

PRIVACY TERMS

Last Updated: July 5, 2021

These privacy terms apply to the Daiya Foods website located at <https://daiyafoods.com/> (the "Website") or any of our related websites (collectively, "our website") maintained by Daiya Foods Inc. ("Daiya", "we", "us" or "our"). The purpose of this Privacy Policy is to inform you about our privacy practices, including how we collect, use and disclose your personal information. This Privacy Policy relates to all of our activities, unless we have provided you with a separate Privacy Policy for a particular product, service or activity.

Please review this Privacy Policy carefully. By accessing and using this Website, you shall be deemed to have accepted and agreed to the terms hereafter set forth (the "Privacy Terms"). If you do not agree to these Privacy Terms, please do not use this Website.

These Privacy Terms may be changed from time to time. Changes will be posted on this page and your use of this Website after such changes have been posted will constitute your agreement to the modified Privacy Terms and all of the changes.

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Meaning of Personal Information

"Personal information" means information relating to an identifiable individual or household. This information may include, but is not limited to, your name, address, e-mail address and telephone number.

Collection, Use and Disclosure

We collect, use and disclose your personal information with your consent or as otherwise permitted or required by law. When you visit the Website, use the functionality contained therein and/or communicate with us via email, social media or feedback or contact forms located on the Website, we may ask for, or you may choose to provide, personal information that will be used for purposes set out in these Privacy Terms. Some information is also automatically collected, such as your Internet Protocol (“IP”) address, your operating system, the browser type, the address of a referring website, your user preferences and your activity on the Website. We treat this information as personal information if we combine it with or link it to any of the identifying personal information mentioned above.

By providing personal information to us, you consent to the collection, use and disclosure of such personal information as specified in these Privacy Terms. Without limiting the foregoing, we may on occasion ask you to consent when we collect, use, or disclose your personal information in specific circumstances. Sometimes your consent will be implied through your conduct with us if the purpose of the collection, use or disclosure is obvious and you voluntarily provide the information.

As may be required by law, we will provide notice of our collection of personal information at or before the time it is collected, and, if consent is required, we will typically seek your consent at that time. Where we want to use your personal information for a purpose not previously identified to you at the time of collection, we will seek your consent prior to our use of such information for this new purpose if required by applicable law.

You may withdraw your consent to our collection, use or disclosure of your personal information at any time by contacting us using the contact information in the “Contact Us” section below. However, before we implement the withdrawal of consent, we may require proof of your identity if required by applicable law. In some cases, withdrawal of your consent may mean that we will no longer be able to provide certain products or services.

If you provide personal information about another individual to us, it is your responsibility to obtain the consent of that individual to enable us to collect, use and disclose his or her information as described in this Privacy Policy.

Personal Information We Collect

For individuals who visit our website located at www.daiyafoods.com, we may collect personal and other information from you or from your activities on the site:

- When you sign up for the newsletter, we collect your email address.
- When you apply for a job through careers@daiyafoods.com, we may collect your email address, your name, surname, resumé and any other information you may provide us.

- When you request a sample of our product, we collect your first name, last name, the establishment name, city, state, annual sales in dollars, distributors with whom you works, interested product, email, phone number and the establishment website.
- Like most websites and other Internet services, we may collect certain technical and device information about your use of our website. Such information may include your Internet protocol address (“IP address”), information about your device, browser and operating system, and the date and time of your visit. We may also collect or infer your geographic location based on your IP address.
- We may also use “cookies” or enlist third party services which use cookies to track your preferences and activities on our website. Cookies are small data files transferred to your computer’s hard-drive by a website. They keep a record of your preferences, making your subsequent visits to our Website more efficient. Cookies may store a variety of information, including the number of times that you access a site, your registration information and the number of times that you view a particular page or other item on the site. In addition, certain third parties may use cookies and similar technologies to track users across third party sites, and they may engage in targeted advertising using this data. Our Website does not respond to your browser’s do-not-track request. You must opt out of third party services directly via the third party. The use of cookies is a common practice adopted by most major sites to better serve their users. Most browsers are designed to accept cookies, but they can be modified to block cookies. See your browser’s settings menu or help files for more information. You should note, however, that without cookies some of our website’s functions may not be available. For more information, please refer to the Cookies Policy [[NTD: please link to the Cookies Policy to be inserted](#)]

For individuals who otherwise interact with us, whether in person, by phone by email, or otherwise, we may collect information that you provide to us during these interactions. This information may include your name, e-mail address and other contact information.

The registration process, shopping cart, and checkout process in the online store available on our Website are operated by a third party, Brand Driver, on behalf of Daiya, and all personal information collected when you use these features is collected and owned by Brand Driver. The privacy policy applicable to the online store is available on those pages, and we recommend that you review that privacy policy before using the online store.

We do not collect payment card information. If you make an online payment on our Website, including in the online store, using a payment card, such as a credit card or debit card, you are connected directly to an online payment processing service provider engaged by Brand Driver, and your payment card information is collected and processed by that service provider.

For additional disclosures regarding the categories of personal information we collect and process as described in the California Consumer Privacy Act (“CCPA”), please see our section “**Additional Privacy Notice for California Residents**” below.

Use of Your Personal Information

We may use your personal or account information for the following purposes:

- to provide you with our products and services and to support your use of our products and services. Applicable legal basis under the General Data Protection Regulation (“GDPR”): *performance of a contract*;
- to administer and fulfill contests, loyalty programs, and other promotions and programs in which you participate. Applicable legal basis under the GDPR: *consent*;
- to help us address problems with and improve the Website, and/or our products and services. Applicable legal basis under the GDPR: *legitimate interest*;
- to request feedback and otherwise contact you about your use of the Website and/or our products and services. Applicable legal basis under the GDPR: *consent*;
- to notify you about important changes to our Website and/or our products and services. Applicable legal basis under the GDPR: *consent*;
- for our internal business purposes, such as to analyze trends and statistics, for audits, to develop new products, to enhance our websites, to improve our products and services, to identify usage trends and to determine the effectiveness of our promotional campaigns. Applicable legal basis under the GDPR: *legitimate interest*;
- to protect the security or integrity of our websites, our products and services and our business. Applicable legal basis under the GDPR: *legitimate interest*;
- to prevent, detect and investigate activity and transactions that are suspicious, fraudulent, or violate our Website Terms and Conditions. Applicable legal basis under the GDPR: *legitimate interest*;
- to contact you if necessary regarding your transactions with us, changes to our terms, conditions, and policies and/or for other administrative purposes. Applicable legal basis under the GDPR: *performance of a contract*;
- to respond to your requests for support or customer service. Applicable legal basis under the GDPR: *performance of a contract*;
- in an emergency situation to protect your personal safety or that of site visitors or any third party. Applicable legal basis under the GDPR: *protection of vital interest*;
- in connection with, or during negotiations of, any merger, sale of Daiya’s assets, financing or acquisition, or in any other situation involving the transfer of all or part of the business assets of Daiya. Applicable legal basis under the GDPR: *consent*;
- with your consent when required, to communicate with you and to send you information by email, postal mail, telephone, text message, or other means about our products, services, contests, and promotions. Applicable legal basis under the GDPR: *consent*; or
- as required or authorized by law. Applicable legal basis under the GDPR: *legal obligation*.

You also may provide personal information to be published or displayed on public areas of the Website, or transmitted to other users of the Website or third parties (collectively, "User Contributions"). Your User Contributions are published or displayed on the Website and transmitted to others at your own risk. We cannot control the actions of other users of the Website with whom you may choose to share your User Contributions. Therefore, we cannot and do not guarantee that your User Contributions will not be viewed by unauthorized persons.

We may also use your personal information and Website usage statistics to generate Aggregated Data for internal use and for sharing with others on a selective basis. "Aggregated Data" means records which have been stripped of information potentially identifying customers or users, and which have been manipulated or combined to provide generalized, anonymous information. Your identity and personal information will be kept anonymous in Aggregated Data.

Sharing of Your Personal Information

We do not share your personal information with third parties except as described in this privacy policy. Certain service providers, including without limitation outside shipping companies, vendors, agencies, brokers, consultants and credit card or payment processing companies may collect your information from other parties who collect the data directly from you (such as the third party operator of our online store's shopping cart, payment, and shipment functions).

Sometimes, we may engage third party service providers ("Service Providers"), such as Brand Driver (click here to read its privacy policy <https://branddriver.com/privacy-policy>), who manage customer information on our behalf and/or perform services on our behalf, notably hosting companies, companies conducting surveys, sending communications or helping prevent fraudulent transactions. In that case, we may share your personal information with such Service Providers under the requirement that such personal information is used only to provide services to us.

If we provide your information to Service Providers, then we require that the Service Providers maintain the confidentiality of your personal information and keep your personal information secure. We also require that they only use your personal information for the limited purposes for which it is provided. When our Service Providers no longer need your personal information for those limited purposes, we require that they dispose of the personal information. In some circumstances, we may permit our Service Providers to retain aggregated, anonymized or statistical information that does not identify you. We do not authorize the Service Providers to disclose your personal information to unauthorized parties or to use your personal information for their direct marketing purposes. If you would like more information about our Service Providers, please contact us using the contact information in the "Contact Us" section below.

Additionally, we may use and disclose your information when we believe such use or disclosure is permitted, necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public and government authorities, including public and government authorities outside your country of residence; (d) to enforce the terms of the agreements for our products and services; (e) to protect our operations or those of any of our affiliates or subsidiaries; (f) to protect our rights, privacy, safety or property, and/or those of our

affiliates, you or others; and (g) to allow us to pursue available remedies or limit the damages that we may sustain. In addition, we may transfer your personal information and other information to a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, brands, affiliates, subsidiaries or other assets.

If we otherwise intend to disclose your personal information to a third party, if required by applicable law, we will identify that third party and the purpose for the disclosure, and obtain your consent.

We are not responsible for the actions of any independent third parties you may choose to engage with directly, nor are we responsible for any additional information you provide directly to any third parties, and we encourage you to become familiar with their privacy practices before disclosing information directly to any such parties

Opting Out of Communications

If you no longer want to receive marketing-related emails from us, you may opt-out of receiving marketing-related emails by clicking the “unsubscribe” link at the bottom of any email you receive from us, or, if you created an online account when you registered to receive our emails, you may log-in to your account and make changes to your communication preferences. You may also opt-out by contacting us directly using the contact information in the “Contact Us” section below.

We will endeavour to respond to your opt-out request promptly, but we ask that you please allow us a reasonable time to process your request. Please note that if you opt-out from receiving marketing-related emails, we may still need to send you communications about your use of our products or services, or other matters.

Retention of Your Personal Information

We will use, disclose or retain your personal information only for as long as necessary to fulfill the purposes for which that personal information was collected and as permitted or required by law. If you would like more information on the periods during which your personal information will be kept, please contact us using the contact details in the “Contact Us” section below.

Rights Regarding Your Information

We strive to ensure that any personal information we retain and use is accurate, complete and up-to-date as necessary for the purposes for which we will use it. We will not routinely update your personal information, unless such a process is necessary. We expect you, from time to time, to supply us with updates to your personal information, when required.

You may make a written request to review any personal information about you that we have collected, used or disclosed, and we will provide you with any such personal information to the extent required by law. You may also challenge the accuracy or completeness of your personal information in our records. If

you successfully demonstrate that your personal information in our records is inaccurate or incomplete, we will amend the personal information as required.

Under the GDPR, you may be entitled to additional rights, including: (i) the right to withdraw consent to processing where consent is the basis of processing; (ii) the right to object to unlawful data processing, under certain conditions; (iii) the right to erasure of Personal Information about you, under certain conditions; (iv) the right to demand that we restrict processing of your Personal Information, under certain conditions, if you believe we have exceeded the legitimate basis for processing, processing is no longer necessary, or believe your Personal Information is inaccurate; (v) the right to data portability of Personal Information concerning you that you provided us in a structured, commonly used, and machine-readable format, under certain conditions; (vi) the right to object to decisions being taken by automated means which produce legal effects concerning you or similarly significantly affect you, under certain conditions. If you want to learn more about your rights under the GDPR, you can visit the European Commission's page on Data Protection at: https://ec.europa.eu/info/law/law-topic/data-protection/reform/rights-citizens_en.

You also have the right to lodge a complaint with the relevant data protection authority.

We may require that you provide sufficient identification to fulfill your request to access or correct your personal information. Any such identifying information will be used only for this purpose.

California residents may have additional rights under the CCPA. Please see our section “**Additional Privacy Notice for California Residents**” below.

International Transfer and Storage of Information

Your personal information may be stored in Canada and processed in any country where we have facilities or in which we engage third party service providers, notably in the USA. As a result, your personal information may be transferred to countries outside your country of residence, which may have different data protection rules than in your country. While such information is outside of your country, it is subject to the laws of the country in which it is located, and may be subject to disclosure to the governments, courts or law enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

However, our practices regarding your personal information will at all times continue to be governed by this Privacy Policy and, if applicable, we will comply with the GDPR requirements providing adequate protection for the transfer of personal information from the EU/EEA to third country, such as entering into standard contractual clauses.

Links to Third Parties Website and Services

The Website may contain links to other websites, and certain features or functionality you may encounter on our Website (such as our online store) are hosted and operated by third parties. These Privacy Terms do not apply to other websites and we are not responsible for the privacy practices or the content of such websites. We encourage you to read the privacy policy of linked websites prior to providing them with personal information. Their privacy policies and practices may differ significantly from our policies and practices.

Children's Information

Our products and services are not intended for children under the age of consent in the jurisdiction of residence of the individual or determined based on the address of such individual, and we do not knowingly collect personal information from children under the age of consent. Children under the age of consent should not use our products and services and should not provide us with their personal information. If we discover that we have inadvertently collected personal information from a child, we will promptly delete that information.

Security

We will use reasonable measures to prevent unauthorized access to your personal information. We have implemented physical, organizational, contractual and technological security measures with a view to protecting your personal information and other information from loss or theft, unauthorized access, disclosure, copying, use or modification. We have taken steps to ensure that the only personnel who are granted access to your personal information are those with a business 'need-to-know' or whose duties reasonably require such information.

However, no data transmission over the Internet, by wireless device or over the air, is guaranteed to be 100% secure. We will continue to enhance security procedures as new technologies and procedures become available. Please remember that you control what personal information you provide while using the Website. Ultimately, you are responsible for maintaining the secrecy of any personal information provided in connection with the use of the Website. Always be careful and responsible regarding your personal information. We are not responsible for, and cannot control, the use by others of any information which you provide to them and you should use caution in selecting the personal information you provide to others through the Website. Similarly, we cannot assume any responsibility for the content of any personal information or other information which you receive from other users through the Website, and you release us from any and all liability in connection with the contents of any personal information or other information which you may receive using the Website. We cannot guarantee, or assume any responsibility for verifying, the accuracy of the personal information or other information provided by any third party. You release us from any and all liability in connection with the use of such personal information or other information of others.

If you have reason to believe that your interaction with us is no longer secure (for example, if you feel that the security of any information that you provided to us has been compromised), please contact us immediately using the contact information in the "Contact Us" section below.

Privacy Policy Updates

This Privacy Policy is current as of the "updated" date which appears at the top of this page. We may modify this Privacy Policy from time to time. When changes are made to this Privacy Policy they will become immediately effective when published in a revised Privacy Policy posted on our website unless otherwise noted. We may also communicate the changes through our services or by other means. By

submitting your personal information to us, by registering for or using any of the services we offer, by using our website, or by voluntarily interacting with us after we publish or communicate a notice about the changes to this Privacy Policy, you consent to our collecting, using and disclosing your personal information as set out in the revised Privacy Policy.

Contact Us

All comments, questions, concerns or complaints regarding your personal information or our privacy practices should be sent to our Privacy Officer as follows:

Attention:

Daiya Foods Consumer Relations
3100 Production Way
Burnaby, BC V5A 4R4
1-877-324-9211

By e-mail: privacy@daiyafoods.com

Additional Privacy Notice for California Residents

California law requires us to provide our privacy policy in a specific format, as well as to provide specific rights and notices to California residents. This additional privacy notice for California residents applies to Daiya Food's handling of personal information on daiyafoods.com.

Personal Information We Collect

The categories of personal information we have collected in the prior 12 months include:

- Identifiers and contact information;
- Financial information;
- Demographics;
- Commercial information;
- Internet or other electronic network activity information;
- Geolocation data (based on your IP address);
- Inferences regarding preferences or other characteristics.

Sources

We may collect personal information from the following categories of sources:

- From your device or browser
- Directly from you when you provide information
- From cookies, similar technologies, and analytics tools (such as Google Analytics)
- From our business partners
- From data supplementation services
- From marketing vendors and advertising networks
- From social media

How We Use the Personal Information Collected

We may use the personal information we collect for business purposes such as:

- Providing you products and services
- Addressing your inquiries, concerns, and requests
- Analyzing use of our products and services and improving our products and services
- Developing new products and services
- Maintaining the security of our services
- Complying with legal obligations
- Protecting our rights or the rights, property, and safety of others

We may use the personal information we collect for commercial purposes such as:

- Marketing communications
- Advertising
- Creating consumer profiles

Sharing Personal Information

We disclosed the following categories of your personal information for our business purposes in the last 12 months:

- Identifiers/contact information;
- Financial information;
- Demographics;

- Commercial information;
- Internet or other electronic network activity information;
- Geolocation data;
- Inferences regarding preferences or other characteristics.

We may share the personal information we collect with the following categories of recipients:

- Our Service Providers
- Our affiliates, successors, and business partners
- Law enforcement, where required by law or as described above

For purposes of the CCPA, we do not “sell” personal information to third parties for monetary or other valuable consideration.

Your Rights

California law provides California residents with the following privacy rights:

- **Right to access personal information:** Users exercising this right may request access to the categories and specific pieces of their personal information we have collected in the prior 12 months, as well as the categories of information that we collect, use, disclose, and sell.
- **Right to data portability:** Users exercising this right may receive their personal information we have collected in the prior 12 months, when provided electronically, in a readily-useable format.
- **Right to deletion:** Users exercising this right can ask us to delete their personal information we have collected, subject to several exceptions provided by the CCPA.
- **Right to disclosure:** Users exercising this right can receive additional information regarding the sources from which we collect information, the purposes for which we collect and share personal information, the information of theirs we hold, and the categories of parties with whom we share their information
- **Right to opt-out of sales:** Although we currently do not share your personal information for monetary or other valuable consideration (a “sale”), you may contact us and be added to our opt-out of sale list in the event that we ever do begin the sale of personal information.
- **Right to be free from discrimination:** Users may freely exercise these rights without fear of being denied goods or services.
- **Shine the Light Act:** California law permits California residents to request information regarding our disclosure of your personal information to third parties for their direct marketing purposes.

- **Removal of Content:** California residents under the age of 18 who are registered users of our Website and have posted content on our Website have the right to obtain removal of the content or information you have publicly posted.

If you are a California resident and would like to exercise one of your rights, please contact us at privacy@daiyafoods.com or at 1-877-324-9211. Please note that we may require you to verify your identity, and may require additional information from you, in order to honor your request, and there may be circumstances where we will not honor your request, as permitted under the law. For example, if you request deletion, we may need to retain certain personal information to comply with our legal obligations.

If you would like to view this Privacy Policy in pdf format, please [click here](#).