN’S ONLINE PRIVACY PROTECTION ACT

The Children’s Online Privacy Protection Act (“COPPA”), as well as other data privacy regulations, restrict the collection, use, or disclosure of personal data from and about children on the Internet. Our App and services are not directed to children aged 13 or younger, nor is data knowingly collected from children under the age of 13. No one under the age of 13 may access, browse, or use the App or provide any data to or on the App. If you are under 13, please do not use or provide any personal data on the App (including, for example, your name, telephone number, email address, or username). If we learn that we have collected or received personal data from a child under the age of 13 without a parent’s or legal guardian’s consent, we will take steps to stop collecting that data and delete it. If you believe we might have any data from or about a child under the age of 13, please contact us using the contact information provided below. For more information about COPPA, please visit the Federal Trade Commission’s Site at: <https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>.

THIRD-PARTY SITES

This Notice is applicable only to the App, and it does not apply to any third-party services.

Any personal data provided by you or automatically collected from you by a third party will be governed by that party’s privacy policy and terms of use. If you are unsure whether a site is controlled, affiliated, or managed by us, you should review the privacy policy and practices applicable to each linked site.

MODIFICATIONS

As our business evolves, we may change this Privacy Notice, and other policies relating to the App. Any material revisions to this Notice will become effective on the date we publish the change. If you use the App after the effective date of any changes, that use will constitute your acceptance of the revised terms.

CONTACT US

For more information, or if you have any questions or concerns regarding this Notice, wish to exercise your rights, or wish to lodge a complaint with us, you may contact us using the information below, and we will do our best to assist you.

Polina Kravchenko

Address: Ukraine, Kyiv
email: support@faceaiapp.com