

KAI CONCEPTS, LLC PRIVACY POLICY

Revision: v1_r1 Effective: 19 January 2021 Last Updated: 19 January 2021

1. OVERVIEW

Kai Concepts, LLC (referred to in this policy as “Kai Concepts”, “Kai”, “we”, “our” or “us”), supports the protection of your rights to privacy as a fundamental element of the relationship it has with its customers. This Privacy Policy sets out what data Kai Concepts collects from you, including through its online and mobile sites and applications (each a “Kai Digital Site” and collectively the “Kai Digital Sites”) and about you from any sources, how it is managed, shared or used. It also explains your rights in respect of your personal data. Kai Concepts pledges to conduct business according to this policy which applies to all Personal Data collected by us.

2. ACCESS BY CHILDREN

The Kai Digital Sites do not knowingly solicit, obtain, retain or use any personally identifiable information or personal data from children under the age of 13 years. Accordingly, children under the age of 13 may be restricted from participating in certain features on the Kai Digital Assets. If Kai is made aware that we have collected Personal Data (as defined below) from a child under 13 years of age in a manner that is inconsistent with the Children’s Online Privacy Protection Act, we will delete this information as soon as possible. For more details on our policy with respect to children, please refer to our Terms of Use available at jetfoil.com/terms-of-use.

3. PERSONAL DATA AND OTHER INFORMATION

a) Information collected from you

Personal information or personal data is information about you that identifies you or by which your identity or information about you can be reasonably determined (“Personal Data”). If Kai requires Personal Data, it is generally collected directly from you during the course of Kai’s relationship with you, and may be provided by you: in correspondence (e.g. letter, form, email); through a Kai Digital Site when you register as a customer to receive notifications; and/or by your giving Kai such information in person. Generally, the type of Personal Data Kai collects directly about you, and which it may use as set out in this Privacy Policy, may include, but is not limited to:

- Your full name
- Your sex
- Mailing address
- Telephone number
- Interests
- E-mail address
- Age
- Nationality
- Financial Information such as credit card or bank details
- Next of Kin
- Geo location information
- Unique identifiers such as a user name or password
- Communication preferences
- Search queries
- Comments and other information posted onto an interactive online forum, and
- Any other information otherwise described to you at the point of collection or pursuant to your consent.

b) Information collected automatically when you visit a Kai Digital Site

Kai Concepts may also collect certain other information automatically when you visit a Kai Digital Site including, but not limited to:

- Your Internet Protocol (IP) address which can sometimes also be used to determine your general geographic area
- Other unique identifiers such as mobile device identification numbers, domain name of your internet or wireless service provider and type of device used to access a Kai Digital Site
- Browser type and settings and operating system used
- Web pages you visit within the Kai Digital Sites
- Information collected through cookies, web beacons, pixels, Local Shared Objects and other technologies
- Standard server log information

c) Information collected automatically when you use a Kai Product

Kai Concepts may also collect certain other information automatically when you use a Kai hardware product including, but not limited to:

- Your battery or other hardware Bluetooth or IP addresses which associates that product with your use
- Your unique hardware IDs which associate that product with its purchase
- Your product telemetry for presentation to you on Kai Digital Sites
- Your product telemetry to monitor your product's performance and to notify you of any urgent safety issues
- Your firmware revisions to notify you of any firmware updates
- Your mobile App versions to notify you of any App updates

d) Geo-location information

By accessing the Kai Digital Sites from a mobile phone or through a mobile application, you may be asked to share your precise (GPS level) geo-location information with us so that we can provide functionality and services to you. In some cases, you may turn off data collection through your mobile device through the privacy settings on your mobile phone. However, depending on the Kai Digital Site, geo-location information may be required to access full functionality and ensure the safe use of our products.

e) Cookies and Tagging Technology

In common with other website operators, we use standard technology called "cookies" on the Kai Digital Sites, in order to personalize your experience, administer the Kai Digital Sites, analyze trends and user data and gather demographic information. For further details on how we use cookies, and your choices regarding cookies, please refer to the Kai Concepts Cookie Policy.

4. USE OF INFORMATION COLLECTED

In some circumstances, Kai Concepts may collect Personal Data about you from a third-party source (e.g. if Kai Concepts participates in a public event in conjunction with a third-party co-promoter and you provide your Personal Data to it). As a general rule Kai will attempt to ensure any third parties from whom it obtains Personal Data about you comply with the privacy law requirements of your jurisdiction and have advised you that your Personal Data may or will be passed on to Kai Concepts and that such third party has taken reasonable steps to ensure that you are aware of the purposes for which other parties including Kai is collecting your Personal Data and that you have consented to the same, including its use in accordance with this Privacy Policy.

Kai Concepts may engage third-party contractors to perform services which may involve the contractor handling your Personal Data. In these situations, Kai restricts such third party to using any of your Personal Data for the purpose permitted under this Privacy Policy.

When you register on a Kai Digital Site, we collect Personal Data which we use in compliance with your notification preferences, which you may alter at any time. We may use a third-party provider (e.g., such as MailChimp), to deliver our email notifications. We gather statistics around email opening and clicks using industry standard technologies to help us monitor and improve our emails. For more information, please see MailChimp's privacy notice at mailchimp.com/legal/privacy. You can unsubscribe from receiving emails by clicking the unsubscribe link at the bottom of any of our emails.

Kai Concepts may also share information about your use of the Kai Digital Sites in anonymized, aggregate form with our trusted social media, advertising and analytic partners for the purposes set out in this Privacy Policy, for example, to improve and personalize your experience on the Kai Digital Sites or to perform analytics.

Third parties such as Kai's advertisers, service providers or social media platforms, including, but not limited to, Facebook, Twitter, Instagram and YouTube may receive or gather information about end users, including through the use of cookies, pixels, SDKs, web beacons or other tracking software; and may use that information for targeted advertising.

Note that while the Kai Concepts is careful about choosing its partner third parties, it is only responsible for the content on the Kai Digital Sites and for the use of your Personal Data by Kai Concepts. All third parties that may be associated with a Kai Digital Site with whom we may share Personal Data are bound by their own privacy and data collection and protection practices. Kai Concepts cannot be held liable for the policies or actions of such third parties. We encourage users to read the privacy policy of any click-thru site they visit through a Kai Digital Site.

5. ACCURACY AND DELETION REQUESTS

Kai Concepts will take commercially reasonable steps to ensure that your Personal Data is kept accurate, complete, and up-to-date. If any of the Personal Data Kai holds about you is inaccurate, incomplete or out-of-date, please contact us immediately using the contact details at the end of this Privacy Policy.

Kai shall recognize any valid requests from individuals to delete their Personal Data from use for any reason and has systems and procedures in place to comply with a request for deletion. Any such requests should be made by contacting us directly using the contact details at the end of this Privacy Policy.

6. OTHER PEOPLE’S INFORMATION YOU PROVIDE TO KAI

If you provide Personal Data to Kai Concepts about someone else, such as your agent or next of kin, you must ensure that you are entitled to disclose such information to Kai and that Kai can collect, use and disclose such information for the purposes described above without being required to do anything else under relevant privacy laws (which may include laws of a country they are from or in which they reside). You should agree to take reasonable steps to ensure the individual concerned is aware of the contents of this Privacy Policy as those matters relate to them. You warrant that any information you disclose is true and correct.

7. UNSOLICITED SUBMISSIONS AND FEEDBACK

Please be aware that Kai Concepts does not accept unsolicited submissions of product concepts, creative ideas, or other potential creative content (“Unsolicited Submissions”). This is to avoid the possibility of future misunderstandings when projects developed by Kai staff or its representatives might seem to others to be similar to their product concepts, creative ideas, or other potential creative content. Therefore, please do not send Kai any Unsolicited Submissions. In the event you do send us an Unsolicited Submission, you understand and agree that your Unsolicited Submission does not create any fiduciary relationship between you and Kai and that Kai is under no obligation to refrain from using the Unsolicited Submission (in whole or in part), to keep it confidential, or to compensate you for our use of it.

8. SECURITY AND RETENTION OF YOUR PERSONAL DATA

Personal Data that Kai Concepts holds is stored either in hard copy documents or as electronic data. Kai uses generally accepted industry standard reasonable security measures to protect any Personal Data held in any form from misuse, loss, unauthorized access, modification and/or disclosure.

Your membership on a Kai Digital Site is password protected and we recommend that you do not divulge your passwords to anyone. You are solely responsible for maintaining the secrecy of your member name, password and other account information.

Any information posted or disclosed on a message board or comment section may be viewed and used by other members of the public. If you post any Personal Data in a publicly accessible area of a Kai Digital Site, you do so at your own risk and Kai accepts no liability for the same.

Kai shall retain your Personal Data only so long as it is necessary for the purposes set out in this policy, for as long as your account or membership is active. We respect requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws. We reserve the right to keep certain information in our archives that we deem necessary to comply with any legal obligations we may have, resolve disputes and enforce contractual agreements.

9. ONLINE AND MOBILE ADVERTISING: OPTING OUT

If you wish to know more about interest based advertising, would like to know more about your options or would like to opt-out, you can visit the Network Advertising Initiative (“NAI”) web-site: www.networkadvertising.org. NAI is a co-operative of online advertising companies who are committed to responsible practices and consumer protection. You may also visit the Digital Advertising Alliance website, <https://www.aboutads.info/choices> for more information about what you can do if you do not want to receive internet-based advertising.

European users can opt out from interest based advertising through the European Interactive Digital Advertising Alliance website at <https://www.youronlinechoices.eu/> and users in Canada can opt-out using the Digital Advertising Alliance of Canada site at www.youradchoices.ca.

Facebook is an advertising partner and may collect and use data to display advertisements on all Kai Digital Sites. For more information and to control the ads you see, visit https://m.facebook.com/ads/audience_network.

Other analytic services such as Google Analytics provide services which analyze information regarding visits to our websites and mobile applications. They use cookies, web beacons and other tracking information to collect this information. To opt-out of analytics for the web, please visit the Google Analytics Opt-out Browser Add-on and install the add-on for your browser.

Browser and mobile operating systems also provide other privacy and ad-blocking mechanisms We encourage you to review the privacy control settings available in your browser or device platforms settings. Note that some of these controls (such as blocking third-party cookies) may affect the storage of your opt-out preferences. To express your privacy preferences or specific companies you may download and use a suitable opt-out application.

You can stop all collection of information by Kai Concepts Apps on your mobile device by uninstalling the relevant App. You may use the standard uninstall processes as may be available as part of your mobile device or via the mobile application marketplace or network. Most operating systems such as iOS for Apple phones, or Android for Android devices provide their own instructions on how to prevent delivery of tailored advertising to your mobile device. Be aware that in some cases, continued use of our physical products must be accompanied by the use of our Apps to keep our product firmware and subsequent hardware behaviours up to date, and for your customer safety.

10. SOCIAL NETWORKING AND SINGLE SIGN-ON (SSO)

You may use certain third-party social networking services, including but not limited to Facebook, Twitter, Instagram, and others to share information about your experience on the Kai Digital Sites with your friends and followers on these social networking services. These social networking services may be able to collect information about you, including your activity on the Kai Digital Sites. These third-party social networking services also may notify your friends, both on the Kai Digital Sites and on the social networking services themselves, that you are a user of the Kai Digital Sites or about your use of the Kai Digital Sites, in accordance with applicable law and their own privacy policies. If you choose to access or make use of third-party social networking services, we may receive information about you that you have made available to those social networking services, including information about your contacts on those social networking services. Your interactions with those social networking services are governed by the privacy policy of the company providing the relevant service.

You also may be able to use a Single Sign-On (“SSO”) to certain Kai Digital Sites from a social networking service (e.g., Google, Facebook). If you Sign-Up or Sign-On to your Kai account from a third-party site or service via SSO, we may collect information from those third-party accounts, and any information that we collect will be governed by this Privacy Policy.

11. LINKS TO OTHER WEBSITES

The Kai Digital Sites may contain links to other websites or online services that are operated and maintained by third parties and that are not under our control or maintained by us. Such links do not constitute an endorsement by Kai of those other websites, the content displayed therein, or the persons or entities associated therewith. This Privacy Policy does not apply to those third-party websites. We encourage you to review the privacy policies of these third-party websites or services.

12. CHOICE OF LAW

Any disputes that arise out of your use of the Kai Digital Sites shall be resolved according to the laws of the state of California, USA and shall be governed by the Terms of Use available at jetfoiler.com/terms-of-use.

13. TRANSFER AND STORAGE OF DATA

While every effort is made to comply with the laws and regulations of all jurisdictions in which the Kai Digital Sites may be accessed please be advised that the Kai Digital Sites are directed towards users who reside in the United States. The servers on which data is stored, including any Personal Data, are located in the United States, and the Kai Digital Sites comply with relevant laws and regulations under California law, as explained in this Privacy Policy. By continuing to use the Kai Digital Sites you hereby consent to your information being collected, stored, and used in the United States, as stated in this Privacy Policy.

If you are located in the European Economic Area or the European Union or a country with data protection and/or privacy laws which are different from those in the state of California, please be advised that we may transfer your Personal Data to countries that may not guarantee the same level of protection for Personal Data as the one in which you reside.

Kai will only transfer or share Personal Data to the extent it is necessary to fulfill the purposes outlined in this Privacy Policy and your data will be processed in accordance with the provisions set out in this Privacy Policy.

14. CALIFORNIA PRIVACY RIGHTS

California law permits California residents to request certain information regarding the disclosure of their Personal Data to third parties for direct marketing purposes. To make such a request, please send an email to legal@kai-concepts.com or write to us at the address listed below.

Some web browsers transmit a ‘do not track’ signal or such similar signals to websites that a user may visit or interact with. At present, there is no recognized industry standard concerning what action, if any, a website provider must take with respect to such ‘do not track’ signals. As such, please be advised that, at present, the Kai Digital Sites do not take any action in response to such signals.

15. CHANGED TERMS

Kai Concepts shall have the right at any time to change or modify these Privacy Policy terms and conditions. Such changes or modifications shall be effective immediately upon publication, which may include, but is not limited to, posting on its jetfoiler.com website, posting on its kai-concepts.com website, or by electronic or conventional mail, or by any other means by which we may publicize notice thereof.

This Privacy Policy is effective as of the Effective Date posted at the top of this webpage. Any and all future updates, changes, and/or modifications to this Privacy Policy shall be effective immediately as of the date it has been published on this page. Kai reserves the right to update or change our Privacy Policy at any time and we encourage you to review this Privacy Policy periodically. Your continued use of the Kai Digital Sites after we post any modifications to the Privacy Policy on this page will constitute your acknowledgment of the modifications and your consent to abide and be bound by the modified Privacy Policy.

14. HOW TO CONTACT US

If you need to contact Kai Concepts as directed in a section above or if you have an issue or question regarding this Privacy Policy, you can contact us at:

Kai Concepts, LLC 1651 Viking St #3, Alameda, CA, 94501 USA

Email: legal@kai-concepts.com Website: www.kai-concepts.com