

## Daiya Privacy Policy

Last Updated: August 2023

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This Privacy Policy (“Policy”) describes how Daiya Foods, Inc. (“Daiya,” “we,” “us,” or “our”) collects, uses, discloses, and retains personal information about visitors to our website, [www.daiyafoods.com](http://www.daiyafoods.com), and any other website that links to this Policy (collectively, the “Site”) and users of the services available through our Site (collectively, the “Services”). This Policy also describes the rights you may have regarding our processing of your personal information under applicable local law.

**California Residents:** This Policy describes how we collect, use, disclose, sell, share, and retain your personal data. For additional information relating to your rights and our processing of your personal information, please navigate to the [Additional Disclosures Under Applicable Law](#) Section below.

By accessing the Site or using any of our Services, you acknowledge and agree that your personal information will be handled as described in this Policy. Your use of the Site and Services, and any dispute over privacy is subject to this Policy and our Terms and Conditions, including its applicable limitations of liability. The Daiya [Terms and Conditions](#) are incorporated by reference into this Policy.

You may download a printable copy of this Policy (PDF): [here](#).

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### Categories of Personal Information We Collect About You

Personal information is information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly to you. Depending on your interaction with us, we may collect the following categories of personal information about you directly from you, from third parties, and automatically through your use of our Site.

- **Identifiers**, such as your name, postal address, email address, telephone number, IP address, or similar identifier.
- **Commercial information**, such as your purchase, registration, login and Services usage history.

- **Professional information**, such as your occupation, employment history, professional contact information, establishment website details, annual sales, distributors with whom you work, and your products of interest.
- **Internet or other electronic network activity**, such as your browser type and operating system; web pages you view, links you click, search history on the Site, and other information regarding your interaction with an internet website, email, newsletter, or advertisement; the length of time you visit our Site; and the referring URL, or the webpage that led you to our Site.
- **Geolocation data**, such as the general physical location of your device.
- **Inferences**, such as inferences drawn to create a profile reflecting your preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, or aptitudes.

Information We Collect Directly From You. We collect personal information directly from you when you use our Site or Services, such as when you provide us with information through a form on our website or otherwise interact with us online or offline. For example, if you sign up for our newsletter, we may collect your email address. If you request a sample of our product, we may collect your name, establishment name, postal address, annual sales in dollars, distributors with whom you work, your email address and telephone number, your products of interest, and your establishment website details. If you contact us, we may collect information such as your name, email address, social media handles, the contents of a message or attachments that you may send to us, and other information that you choose to provide.

Information We Collect From Other Sources. We collect personal information about you from other sources, such as third-parties that provide functions on our behalf, including data supplementation services, advertising and analytics networks, and social media platforms, as well as our parent, affiliates, and other related entities.

Information We Collect Automatically. We, and our third party business partners, automatically collect personal information when you use our Site using cookies, pixel tags, clear GIFs, or similar technologies. This may include information such as your IP address and the types of personal information described above as “Internet or other electronic network activity.” Please review our section below on “Our Use of Cookies and Related Technologies” for additional information regarding our use of cookies and related technologies.

### **How We Use Your Information and the Basis on Which We Use It**

We use the categories of personal information described above for the following business and commercial purposes:

- To provide our Services and fulfill your requests. We use your information to provide and maintain our Services, to process and fulfill your requests or orders, to communicate with you about your use of our Services, to respond to your inquiries, and for other customer service and business administration purposes.
- To improve our Services. We use your information to understand and analyze our user base and how you use the Services, to improve and enhance the Services, and to develop new products, services, features and functionality.

- Personalization. We use your information to tailor the content and information that we may send or display to you, to offer location customization, and personalized help and instructions, and to otherwise personalize your experiences while using the Services.
- Marketing and promotional purposes. We may use your information to send you news and newsletters, event updates, and to communicate with you about new features, events, or products, to administer and fulfill contests, loyalty programs, and other promotions and programs in which you participate, or to otherwise contact you about information we think may be of interest to you. We may also use your information to display advertisements to you on our Site and on other unaffiliated websites and services.
- Combining information. We (and our third party business partners on our behalf) may merge, co-mingle, or otherwise combine information, including your personal information, in furtherance of the purposes described above.
- To comply with legal obligations. We may use your information to comply with our legal obligations or exercise or defend our rights or the rights of a third party, including complying with law enforcement or government authority requests and participating in compliance audits.
- To protect us and others. We may use your information where we believe necessary to investigate, prevent, or take action regarding suspected or actual illegal activities, fraud, situations involving potential threats to the safety of any person or to otherwise enforce this Policy, our Terms and Conditions, and the integrity of the Site or Services.
- Deidentified data. We may also deidentify or anonymize your data in such a way that you may not reasonably be re-identified by us or another party, and we may use this deidentified data for any purpose permitted under applicable law. To the extent we deidentify any data originally based on personal information, we will maintain and use such data in deidentified form and will not attempt to reidentify the data.

Where required by applicable local law, our legal bases for processing your information are as follows:

- **Performance of a contract:** We process personal information where necessary for the performance of our contractual obligations to you. For example, to provide the Services to you, including where you contact us or engage in another transaction with us.
- **Compliance with legal obligations:** We process personal information where necessary to comply with the legal obligations to which we are subject. For example, to cooperate with public and government authorities, courts, or regulators in accordance with our legal obligations, to the extent this requires the processing or disclosure of personal information to protect our rights.

- **Legitimate interests:** We process your personal information where necessary to serve our legitimate business interests. For example, to ensure that we can effectively manage and communicate regarding our business, to perform investigations or compliance audits, to tailor the content and information we may send or display to you, to improve the Services, to exercise or defend our rights, and for business administration purposes. When we use personal information to meet our legitimate interests, and where required by applicable local law, we take steps to ensure that your rights are protected. You can contact us using the details in the “Contact Us” section below for information about how we use your personal information under this legal basis.
- **Vital interests:** We may process your personal information where necessary to protect your vital interests (e.g., in a medical emergency) when you may be incapable of giving consent.
- **Consent:** Where required by applicable law, we process personal information on the basis of your consent. To the extent we obtain your consent to process your personal information, you may have the right to withdraw your consent under applicable local law. To exercise this right, please contact us using the details in the “Contact Us” section of this Policy.

### How We Disclose the Information We Collect

We may disclose each of the categories of personal information described above for our business and commercial purposes as follows:

- **Related Entities.** We may disclose the personal information we collect about you to our parent, affiliate, and related entities.
- **Service Providers.** We may disclose the personal information we collect about you to service providers, contractors, and agents who perform functions and business operations on our behalf, for the purposes set out above. For example, we engage service providers to help us manage customer information and/or perform services on our behalf, notably including, hosting companies, payment processors, shipping entities, and companies conducting surveys, sending communications or helping prevent fraudulent transactions.
- **Third Parties.** We may disclose the personal information we collect about you to third party business partners, such as entities that provide us with advertising and analytics services.

We may also disclose your personal information in the following circumstances:

- **Business Transfers.** If (i) we or our affiliates are or may be acquired by, merged with, or invested in by another company, or (ii) if any of our assets are or may be transferred to another company, whether as part of a bankruptcy or insolvency proceeding or otherwise, we may transfer the information we have collected about you to the other company. As part of the business transfer process, we may disclose certain of your information to lenders, auditors, and third party advisors, including attorneys and consultants.
- **In Response to Legal Process.** We may disclose your personal information to comply with the law, a judicial proceeding, court order, or other legal process, such as in response to a court order or a subpoena.

- **To Protect Us and Others.** We disclose your personal information where we believe it is appropriate to do so to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of our Terms and Conditions or this Policy, or as evidence in litigation in which we are involved.
- **Aggregate and Deidentified Information.** We may disclose aggregate, anonymized, or deidentified information about you for any purpose permitted under applicable law.
- **Consent.** We may disclose your personal information with your consent.

## Our Use of Cookies and Related Technologies

We and our third party advertising and analytics partners use cookies and similar tracking technologies to track information about your use of our Site. We may combine this information with other personal information we collect about you (and our third party business partners may do so on our behalf).

- Cookies. Cookies are small text files containing a string of alphanumeric characters. We may use both session and persistent cookies. A session cookie disappears after you close your browser. A persistent cookie remains after you close your browser and may be used by your browser on subsequent visits to our Site. Please review your browser's "Help" file to learn the proper way to modify your cookie settings. Please note that if you delete or choose not to accept cookies from the Site, you may not be able to utilize the features of the Site to their fullest potential.
- Clear GIFs, pixel tags, and other technologies. Clear GIFs are tiny graphics with a unique identifier, similar in function to cookies. In contrast to cookies, which are stored on your computer's hard drive, clear GIFs are embedded invisibly on web and app pages. We may use clear GIFs (a.k.a. web beacons, web bugs, or pixel tags) to among other things, track the activities of Site visitors, help us manage content, and compile statistics about Site usage. We and our third party business partners may also use clear GIFs in HTML emails to our customers, to help us track email response rates, identify when our emails are viewed, and track whether our emails are forwarded.
- Do Not Track (DNT). Your browser setting may allow you to automatically transmit a "Do Not Track" (DNT) signal to websites and online services that you visit. There is no consensus as to what DNT means in this context, and since some browsers apply DNT signals by default it does not necessarily reflect our visitors' choice as to whether they wish to receive advertisements tailored to their interests. As a result, like many websites, we do not alter our practices when the Service receives a DNT signal from a visitor's browser.

To learn more about our use of cookies and similar tracking technologies, please see our [Cookies Policy](#).

## Additional Disclosures Under Applicable Law

You may have certain rights regarding our processing of your personal information under applicable local law. If our processing of your personal information is governed by such laws, this section provides you with additional information regarding your rights and our processing of your personal information under applicable local law.

We may “sell” or “share” for cross-context behavioral advertising (as those terms are defined under applicable local law) your personal information. Below is a chart that describes the categories of third parties to whom we may disclose, “sell,” or “share” for cross-context behavioral advertising (as those terms are defined under applicable local law) the categories of personal information described above for our business and commercial purposes.

Category of personal information	Categories of third parties to whom we may disclose personal information for a business purpose	Categories of third parties to whom we may “sell” or “share” personal information
<b>Identifiers</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Advertising and analytics providers</li> <li>• Government entities</li> </ul>	<ul style="list-style-type: none"> <li>• Advertising and analytics providers</li> </ul>
<b>Commercial information</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Government entities</li> </ul>	None.
<b>Professional information</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Government entities</li> </ul>	None.
<b>Internet or other electronic network activity</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Advertising and analytics providers</li> <li>• Government entities</li> </ul>	<ul style="list-style-type: none"> <li>• Advertising and analytics providers</li> </ul>
<b>Geolocation data</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Advertising and analytics providers</li> <li>• Government entities</li> </ul>	<ul style="list-style-type: none"> <li>• Advertising and analytics providers</li> </ul>
<b>Inferences</b>	<ul style="list-style-type: none"> <li>• Parent, affiliate, and related entities</li> <li>• Service providers</li> <li>• Advertising and analytics providers</li> <li>• Government entities</li> </ul>	<ul style="list-style-type: none"> <li>• Advertising and analytics providers</li> </ul>

We do not use or disclose your sensitive personal information for purposes other than permitted under applicable local law.

## Data Retention

Your personal information will be held for only so long as it is necessary for the purpose for which it was originally collected, and in accordance with applicable local law. We will retain your personal information for the period necessary to fulfill the purposes outlined in this Policy. When assessing retention periods, we first examine whether it is necessary to retain the personal information collected and, if retention is required, work to retain the personal information for the shortest possible period permissible under applicable law.

## Your Privacy Choices and Rights

Depending on the jurisdiction in which you live, you may have the following rights under applicable local law:

- Right to request access and a copy of your personal information and information relating to how it is processed;
- Right to request deletion of your personal information;
- Right to request the correction or update of the personal information we hold about you;
- Right to opt-out of “sales” of your personal information and “sharing” of your personal information for cross-context behavioral advertising purposes (as these terms are defined under applicable law)
- Right to opt-out of targeted advertising;
- Right to restrict or limit our use of your information;
- Right to ask that we transfer the personal information we hold about you to another organization, or to you, in certain circumstances (referred to as data portability);
- Right to opt-out of certain profiling activities;
- Where you have provided consent, right to withdraw such consent to our processing of your personal information at any time;
- Right to lodge a complaint with your local data protection authority;
- Right to not be unlawfully discriminated against for exercising your rights.

These rights may be limited or denied in some circumstances. For example, we may retain your personal information where required or permitted under applicable law.

## Submitting Requests

To exercise your rights under applicable local law or if you are an authorized agent submitting a request on behalf of an individual under applicable local law, you may contact us at 1-877-324-9211 or [privacy@daiyafoods.com](mailto:privacy@daiyafoods.com). You or your authorized agent may be asked to provide information such as your email address, name, date of submission, and content of submission so that we can verify your identity. Authorized agents must also provide a copy of the consumer’s signed permission authorizing the agent to submit requests on the consumer’s behalf.



You may also opt-out of our “sale” or “sharing” of your personal information through privacy preference signals recognized under applicable local law, such as the Global Privacy Control (GPC), but please note that this signal will be linked to your browser only. For more information on the GPC and how to use a browser or browser extension incorporating the GPC signal, see <https://globalprivacycontrol.org/>.

## Appeals

You may have a right to appeal a decision we make relating to requests to exercise your rights under applicable local law. To appeal a decision, please contact us at [privacy@daiyafoods.com](mailto:privacy@daiyafoods.com).

**California 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.

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

## Marketing Communications

We may send periodic promotional emails to you. You may opt-out of promotional emails by following the opt-out instructions contained in the email. Please note that it may take up to 10 business days for us to process opt-out requests. If you opt-out of receiving promotional emails, we may still send you emails about your account or any services you have requested or received from us.

## Security of My Information

We implement physical, technical, and organizational security measures designed to safeguard personal information. These measures are aimed to protect the personal information we collect from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. Please be aware that despite our efforts, no data security measures can guarantee security.

## Third Party Links

Our Site may contain links to third-party websites. Any access to and use of such linked websites is not governed by this Policy, but is instead governed by the privacy policies of those third-party websites. We are not responsible for the information practices of such third-party websites, and we encourage you to review the privacy policies of any third-party sites you choose to visit.

## Children

Our Site and Services are not intended for children under the age of 13. We do not knowingly collect personal information from children under the age of 13. If we discover that a child under 13 has provided us with personal information, we will take reasonable steps to promptly delete such information from our systems.

We do not knowingly “sell” or “share” the personal information of children under the age of 16.



## Contact Us

Daiya is the controller of your personal information. All comments, questions, concerns or complaints regarding our processing of your personal information or our privacy practices should be sent to our Privacy Officer as follows:

Attention:

Daiya Foods Inc.

3100 Production Way

Burnaby, BC V5A 4R4

1-877-324-9211

By e-mail: [privacy@daiyafoods.com](mailto:privacy@daiyafoods.com)

## Changes to this Policy

This Policy is current as of the Last Updated date set forth above. We may change this Policy from time to time, so please be sure to check back periodically. If we make any changes to this Policy that materially affect our practices with regard to the information we have previously collected about you, we will endeavor to provide you with notice in advance of such change by highlighting the change on our Site or sending you an email.