

PRIVACY POLICY

1. About this Privacy Policy

At Kava we are committed to keeping your (defined below) personal data safe and secure. Please read this privacy policy (“**Privacy Policy**”) so that you understand your rights in relation to your personal data, including how your personal data will be collected, used and processed.

Kava Labs, a Cayman Island exempted company limited by shares (hereinafter “**Kava**”, w“**Company**,” “**we**”, or “**us**”), is the data controller of the personal data collected in accordance with this Privacy Policy.

In providing you with our website (<https://www.kava.io>) (our “**Website**”) including our related products and services made available by us and this Website (together the “**Services**”) or when you otherwise interact with us, we naturally collect information about you.

Our Services include the Website and/or any services or products made available through the Website, that will issue the Kava Tokens (hereinafter – the “**Tokens**”). The Tokens will enable access to nearly instant interledger transfers over multiple assets. The Kava Software Suite will facilitate such transfers by incorporating the concepts of neutral protocols and the interledger technology (“**Platform**”).

This Privacy Policy sets out what we collect, how we use your personal data, who we might share it with, and the steps we take to make sure it stays private and secure.

References in this notice to “**personal data**” describes information that can be associated with a specific person and can be used to identify that person (including information about that person’s activities, such as use of the Website, Platform and/or Services. Anyone who uses the Services or the Platform, shall comprise: (a) any person, who uses the Platform or its Services, without prior registration and authorization (“**You**”); (b) any person, who uses the Platform or its Services, with prior registration and authorization (“**User**”); and (c) any person, who uses the Platform or its Services to purchase Tokens (“**Purchaser**”), together “**you**”.

Please read the following information carefully to understand our practices regarding your personal data and usage information and how we will use it.

By continuing to use our Website or Platform or creating an account and/or purchasing Tokens, you acknowledge that you have read, understood and accepted the information described in this Privacy Policy. If you do not agree with this Privacy Policy in general or any part of it, you should not access the Website, Services, Platform and/or purchase Tokens.

2. Collection, Processing and Use of Your Information

A. How we collect your personal data

The personal data we collect or have about you will come from different sources. Some of it will be provided by you and others will be collected from your activity on our Website, Platform and use of our Services.

B. How we use your personal data

We collect and use your personal information to operate our Services and deliver the Services you have requested as it is in our legitimate interests to be responsive to you and to ensure the proper functioning of our Services. We use personal data to:

- i. Identify our users;
- ii. Administer and provide the Services and customer support per your request;
- iii. Develop new products and services;
- iv. Send you technical notices and support and administrative messages;
- v. Process transactions and send notices about your transactions;
- vi. Communicate with you about products, services, the Platform itself, promotions, events and other news and information we think will be of interest to you based on your communication preferences and where permitted by applicable law;
- vii. monitor and analyze trends, usage and activities in connection with our Services;
- viii. Resolve disputes, collect fees, and troubleshoot problems;
- ix. Prevent potentially prohibited or illegal activities, and enforce our terms and conditions with you;
- x. Detect, investigate and prevent fraudulent transactions and other illegal activities and protect the rights and property of Kava and others;
- xi. Improve the Services and the content and layout of our website and applications;
- xii. Deliver targeted marketing, service update notices, and promotional offers based on your communication preferences and where permitted by applicable law;
- xiii. Compare information for accuracy and verify it with third parties;
- xiv. Verify your status and/or confirm information You provided to us;
- xv. Distribute and account for Tokens; and/ or
- xvi. Provide third parties with statistical information about our users (but those third parties will not be able to identify any individual user from that information).

C. What personal data and information we collect and how we use it

We collect and use the following information about you:

❖ *Information we collect when you access our Website*

When you visit the Website, even if you have not yet created an account with us, we collect the information sent to us by your computer, mobile phone, or other access device. This information includes:

- a. Your IP address.
- b. Device information including, but not limited to, identifier, name, and type of operating system.

- c. Standard web and technical usage information, such as your browser type and the pages you access on our Website.

We collect this information in order to administer our Website, personalize our Website for you, monitor and analyze trends, usage and activity in connection with our Website and services and provide third parties with aggregated and anonymized statistical information about our Users.

When you access the Website or use our Platform or Services, we place small data files called cookies on your computer or other device. See **Cookies** definition below for more information.

❖ *Information we collect when you create an account, use the Platform and purchase Tokens*

In addition to the information collected when you access our Website, we collect your full name, telephone number, address, email address, phone number, IP address, survey responses, your status as accredited or professional investor (if applicable), and any other information you choose to provide when you:

- create an account on our Website;
- subscribe to our Platform or register to our Services;
- respond to the Purchaser Questionnaire;
- fill out any form; and/or
- request customer support or communicate with us in any manner.

In certain cases (when additional verification by a bank or compliance authority is needed to comply with governmental rules, anti-money laundering (“**AML**”) or “know-your-customer” (“**KYC**”) policies, we require you to provide additional information including: scanned or depicted documents from you, such as photo of your passport or other identity card to show proof of identity as well as documentation that evidences your proof of address or documents or online database information to confirm the status.

We also may collect information about your computer or other access devices for fraud prevention, KYC or AML purposes and other information where required by terms of the Kava Token Purchase Agreement.

We are sometimes required to compare the personal data you provide with third party databases in order to verify its accuracy and confirm your identity to comply with relevant AML regulations and KYC regulations.

We collect this information so:

We can verify your identify;

We can comply with law; and

We can facilitate and record the purchase of Tokens.

Please note, that all such data and documentation is gathered in accordance with applicable law and international security practices and regulations.

We do not collect any sensitive personal information, such as information about your religion, race, ethnicity and/or political views.

❖ *Information we collect only when you use the Platform*

If you use the Platform, we or our third party service provider may collect your payment method and other payment information for use in connection with your payments for storage or payments processing. Please read their terms and conditions and privacy policy available on their website.

❖ *Location data*

When you use a location-enabled device to access our Website and services, we may collect geographical location data or use various means to determine the location, such as sensor data from your device that may, for instance, provide data on nearby cell towers and wi-fi access spots.

We do this so that we can verify your location to ensure compliance with applicable laws including AML and KYC rules. This may include the blocking from certain countries where the usage of our Website, Platform, Services and/or buying of Tokens are prohibited by that country.

❖ *Information We Collect Automatically*

Information about your hardware and software will be automatically collected by us. This information includes usage information that includes your interactions with Services, device information, such as unique device identifiers, operating system information, internet service provider, IP address, screen resolution, language, the date and time of each of your log-ins and requests. This information is used for the operation of Services, to maintain quality of the service, and to provide general statistics regarding use of Services and can be received otherwise.

❖ *Cookies*

We use cookies and other similar technologies (e.g., web beacons, flash cookies, etc.) (“**cookies**”) to enhance your experience using the Website and Platform. Cookies may be either "persistent" cookies or "session" cookies. A persistent cookie consists of a text file sent by a web server to a web browser, which will be stored by the browser and will remain valid until its set expiry date (unless deleted by the user before the expiry date). A session cookie, on the other hand, will expire at the end of the user session, when the web browser is closed.

In addition to cookies that are strictly necessary to operate the Website and Platform, we use the following cookies:

Functional Cookies. We use these cookies to enhance your experience on our website, for example, to remember what language you speak and your previous searches.

Analytical/performance Cookies which are set by us and Google Analytics. We use these cookies to collect information about your browsing activities over time and across different websites following your use of our Services. They allow us to recognize and count the number of users and to see how users move around the Website when they are using it. This helps us to improve the way the Website, Services and/or Platform works. We use Google Analytics which is a web analytics tool that helps us understand how Users engage with the Website. Like many services, Google Analytics uses first-party cookies to track user interactions as in our case, where they are used to collect information about how users use our Website. This information is used to compile reports and to help us improve our Website. The reports disclose website trends without identifying individual visitors. You can opt out of Google Analytics without affecting how you visit our Website – for more information on opting out of being tracked by Google Analytics across all websites you use including our Website, visit this [Google page](#).

Social Media Cookies, which are set by the following third parties: Facebook and Twitter and allow you to share what you've been doing on our Website on social media.

You may withdraw your consent to cookies at any time once you have entered the Website or Platform by changing your cookie settings through your web browser.

D. How we might share your personal data

❖ Why we share your personal data:

- We need to in order to operate the Website, Platform, provide the Services and facilitate the purchase of Tokens.
- We have a public or legal duty to do so (e.g., to assist with detecting fraud, tax evasion, financial crime prevention, regulatory reporting, litigation or defending legal rights).
- We have asked for your permission to share your information for a specified purpose and you have agreed.
- When we believe, in accordance with applicable law, that the disclosure of personal information is necessary to report suspected illegal activity or to investigate violations of our terms and conditions or Token Agreement.
- We may also share aggregated or de-identified information, which cannot reasonably be used to identify you.

❖ Who we share your personal data with

- With other Kava affiliated entities located in the United States, United Kingdom, and Cayman Islands in order to help detect and prevent potentially illegal acts and violations of our policies, and to guide decisions about our products, services and communications.
- With service providers located in United States and United Kingdom that provide hosting and email services, identity verification services, investor status verification, support services, payment services and tokens accounting..
- With law enforcement, government officials or other state bodies in response to a request for information, if we believe disclosure is in accordance with, or required by, any applicable law, regulation or legal process.
- With our lawyers and professional advisors if we believe your actions are inconsistent with our user agreements or policies, or to protect the rights, property and safety of Kava or others.
- With companies that we plan to merge with or substantially all or part of our assets are to be acquired by, or where we are financing all or a portion of our business by another company.

3. Links to Third Party Websites

- Our Website may, from time to time, contain links to and from the websites of our partner networks, advertisers, and affiliates (including, but not limited to, websites on which the Website is advertised).
- If you follow a link to any of these websites, please note that these websites and any services that may be accessible through them have their own privacy policies and that we do not accept any responsibility or liability for these policies or for any personal data that may be collected through these websites or services, such as contact and location data. Please check these policies before you submit any personal data to these websites or use these services.

4. International Transfers of Data

We store and process your information using cloud services in the following jurisdictions: the United States of America and United Kingdom.

If you are located within the European Union, the information that we collect from you may be transferred to, and stored in the countries listed above which may be outside of your country of residence and outside the European Economic Area ("EEA"). The laws on processing such information, including where such information is classed as "personal data", in these locations may be less stringent than in your country. It may also be processed by staff operating outside of your country or the EEA who work for us, for one of our service providers or one of our business partners. We will take all steps reasonably necessary to ensure that your information is treated securely and in accordance with this policy.

In compliance with the Privacy Shield Principles, Kava Labs commits to resolve complaints about your privacy and our collection or use of your personal information transferred to the United States pursuant to Privacy Shield. European Union and Swiss individuals with Privacy Shield inquiries or complaints should first contact Kava Labs at: help@kava.io

Kava Labs has further committed to refer unresolved privacy complaints under the Privacy Shield Principles to an independent dispute resolution mechanism, the BBB EU PRIVACY SHIELD, operated by the Council of Better Business Bureaus. If you do not receive timely acknowledgment of your complaint, or if your complaint is not satisfactorily addressed, please visit www.bbb.org/EU-privacy-shield/for-eu-consumers for more information and to file a complaint. This service is provided free of charge to you.

If your Privacy Shield complaint cannot be resolved through the above channels, under certain conditions, you may invoke binding arbitration for some residual claims not resolved by other redress mechanisms. See Privacy Shield Annex 1 at <https://www.privacyshield.gov/article?id=ANNEX-I-introduction>

5. Retention of information

In accordance with applicable laws and as needed to provide services to our Users and Purchasers, we will retain your personal data (and other information) as follows:

- if you contact us via email we will keep your data for 3 years after; and
- your technical usage information for 3 years.
- location data: if helpful to determining jurisdiction requirements for compliance and improved customer experience, we will keep the data for 3 years;
- data on your use of the Website, Services and Platform: for up to 5 years.

After you have terminated your use of the Services or Platform, we will store your information in an aggregated and anonymised format.

6. Marketing

We do not sell, rent or lease your personal data to third parties without your explicit consent.

At any time you have the right to object to our processing of data about you in order to send you promotions and special offers, marketing, including where we build profiles for such purposes, and we will stop processing the data for that purpose. Please email us at help@kava.io for any questions or to object to our processing.

You may modify your email preferences by clicking on an unsubscribe link at the bottom of certain emails sent from Kava.

You can withdraw your consent to marketing/promotions and special offers at any time by contacting Kava Labs at help@kava.io

7. Security - How we Keep Your Personal Data Safe

We use relevant electronic and procedural safeguards to protect the privacy of the information you provide to Kava from loss, misuse, disclosure, alteration and destruction. Please note that transmission of data or information (including communications by e-mail) over the Internet or other publicly accessible networks is not one hundred percent secure.

All Token operations on the Platform, including but not limited to those between user accounts, are written into a blockchain register with compulsory and automated hash entry into the chain of blocks.

Blockchain security is provided by data records of all Token movements from one account to another, with the obligatory and automatic hash recording into the Blockchain. The flow-of-funds record is open to the public. However, the registry information is unchangeable and anonymous.

8. Children - Notice to parents

Our Website is not designed or targeted toward users who might be under the age of 18 years old.

To Parents or guardians: We need help to guard your children's privacy. We encourage you to talk to your children about safe and responsible use of their and your personal information while using Internet.

Our web-resources and web-resources of our affiliates, licensees, agents etc. in the part they use under our license or assignment does not publish any data that is targeted to children. We advise you to refrain your children from using web-resources, mentioned in this paragraph and ask them not to use them.

9. Changes to this Policy

We may amend this policy at any time by posting a revised version on our Website. The revised version will be effective at the time we post it. In addition, if the revised version includes any substantial changes to the manner in which your personal information will be processed, we will provide you with prior notice by posting notification of the change on the "Privacy Policy" area of our website or any Services made available through our Websites.

We encourage you to periodically check this page for the latest information on our Privacy Policy.

10. Rights of Users located within the EU

If you are located within the European Union, in certain circumstances you may have additional rights under applicable privacy laws. We set out below an outline of these rights and how to

exercise them. Please note that we will require you to verify your identity before responding to any requests to exercise your rights. To exercise these rights, please contact us at help@kava.io

Please note that for each of the rights below we may have valid legal reasons to refuse your request; in such we will let you know if that is the case.

- **Access:** You have the right to know whether we process your personal data, and if we do, to access the personal data we hold about you and certain information about how we use it and who we share it with.
- **Portability:** You have the right to receive a subset of the personal data you provide if we process it on the bases of our contract with you or with your consent in a structured, commonly used and machine-readable format and a right to request that we transfer this personal data to another party. If you wish for us to transfer your personal data to another party, please ensure you detail that party and note that we can only do so where it is technically feasible. We are not responsible for the security of the personal data or its processing once received by the third party.
- **Correction:** You have the right to require us to correct any personal data held about you that is inaccurate and have incomplete data completed. Where you request correction, please explain in detail why you believe the personal data we hold about you is inaccurate or incomplete so that we can assess whether a correction is required. Please note that whilst we assess whether the personal data we hold about you is inaccurate or incomplete, you may exercise your right to restrict our processing of the applicable data as described below.
- **Erasure:** You may request that we erase the personal data we hold about you in the following circumstances:
 - where you believe it is no longer necessary for us to hold the personal data;
 - we are processing it on the basis of your consent and you wish to withdraw your consent;
 - we are processing your data on the basis of our legitimate interest and you object to such processing;
 - you no longer wish us to use your data to send you marketing; or
 - you believe we are unlawfully processing your personal data,

please provide as much detail as possible on your reasons for the request to assist us in determining whether you have a valid basis for erasure.

- **Restriction of Processing to Storage Only:** You have a right to require us to stop processing the personal data we hold about you other than for storage purposes in the following circumstances: you believe the personal data is not accurate for the period it takes for us to verify whether the data is accurate, we wish to erase the personal data as the processing we are doing is unlawful but you want us to simply restrict the use of that data; we no longer need the personal data for the purposes of the processing but you

require us to retain the data for the establishment, exercise or defence of legal claims; and you have objected to us processing personal data we hold about you on the basis of our legitimate interest and you wish us to stop processing the personal data whilst we determine whether there is an overriding interest in us retaining such personal data.

- **Objection:** You have the right to object to our processing of data about you and we will consider your request. Please provide us with detail as to your reasoning so that we can assess whether there is a compelling overriding interest in us continuing to process such data or we need to process it in relation to legal claims.

Withdrawal of Consent

If we have collected your personal data by obtaining your consent, you also have the right at any time to withdraw that consent by contacting us.

11. Contact us

If you have questions concerning this Privacy Policy, or you notice any bugs, errors or violations please feel free to send us an email at help@kava.io.

NOTICE TO CALIFORNIA RESIDENTS

We are required by the California Consumer Privacy Act of 2018 (“CCPA”) to provide this CCPA Notice to California residents to explain how we collect, use and share their personal Information, and the rights and choices we offer California residents regarding our handling of their personal information.

CCPA Scope and Exclusions

This CCPA Notice, including the description of our Privacy Practices and your Privacy Rights, apply only to California residents whose interactions with us are limited to:

Visiting our consumer websites,
Signing up for email alerts,
Commenting on or contributing to our blogs,
Establishing an account that does not include financial products or services, or
Applying for our job openings on our websites (however, note that the CCPA does not extend Privacy Rights to job applicants).

This CCPA Notice does not apply to the personal information we collect, use or disclose about:

Consumers who initiate or complete the process of applying for financial products or services. This is because this information is subject to the federal Gramm-Leach-Bliley Act (“GLBA”) and implementing regulations, or the California Financial Information Privacy Act (“FIPA”), or Representatives of businesses that seek to obtain our products or services, or to provide products or services to us.

Privacy Practices

We do not sell personal information. Privacy Rights

The CCPA grants individuals the following rights:

Information. You can request information about how we have collected, used and shared your Personal Information during the past 12 months.

Access. You can request a copy of the personal information that we maintain about you.

Deletion. You can ask us to delete the personal information that we collected or maintain about you.

Please note that the CCPA limits these rights by, for example, prohibiting us from providing certain sensitive information in response to an access request and limiting the circumstances in which we must comply with a deletion request. We will also respond to requests for information and access only to the extent we are able to associate with a reasonable effort the information we maintain with the identifying details you provide in your request. If we deny your request, we will communicate our decision to you.

You are entitled to exercise the rights described above free from discrimination.

How to Submit a Request

To request access to or deletion of personal information:

Email: [mailto: help@kava.io](mailto:help@kava.io)

Identity verification. The CCPA requires us to verify the identity of the individual submitting a request to access or delete personal information before providing a substantive response to the request. We will ask you to verify your identity when you submit a request.

Authorized agents. California residents can empower an “authorized agent” to submit requests on their behalf. We will require the authorized agent to have a written authorization confirming that authority.