

PRIVACY POLICY

Updated and Effective: Jan 1, 2025

Welcome to KiwiChat Inc.'s Privacy Policy. When you use our system, you are trusting us with your information, and we work hard to protect your information. This Privacy Policy is meant to help you understand what information we collect, why we collect it, and how you can manage your information.

Kiwi is not intended for children under 18 years of age. We do not knowingly solicit data online from, or market online to, children under 18 years of age.

We encourage you to read this Privacy Policy carefully before using our services. By using Kiwi, you are accepting the practices described in this Privacy Policy.

If you have any questions about our privacy practices, please refer to the end of this Privacy Policy for information on how to contact us.

INFORMATION WE COLLECT ABOUT YOU

We collect and store personal information that can identify you such as your name, date of birth, email address and other personal information. When you provide personal information, the information is stored on servers located within the United States.

Device Information. We may collect and store the unique device identifier (Device ID) of the device you use to access our services. This identifier is tied to your hardware and is used for purposes such as fraud prevention, analytics, and enhancing your user experience.

Permissions Usage: Our chat application requests certain permissions to provide you with a seamless and enhanced user experience. Below, we explain why we need access to your contacts, voice notes, and photos/camera, and how we use these permissions to improve your interaction with the app.

Contacts Access: We request access to your contacts to make it easier for

you to connect with friends, family, and colleagues already using our app. This permission allows us to suggest contacts you may want to message or invite, streamlining your communication experience. We only access the contact information you explicitly allow, and we do not store or share this data without your consent.

Voice Notes: Access to your microphone is required to enable the voice notes feature, allowing you to record and send audio messages to your contacts. This enhances your ability to communicate quickly and personally. Audio recordings are only created when you actively use the voice notes feature, and they are securely transmitted to the intended recipient. We do not access or store voice data unless you initiate a recording.

Photos and Camera: We request access to your photos and camera to allow you to capture, upload, and share images directly within the app. This permission enables features like sending photos in chats, setting profile pictures, or sharing moments with your contacts. We only access your photos or camera when you choose to use these features, and we do not store or share your media without your explicit permission.

Information collected automatically. This information may include your IP address, your browser type and language, access times, the content of any undeleted cookies that your browser previously accepted from us (see "Cookies" below), and the referring IP address.

Cookies. When you use our services, we may assign your device one or more cookies, to facilitate access to our system and to personalize your experience. Through the use of a cookie, we also may automatically collect information about your online activity, such as the pages you visit and the links you click. Most browsers automatically accept cookies, but depending on your device you can usually modify your browser setting to decline cookies. If you choose to decline cookies, please note that you may not be able to use some of the interactive features we offer.

Other Technologies. We may use standard Internet technology, such as web beacons and other similar technologies, to track your use of Kiwi. We also may include web beacons in promotional e-mail messages or newsletters to

determine whether messages have been opened and acted upon. The information we obtain in this manner enables us to customize the services to deliver content, features or other activities.

HOW WE USE THE INFORMATION WE COLLECT

We may use information that we collect about you to:

- Deliver the products and services that you have requested; ● manage your account and provide you with customer support; ● perform research and analysis about your use of, or interest in, our products, services, or content, or products, services or content offered by others;
- enforce our Terms of Service;
- manage our business; and
- perform functions as otherwise described to you at the time of collection.

WITH WHOM WE SHARE YOUR INFORMATION

We want you to understand when and with whom we may share personal or other information we have collected about you or your activities on our system.

We do not share your personal information with others except as indicated below. We do not sell personal information to businesses for commercial purposes, and we do not share personal information with third parties that are not owned by us or under our control or direction except as described in this Privacy Policy. We may share personal information with:

Authorized service providers: We may share your personal information with our authorized service providers that perform certain services on our behalf. These services may include fulfilling service requests, providing customer service, performing business and sales analysis and supporting our system's functionality. These service providers are only authorized to process the information as necessary and as directed by us. They are not permitted to share or use such information for any other purposes.

Correctional Facilities. Facility staff can access your personal information, transaction history, interaction and whom you interact with in order to verify information and conduct investigations.

Government Authorities. From time to time, we may be required to provide your information in response to lawful requests from government authorities or law enforcement. We also may disclose your information in response to a subpoena or similar investigative demand, a court order, or a request for cooperation from a law enforcement or other government agency; to establish or exercise our legal rights; to defend against legal claims; or as otherwise required by law. In such cases, we may raise or waive any legal objection or right available to us.

Disclosure of information to government authorities may also be provided in connection with efforts to investigate, prevent, or take other action regarding illegal activity, suspected fraud or other wrongdoing; to protect and defend the rights, property or safety of our company, our users, our employees, or others; to comply with applicable law or cooperate with law enforcement; or to enforce Kiwi's Terms of Service or other agreements or policies.

We may also disclose your information in connection with a substantial corporate transaction, such as the sale of our business, a divestiture, merger, consolidation, or asset sale, or in the unlikely event of bankruptcy.

HOW YOU CAN ACCESS YOUR INFORMATION

You can review and update your personal information by accessing "Settings" in the Kiwi app or by contacting us.

COMMERCIAL AND PROMOTIONAL INFORMATION

At any time you can choose to no longer receive commercial or promotional emails or newsletters from us by opting out of receiving such messages by simply clicking on the unsubscribe link in the footer of any email from us or contact us at support@kiwichat.com. It may take up to 10 days for us to process an opt-out request. We may send you other types of transactional e-mail communications without offering you the opportunity to opt out of receiving them.

CALIFORNIA PRIVACY NOTICE

If you reside in California, we are required by the California Consumer Privacy Act (“CCPA”) to provide additional information to you about how we collect, use and disclose your information, and you may have additional rights with regard to how we use your information. The information in this section applies solely to visitors, users, and others who reside in the State of California.

California Personal Information

As described within our Privacy Policy we may collect certain categories of information about California residents. We collect information from you when you use our services or access our system.

In the past 12 months, we may have collected the following categories of personal information relating to California residents:

Personal Identifiers, such as your name, date of birth, e-mail address, postal address and/or phone number;

Personal characteristics such as your age and your gender;

Transaction information such as the content of your communications, and services used;

IP address and MAC address;

Categories of Sources for the Collection of Personal Information

The categories of sources from which we collect personal information depends the interaction with a specific California resident and the business purpose for which the personal information is collected. We may collect personal information directly from California residents through our system or through the use of our services.

Business Purposes for the Collection of Personal Information

Our business purposes for using your personal information is to provide you with our services and fulfill our business obligations, including the following:

Establish your account with Kiwi;

Provide our products and services to correctional facilities;

Improve your user experience utilizing our system;

Enable the basic features of our systems to function;

Send you communications about the services you requested, and promotional materials on our products and services;

Fulfill your requests, such as troubleshooting applications;

Process your payments for the services you requested;

Monitor and improve our customer service;

To understand our customer base and improve our products and services; and to

Authenticate your identity to allow us to fulfill your request for access, correction or deletion of your personal information.

Categories of Third Parties to whom we have shared Personal Information

We do not share your personal information with others except as indicated within this Privacy Policy. With regards to California residents and within the meaning of the CCPA, we do not sell, and have not sold within the past 12 months personal information to businesses for commercial purposes. We may share personal information with:

Authorized service providers that provide certain services on our behalf;

Correctional facilities to verify information and conduct investigations;

Government Authorities and Law Enforcement to respond to lawful requests;

Other third parties to support a merger, acquisition, divestiture or asset sale.

California Consumer Rights

Subject to certain exceptions, as a California resident, you may have the

following rights to your personal information:

Right to Access: Request access to your personal information that we have collected, used or disclosed within the preceding 12 months; and

Right to Deletion: Request deletion of your personal information.

If you request deletion of your personal information, to the extent permitted by applicable law, we may be required to retain some of your personal information.

Exercising Your Rights

If you are a California resident and wish to exercise any of these rights, please contact us by e-mail at support@kiwichat.com.

Authorized Agents

You have the right to designate an authorized agent to act on your behalf to exercise your rights under the CCPA. In order to do so, we must verify your identity, and your authorized agent must have written permission from you. We reserve the right to deny a request from an agent that does not submit proof that they are authorized to act on your behalf.

Non-Discrimination

You have the right to be free from unlawful discrimination for exercising your rights under the CCPA. We will not discriminate against you by offering you different pricing or services, or by providing you with a different level or quality of products, or in connection with promotions and other offerings, based upon you exercising your rights with respect to your personal information.

Access Notice in Alternative Formats

California residents who need assistance accessing the notice in an alternative format can contact us by e-mail at support@kiwichat.com.

VISITING OUR WEBSITES FROM OUTSIDE THE UNITED STATES

This Privacy Policy is intended to cover collection of information from residents of the United States. If you are using our services from outside the United States, please be aware that your information may be transferred to, stored, and processed in the United States where our servers are located and our central database is operated. The data protection and other laws of the United States and other countries might not be as comprehensive as those in your country. By using our services, you understand that your information may be transferred to our facilities and those third parties with whom we share it as described in this Privacy Policy.

NO RIGHTS OF THIRD PARTIES

This Privacy Policy does not create rights enforceable by third parties or require disclosure of any personal information relating to users of the website.

CHANGES TO THIS PRIVACY POLICY

We will occasionally update this Privacy Policy to reflect changes in our practices and services. When we post changes to this Privacy Policy, we will revise the "Updated and Effective Date" at the top of this Privacy Policy. If we make any material changes in the way we collect, use, and/or share your personal information, we will notify you by posting the updated policy on our website, with a link denoting that the policy has been updated. We recommend that you check our website from time to time to inform yourself of any changes in this Privacy Policy or any of our other policies. To see the prior version of the Kiwi Privacy Policy you may send a written request to support@kiwichat.com.

HOW TO CONTACT US

If you have any questions about this Privacy Policy or our information-handling practices, or if you would like to request information about our disclosure of personal information to third parties for their direct marketing purposes, please contact us by e-mail at support@kiwichat.com.