

# PRIVACY POLICY

Last updated & effective date: *August 3, 2023*

Artic Labs S.A dba Kinetic Market (collectively, “Kinetic”, “we”, “us,” “our”) is committed to protecting individual privacy and maintaining the trust of users of our protocol. (collectively, “Users”). It is important to us that we provide transparency regarding our collection, use, and disclosure of the personal information of Users. This includes information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual or household. We refer to this information as “personal information” throughout this Privacy Policy (“Policy”).

To help us meet our commitment to protecting your personal information, we have created this Policy. This Policy governs data protection matters across the Kinetic protocol (“Protocol”). This Privacy Policy, along with our Terms of Use, form an integral and binding part of our relationship with you.

By providing personal information to us or by using our Protocol, you agree to our collection, use, disclosure, and storage of personal information as described in this Privacy Policy. This Policy describes how we use, share, and protect the personal information of individuals who use our Protocol. It also describes your rights and choices regarding the use, access to, and correction of personal information.

## 1. WHAT OUR PRIVACY POLICY COVERS

This Policy describes how we use, share, and protect the personal information of our Users. It also describes the rights and choices regarding use, access to, and correction of personal information available.

Our websites may include links to websites and/or applications operated and maintained by third-parties. Please note that we have no control over the privacy practices of websites or applications that we do not own. We encourage you to review the privacy practices of those third-parties.

## 2. WHAT PERSONAL INFORMATION WE COLLECT

The types of personal information we obtain about you depends on how you interact with us and our services. When we use the term “personal information,” we are referring to information that identifies, relates to, describes, or can be associated with you. The following are the categories and specific types of personal information that we collect:

### Device Information and Other Unique Identifiers

Including device identifier, internet protocol (IP) address, cookies, or similar unique identifiers.

### Internet or Other Network Activity

Including information regarding your networks and interactions with our Protocol.

## 3. HOW WE COLLECT PERSONAL INFORMATION

We collect personal information about you from various sources. For example, we collect and obtain information:

### Directly from you

We collect personal information you provide, such as when you connect your wallet with our Protocol, interact with our Protocol, or use our services.

## Using cookies and other automatic data collection technologies

When you use our Protocol, we or third-parties we work with automatically collect certain information using technologies such as cookies, web beacons, pixels, web server logs, and other data collection tools. For more information, please see the “Cookies and Similar Tracking Technologies” section below.

## From Other Sources

For example, we may obtain information about you from other sources, such as data analytics providers. We may also create information based on our analysis of the information we have collected from you.

## 4. COOKIES AND TRACKING TECHNOLOGIES

We and our third-party service providers use cookies, web beacons, pixels, internet tags, and other similar tracking technologies (collectively, “tracking technologies”) to gather information when you interact with our Protocol. Some tracking technologies help us maintain the security of our Protocol, prevent crashes, fix bugs, and assist with basic functions. These tracking technologies are “required” because we need them for the Protocol to work properly. We do not provide the option to opt-out of these tracking technologies, but you can remove these “required” tracking technologies by modifying your browser settings. Please note, some features of our Protocol may not be available to you as a result.

We permit third-parties to use tracking technologies on our Protocol for analytics to understand how visitors interact with our Protocol. For example, we may evaluate Protocol traffic and usage data to help us improve our services.

## 5. HOW WE USE PERSONAL INFORMATION

In general, personal information you submit to us is used either to respond to requests that you make, or to aid us in serving you better. We use your personal information in the following ways:

### Providing Services

We use your personal information to provide the Protocol and services. Depending on the services you use, the categories of information used for these purposes may include Device Information and Other Unique Identifiers, and information about Network and Internet Activity.

### Communicating With You

We use your personal information to communicate with you, such as to send security or maintenance advisories, respond to and/or follow-up on your requests, inquiries, issues or feedback.

### Security

We use personal information to detect, investigate, prevent, and take action against potential malicious, deceptive, fraudulent, or illegal activity, including attempts to manipulate or violate our policies, procedures, and terms and conditions, security incidents, and harm to the rights or property of Kinetic and our users, employees, or others.

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## Legal Obligations

We use personal information to comply with our legal or regulatory obligations, to establish or exercise our rights, and to defend against a legal claim.

## Core Business Functions

We use personal information to support core business functions, including to maintain records related to business process management; loss and fraud prevention; and to provide and maintain the functionality of our Protocol, including identifying and repairing errors or problems.

## 6. HOW WE SHARE PERSONAL INFORMATION

We disclose personal information only to the third-parties as indicated below, in addition to any specified disclosures described elsewhere in this Policy:

### Business Affiliates

We may share your personal information with our business affiliates, including any affiliated companies, subsidiaries, and sister companies. Our business affiliates process personal information as our service providers, where necessary to provide the Protocol and services that you have requested, including to administer our Protocol, or in other circumstances with your consent or as permitted or required by law.

### Service Providers

We may share your personal information with third-party service providers for business or commercial purposes. Your personal information may be shared so that they can provide us with services, including KYC, notification services, security, and risk management so that we can provide the Protocol to you. We share your personal information with these service providers only so that they can provide us with services, and we prohibit our service providers from using or disclosing your personal information for any other purpose. Our third-party service providers are subject to strict confidentiality obligations.

### Professional Advisors

We may share your personal information with our professional advisors, including legal, accounting, or other consulting services for purposes of audits or to comply with our legal obligations.

### Business Transfers

We may disclose personal information to a buyer or successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of Kinetic Market's assets, whether as a going concern or as part of bankruptcy, liquidation, receivership, or similar proceeding in which personal information held by Kinetic are among the assets to be transferred.

### Law Enforcement and Legal Request

We may disclose personal information to comply with applicable legal and our regulatory monitoring and reporting obligations (which may include laws outside your country of residence), to respond to requests from public and government authorities (which may include authorities outside your country of residence), to cooperate with law enforcement, or for other legal reasons.

## Enforcement of Legal Rights

We may disclose personal information to the extent necessary to enforce or protect our rights, privacy, safety or property, and/or that of our affiliates, you or others, including enforcing our Terms of Service and any other agreements (such as for billing and collection purposes and fraud prevention).

## 7. PERSONAL INFORMATION OF MINORS

We do not knowingly collect personal information from children under the age of eighteen (18) without authorization by a holder of parental responsibility. If you believe that we may have collected personal information from or about a child under the age of eighteen (18) without such authorization, please contact us at [admin@kinetic.market](mailto:admin@kinetic.market).

## 8. HOW WE PROTECT PERSONAL INFORMATION

We take the protection of your personal information seriously. Kinetic Market employees who have access to your personal information are made aware of the importance of keeping it confidential. We care about the security of the information and use various administrative, and technological safeguards to preserve the integrity and security of all information collected through our Protocol.

However, no data security measures can guarantee complete security; we also depend on you to take common sense steps to ensure your personal information remains secure. Unfortunately, the transmission of information via the internet is not completely secure. Although we do our best to protect your personal information, we cannot guarantee the security of your personal information transmitted to our Protocol. Any transmission of personal information is at your own risk. We are not responsible for circumvention of any privacy settings or security measures contained on our Protocol.

## 9. HOW LONG WE RETAIN PERSONAL INFORMATION

In general, we retain your personal information for only as long as necessary to fulfill the purposes outlined in this Privacy Policy, unless a longer retention period is required or permitted by law. In the event that you make a verifiable request to delete your personal information and no exceptions apply, we will no longer retain your personal information. Please note that in many circumstances we are required to retain all, or a portion, of your personal information to comply with our legal obligations, resolve disputes, enforce our agreements, to protect against fraudulent, deceptive, or illegal activity, or for another one of our business purposes.

The criteria used to determine our retention periods includes, without limitation:

- The length of time we have an ongoing relationship with you and provide the Protocol to you;
- Whether there is a legal obligation to which we are subject (for example, certain laws require us to keep records of your transactions for a certain period of time before we can delete them); or
- Whether retention is advisable in light of our legal position (such as in regard to applicable statutes of limitations, litigation or regulatory investigations).

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## 10. YOUR PRIVACY RIGHTS

Depending on where you reside or applicable law, you may exercise the rights described below. Please note that some of the rights may vary depending on your country, state, or province of residence.

### Accessing, Updating, Correcting, and Deleting Personal Information

You may have the right to request (1) access to and receive details about the personal information we maintain about you and how we process it; (2) update your personal information or correct any inaccuracies; (3) receive a copy of your personal information that we have collected and processed; (4) or delete your personal information. You may also have the right to withdraw your consent to our processing of your personal information. There may be limitations to these rights based on your specific circumstances and applicable law.

You can submit a privacy rights request by emailing us at [admin@kinetic.market](mailto:admin@kinetic.market).

### Identity Verification

For us to process certain privacy rights requests, we will need to verify your identity to confirm that the request came from you. This is done to protect your identity and personal information. Depending on your request, we will ask for information such as your name and an email address that you have used with Kinetic Market, or other personal information that you have previously provided to us. For certain requests, we may also ask you to provide other details but in no event will we ever attempt to collect any sensitive personal information such as any financial/banking information or your Driver's License, Social Security, or Passport numbers.

## 11. TRANSMISSION OF INFORMATION TO OTHER COUNTRIES

Kinetic Market is located in the United States. If you submit personal information to Kinetic Market your personal information may be processed in a foreign country where privacy laws may be less stringent than the laws in your country. By submitting your personal information to us you agree to the transfer, storage, and processing of your personal information in a country other than your country of residence including, but not necessarily limited to, the United States.

## 12. INFORMATION FOR EUROPEAN UNION RESIDENTS

This section of the Policy applies only to users who is a resident of or uses the Protocol from a country that is a Member State of the European Union ("EU Users") and supplements the information in the Privacy Policy.

Kinetic Market is the data controller for processing of personal data as defined under applicable data protection law. For purposes of this Policy, personal information and personal data are used synonymously.

Under the General Data Protection Regulation ("GDPR") (and subject to any relevant exceptions) you have the right to access, correct, change, delete, restrict, exercise your right to data portability, or object to the processing of personal data.

### Legal Basis for Processing

We process personal data for the purposes set out in this Privacy Policy, as described above. Our legal bases to process personal data includes processing that is:

- Necessary for the performance of the contract between you and Kinetic Market (for example, to provide you with the services you request and to identify and authenticate you so you may use the Protocol);

- Necessary to comply with legal requirements (for example, to comply with applicable accounting rules and to make mandatory disclosures to law enforcement);
- Necessary for our legitimate interests (for example, to manage our relationship with you and to improve the Protocol and our services); and
- Based on consent by our Users (for example, to communicate with you about our services), which may subsequently be withdrawn at any time without affecting the lawfulness of processing based on consent before its withdrawal.

You are not required, as a necessity to enter into a contract, to provide us with personal data for processing as described above.

### Your EU Rights

As an individual residing in, or located in, the European Union or European Economic Area, you can exercise your GDPR rights. We may first request verification of your identity prior to facilitating the exercise of your rights.

If you wish to confirm that Kinetic Market is processing your personal data, or to have access to the personal data Kinetic Market may have about you, please contact us at [admin@kinetic.market](mailto:admin@kinetic.market).

You may also request information about: the purpose of the processing; the categories of personal data concerned; who else outside Kinetic Market might have received the data from Kinetic Market; what the source of the information was (if you didn't provide it directly to Kinetic Market); and how long it will be stored. You have a right to correct the record of your personal data maintained by Kinetic Market if it is inaccurate. You may request that Kinetic erase that data or cease processing it, subject to certain exceptions. In many countries, you have a right to lodge a complaint with the appropriate data protection authority if you have concerns about how Kinetic Market processes your personal data. When technically feasible, Kinetic Market will—at your request—provide your personal data to you or transmit it directly to another controller.

Reasonable access to your personal data will be provided at no cost upon request made to Kinetic Market at [admin@kinetic.market](mailto:admin@kinetic.market). If access cannot be provided within a reasonable time frame, then we will provide you with a date when the information will be provided. If for some reason access is denied, we will provide an explanation as to why access has been denied.

## 13. COMMUNICATING WITH US

If you have any questions or complaints related to our practices with respect to the collection, use, or disclosure of personal information, please contact us at [admin@kinetic.market](mailto:admin@kinetic.market).

## 14. UPDATES TO THE PRIVACY POLICY

It is our intent to post any changes we make to our Privacy Policy on this page, with a notice that it has been updated on our main homepage. If we make material changes to how we treat your personal information, we will notify you through a notice on the homepage. The date that this Privacy Policy was last revised is listed at the top of the page. You are responsible for visiting our website and this Privacy Policy to check for any changes.