

NJOY PRIVACY POLICY

Effective Date: August 25, 2020

This Privacy Policy covers the practices of NJOY, LLC, and our affiliates (“NJOY,” “we,” “us,” or “our”) concerning personal information we obtain about consumers of our products, including through our websites and applications that link to this Privacy Policy and our customer service hotlines (collectively, the “Services”).

By using our Services or otherwise providing personal information to us, individuals in the United States and Canada consent to the collection, use, disclosure and other handling of personal information described in this Privacy Policy, except for activities for which we first require their consent to be given through other means. For individuals in the UK, European Economic Area, and jurisdictions with similar data protection law, we are the controller of your personal data. For details about the processing of personal data in connection with our European operations, please see the Legal Basis for Processing Your Information section of our Privacy Policy.

PLEASE READ THIS PRIVACY POLICY CAREFULLY TO UNDERSTAND HOW WE HANDLE YOUR INFORMATION. IF YOU DO NOT AGREE TO THIS PRIVACY POLICY, PLEASE DO NOT USE THE SERVICES.

This Privacy Policy contains the following sections:

1. What Information We Collect
2. How We Use Your Information
3. Consent
4. Protection of Your Information
5. How Long We Keep Your Information
6. How We Share and Disclose Your Information
7. Legal Age for Use of Services
8. Links to Third Party Web Sites
9. International Data Transfers
10. Legal Basis for Processing Your Information (European Operations)
11. Your Rights and Choices
12. Additional Detail for California Residents
13. Updates and Changes to This Policy
14. Contact Information

For a PDF of this Privacy Policy, [click here](#).

1. What Information We Collect

a. Information You Provide to Us:

You may provide the following types of information to us:

- Contact details, such as name, email address, phone number, and billing address;
- Identity/age verification information, such as date of birth, last 4 digits of your Social Security Number, and government-issued identification information;
- Username and password for our websites;
- Information about your purchases;
- Payment details, such as payment card number;
- Recordings of calls;
- Precise geolocation (if you use our store finder feature);
- Information about your interests and preferences;
- Other information about your interactions with our products and Services, such as communications and dealings with us.

b. Information From Third Parties

In accordance with applicable law, we may also receive personal information from our service providers (such as a match or no-match result from our age verification providers), our affiliates, retailers, promotion partners, and survey partners, as well as from publicly available sources such as websites.

c. Other Collection

We use cookies and similar technology to collect additional information, some of which is personal information. For details, please visit our [Cookies Policy](#).

We may also collect other personal information as authorized or required by law.

2. How We Use Your Information

In accordance with applicable law, we and our service providers use the information described above for the following purposes, and as otherwise required or permitted by applicable law:

- Administer your account, including to process your registration and verify your information;
- Provide, manage, and improve our Services;
- To process transactions which you may make on our website;
- Conduct business operations in support of our Services, such as auditing, security, fraud prevention, invoicing and accounting, sales and marketing, analytics, and research and development;
- Contact you regarding NJOY and third-party products, services, surveys, research studies, promotions, special events, and other subjects that we think may be of interest to you;
- Customize content, preferences, and advertising on the Services, across the Internet and elsewhere;
- Create aggregated or de-identified information;
- Comply with the laws, regulations, and other legal process and procedures; and
- Establish, exercise, or defend our legal rights.
- To monitor your compliance with any of your agreements with us, including our Terms of Service.

- To manage or transfer our assets or liabilities, for example in the case of an acquisition, disposition or merger.
- To collect debts owed to us.
- For other purposes we may inform you about from time to time.

In accordance with applicable law, we also may use and disclose appropriately aggregated or de-identified information for any purpose.

3. Consent

You may withdraw consent at any time, subject to legal, contractual and other restrictions, provided that you give us reasonable notice of your withdrawal of consent. If you exercise a legal right to notify us that you withdraw consent, we will inform you of the likely consequences of that withdrawal, which may include our inability to provide certain services for which that information is necessary.

4. Protection of Information

Although we take certain measures to protect your information, no method of security is perfect. By using our Services, you acknowledge and accept that we cannot guarantee the security of your information, and that you provide information to us at your own risk. You are responsible for keeping your username and password confidential.

5. How Long We Keep Your Information

We keep your information for no longer than necessary for the purposes for which it is processed. The length of time for which we retain information depends on the purposes for which we collected and use it and/or as required to comply with applicable laws. Information may remain in copies made for backup or business continuity longer than in production systems.

6. How We Share and Disclose Your Information

We may share your information as follows:

- With Vendors: We may share your information with companies that provide services to us, such as providers of age verification, data storage, web hosting, website support, security, analytics, advertising, and fraud prevention.
- With Affiliates: We may share information with other members of our corporate family for the purposes described in this Privacy Policy. If we do disclose your personal information to our affiliates or subsidiaries, their use and disclosure of your personal information will be subject to this Privacy Policy.
- With Business Partners: We may share information with businesses with which we partner to offer you certain products, services, and promotions which may be of interest to you.
- Legal Proceedings: We share information when we believe disclosure is appropriate due to a subpoena or similar investigative demand, a court order, or other request

from a law enforcement or government agency; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law.

- Protection of NJOY and Others: We share information when we believe disclosure is appropriate in connection with efforts to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of our company, our users, our employees, or others; to comply with applicable law or cooperate with law enforcement; or to enforce our Terms and Conditions or other agreements or policies.
- Corporate Transactions: We may disclose your information as part of, or to take steps in anticipation of, a sale of all or a portion of our business, a divestiture, merger, consolidation, asset sale, bankruptcy, or other significant corporate event.
- Your Consent: If you have consented to additional sharing of your information, we will also share your information consistent with your consent.
- Other Sharing: We may also share or disclose your personal information as otherwise permitted or required by law.

7. Legal Age for Use of Services

NJOY does not intentionally collect or solicit personal information from or about children or anyone else under the legal age for purchasing NJOY products in the relevant jurisdiction (the “Legal Age”) (e.g., in the United States, the Legal Age is 21 as of the Effective Date). You must be at least the Legal Age to use our websites and applications.

8. Links to Third Party Web Sites

Our Services may contain links to websites, apps and other online properties operated and maintained by third parties, over which we have no control. The collection, use, and disclosure of your information will be subject to the privacy policies and practices of the third-party websites or services, and not this Privacy Policy. We urge you to read the privacy and security policies of these third parties. You access those online properties at your own risk.

9. International Data Transfers

We are headquartered in the United States, and recipients of the data disclosures described in this Privacy Policy are located in the United States and elsewhere in the world, including where privacy laws may not provide as much protection as the laws of your country where you live. Personal information is typically subject to the laws of the country in which it is held, and sometimes also the laws of other countries that have a connection to its processing, such as the source country. For this reason, your personal information may be subject to disclosure to the governments, courts or law enforcement or regulatory agencies of any of the countries where we (or the recipients of disclosures mentioned in Section 5) operate, pursuant to the laws of such countries. However, this Privacy Policy applies to NJOY’s operations worldwide. To the extent that personal information is transferred from the European Economic Area (“EEA”) and the UK to any non-EEA members of our group or third-party processors who handle the information solely on our behalf, we will take appropriate

measures to ensure such companies protect your information adequately in accordance with this Privacy Policy. These measures include signing Standard Contractual Clauses in accordance with EU and other data protection laws to govern the transfers of such data. For more information about these transfer mechanisms, please contact us as set out below.

10. Legal Basis for Processing Your Information (European Operations)

The GDPR and similar laws require data controllers to explain the legal bases that justify their processing of your personal information. To the extent such rules apply, our legal bases are:

- In many cases, our processing your personal information is necessary for our legitimate interests or the legitimate interests of others. For example, we will process your personal information on this legal basis to:
 - Manage and improve our Services;
 - Conduct business operations in support of our Services, such as auditing, security, fraud prevention, invoicing and accounting, certain sales and marketing activities, certain analytics activities, and research and development;
 - Contact you through certain channels regarding NJOY and third-party products, services, surveys, research studies, promotions, special events, and other subjects that we think may be of interest to you;
 - Customize content and preferences on the Services;
 - Create aggregated or de-identified information;
 - Establish, exercise, or defend our legal rights.
- In some cases, processing your personal information is necessary for us to comply with our legal obligations. For example, we will process your personal information to comply with tax laws.
- In some cases, we process your personal information to perform our obligations pursuant to a contract with you (such as our Terms & Conditions) or to take steps in anticipation of entering into such a contract. Please note that failure to provide us with the required information to enable us to enter into a contract with you, will result in us being unable to provide you with those Services. For example, we may process personal information on this basis to:
 - Administer your account, including to process your registration and verify your information;
 - Provide our Services;
 - Complete transactions with you.
 - Meet our obligations for Legal Proceedings
- In other cases, we process your personal information based on your consent. For example, in some cases the following activities will be performed on the basis of consent:
 - Conducting certain sales, marketing and analytics activities;
 - Contacting you through certain channels regarding NJOY and third-party products, services, surveys, research studies, promotions, special events, and other subjects that we think may be of interest to you;
 - Customizing advertising on the Services, across the Internet and elsewhere.

11. Your Rights and Choices

You can unsubscribe from NJOY marketing emails by clicking the unsubscribe link or contacting us as described below, and you can make certain choices regarding the use of cookies and similar technology as described in section 1 above.

Depending on which laws apply to particular situations, residents of the European Economic Area, the UK and some other jurisdictions (such as Canada, to a significant extent) have certain additional legal rights to do the following with personal information we handle:

- obtain confirmation of whether we hold personal information about them, and receive information about how it is used and disclosed;
- obtain a copy of the personal information, and in some cases, receive it in a structured, commonly used and machine-readable format, or have it be transmitted to a third party in such form;
- update, correct or delete the information;
- object to the use or disclosure of the information;
- withdraw consent previously provided for the handling of the information (without affecting the lawfulness of prior use and disclosure of the information); and
- obtain a restriction on the use of the information.

For example, individuals whose personal information is subject to the General Data Protection Regulation (“GDPR”) have a right to opt out of our handling of their personal information for direct marketing purposes.

Many of the rights described above are subject to limitations or exceptions under applicable law.

If you wish to exercise any of these rights, or raise a complaint on how we have handled your personal information, please contact us as described at the end of this Privacy Policy. To object to the collection of personal information via cookies, or to withdraw any consent you have provided for such collection, please follow the instructions in the Cookie Policy. You also have a right to file a complaint about our privacy practices with the relevant supervisory authority, but we encourage you to contact us first, as we would like to do our best to resolve any concern you may have.

For Nevada Residents Only: Under a Nevada privacy law, certain Nevada residents may opt out of the “sale” (as defined in that law) of certain categories of information about them for monetary consideration to a person for that person to license or sell such information to additional persons. As of the effective date of this Privacy Policy, we do not engage in such “sales” of information covered by that law. However, if you are a qualifying Nevada resident, you may submit a request to opt out of any future “sales” by us under that Nevada law by writing to us as described at the end of this Privacy Policy. We reserve the right take reasonable steps to verify your identity and the authenticity of the request. Once verified, we will maintain your request in the event our practices change.

12. Additional Detail for California Residents

This section applies only to “personal information” about California residents, as that term is defined in the California Consumer Privacy Act (“CCPA”), and it supplements the information in the rest of our Privacy Policy. Data about individuals who are not residents of California may be handled differently and is not subject to the same California rights described below.

CCPA categories of California personal information we collect:

NJOY collects all of the information described in the What Information We Collect section of our Privacy Policy from and about California residents. You should refer to that section for more detail, but this information generally falls into the following CCPA categories, to the extent it is personally identifiable: identifiers (such as name, email address and other contact information); commercial information (such as information about an individual’s interests and interactions with NJOY, including transaction data); internet or other network or device activity, and other information described in our Cookie Policy; geolocation information; other information that identifies or can be reasonably associated with you; and inferences drawn from any of the above.

CCPA categories of sources from which California personal information is collected:

We collect all of the information from and about California residents from the sources described in What Information We Collect section of our Privacy Policy.

CCPA description of uses of California personal information:

In CCPA terms, we and our service providers may use and disclose (and in the past 12 months have used and disclosed) all of the categories of California personal information that we collect for all of the purposes described in the How We Use Personal Information and How We Share and Disclose Your Information sections of our Privacy Policy, except that in the past 12 months (i) date of birth, last 4 digits of Social Security Number, and government-issued identification information were used only for age verification and legal compliance (such as to respond to requests from regulators), and (ii) payment details were used only for payment-related and legal compliance purposes.

California privacy rights

If you are a California resident, California law may permit you to request that we:

- Inform you about the categories of personal information we collect or disclose about you; the categories of sources of such information; the business or commercial purpose for collecting your personal information; and the categories of third parties with whom we share/disclose personal information.
- Provide access to and/or a copy of certain information we hold about you.
- Delete certain information we have about you.

Certain information is exempt from such requests under applicable law. You also may have the right to receive information about the financial incentives that we offer to you (if any). You also have certain rights under the CCPA not to be subject to certain negative consequences for exercising CCPA rights.

To request to exercise those CCPA rights, submit your request to us via hello@njoy.com with the subject line “CCPA Rights Request” or use the Contact Form available on this page. For verification purposes, if you believe we have your email address on file, you should submit your request from that email address.

You also have the right not to receive “discriminatory treatment” (within the meaning of the CCPA) for the exercise of the privacy rights conferred by the CCPA.

CCPA “sale” of California personal information

The CCPA requires businesses that “sell” personal information, as the term “sell” is defined under the CCPA, to provide an opt-out from such sales. Some people have taken the position that when a website uses third parties’ cookies or similar technology for its own analytics or advertising purposes, the website is engaged in a “sale” under the CCPA if the third parties have some ability to use, disclose or retain the data to improve their service or to take steps beyond the most narrowly drawn bounds of merely providing their service to the website. Some take this position even when the website pays the third party (not vice versa), and in most cases merely provides the third party with an opportunity to collect data directly, instead of providing personal information to the third party. If you take the position that any of those relationships involve a “sale” within the meaning of the CCPA, then you may consider NJOY to have “sold” what the CCPA calls “identifiers” (like IP addresses), “internet or other electronic network activity information” (like information regarding an individual’s browsing interactions on our websites), and “commercial information” (like the fact that a browser visited a page directed to people who are considering doing business with us) to third-party advertising and analytics providers. To limit this activity, use the controls described in our Cookie Policy. You may also send us a do-not-sell request via the methods described above for submitting other CCPA requests, which we will keep on file for use if NJOY begins to “sell” personal information in other situations.

More detail about submitting CCPA requests

For security and legal reasons, NJOY will not normally accept requests that require us to access third-party websites or services. We do not respond to browser-based do-not-track signals or similar mechanisms.

If you are an agent making a request on behalf of a consumer, we reserve the right to take steps to verify that you are authorized to make that request, which may include requiring you to provide us with written proof such as a notarized authentication letter or a power of attorney. We also may require the consumer to verify their identity directly with us. Because opt-out requests for sales made through cookies and related technology must be performed from each browser that is used to access our Site, it is easiest for the consumer to perform such opt-outs themselves.

However, if a consumer wishes for an agent to perform browser-based requests on their behalf, the consumer may arrange for the agent to use the consumer's browser to make such requests. We are not responsible for the security risks of this or any other arrangements that a consumer may have with an agent. For clarity, this is not permission for any user to share their login credentials with an agent or any third party. Such sharing is a violation of our Terms and Conditions and is not required for an agent to make requests under this Privacy Policy.

14. Updates and Changes to this Policy

NJOY may update this Privacy Policy from time to time, such as to reflect changes in our practices or for legal reasons. We will post those changes here or on a similarly accessible page.

15. Contact Information

If you have any questions or comments regarding our privacy policy and practices, or to submit a request or complaint, please email us at hello@njoy.com or use the contact details below:

NJOY, LLC
Attn: Privacy Team
9977 N. 90th Street
Suite 160
Scottsdale, AZ 85258

NJOY Innovations LTD
Attn: Privacy Team
107-111 Fleet Street Office M4
London
EC4A 2AB
UK

NJOY Vapour ULC
1800-510 West Georgia Street
Vancouver BC V6B 0M3
Canada