

PRIVACY POLICY - INTERNATIONAL

Effective as of January 1, 2020

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1. Introduction. At Humming Heads, we want to give you the best possible experience. Your privacy and the security of your personal data is and will always be enormously important to us. So, we want to transparently explain how and why we gather, store, share and use your personal data – as well as outline the controls and choices you have around when and how you choose to share your personal data.

That is our objective, and this Privacy Policy (“Policy”) will explain exactly what we mean in the further detail below.

2. About this Policy. This Policy sets out the essential details relating to your personal data relationship with Humming Heads, Inc., a Japanese company, and/or its US subsidiary, Shinobi USA, Inc. (collectively, “Humming Heads”). The Policy applies to all Humming Heads services and any associated services (referred to as the “Humming Heads Service”).

From time to time, we may develop new or offer additional services. If the introduction of these new or additional services results in any material change to the way we collect or process your personal data, we will provide you with more information or additional terms or policies. Unless stated otherwise when we introduce these new or additional services, they will be subject to this Policy.

The aim of this Policy is to:

- a. Ensure that you understand what personal data we collect about you, the reasons why we collect and use it, and who we share it with;
- b. Explain the way we use the personal data that you share with us in order to give you a great experience when you are using the Humming Heads Service; and
- c. Explain your rights and choices in relation to the personal data we collect and process about you and how we will protect your privacy.

We hope this helps you to understand our privacy commitments to you. For information on how to contact us if you ever have any questions or concerns, please see Section 13 “How to contact us” below. Alternatively, if you do not agree with the content of this Policy, then please remember it is your choice whether you want to use the Humming Heads Service.

3. If you are situated in the European Union (“EU”). Your rights and your preferences: Giving you choice and control. The General Data Protection Regulation (“GDPR”) gives certain rights to individuals in relation to their personal data. Accordingly, we are happy to offer transparency and access controls to help users take advantage of those rights. As available and except as limited under applicable law, the rights afforded to individuals are:

- a. Right of access – the right to be informed of, and request access to, the personal data we process about you;

- b. Right to rectification – the right to request that we amend or update your personal data where it is inaccurate or incomplete;
- c. Right to erasure – the right to request that we delete your personal data;
- d. Right to restrict – the right to request that we temporarily or permanently stop processing all or some of your personal data;
- e. Right to object –
 - i. The right, at any time, to object to us processing your personal data on grounds relating to your particular situation; and
 - ii. The right to object to your personal data being processed for direct marketing purposes;
- f. Right to data portability – the right to request a copy of your personal data in electronic format and the right to transmit that personal data for use in another party’s service; and
- g. Right to be subject to automated decision-making – the right to not be subject to a decision based solely on automated decision making, including profiling, where the decision would have a legal effect on you or produce a similarly significant effect.

If you have any questions about your privacy, your rights, or how to exercise them, please contact us. Please see Section 13 “How to contact us” for our contact information. If you have concerns around our processing of your personal data, we hope you will continue to work with us to resolve them. However, you can also contact and have the right to lodge a complaint with your local Data Protection Authority.

4. If you are a resident of the state of California, USA. Please see Section 14 supplemental policy “Additional California Privacy Disclosures” which discusses additional privacy rights you may have under applicable law regarding the processing of your personal data.

5. Personal data we collect from you. We have set out in the tables below the categories of personal data we can collect and use about you and how we collect it:

The table below describes personal data collected when you sign up for the Humming Heads Service:

Categories of personal data	Description of category
User Data	This is the personal data that is provided by you or collected by us to enable you to sign up for and use the Humming Heads Service. Depending on the type of Humming Heads Service plan you sign up for, this may include

	<p>your username, email address, phone number, birth date, gender, street address, country and IP address.</p> <p>Some of the personal data we will ask you to provide us with additional personal data in order to make your account more personalized.</p> <p>The exact personal data we will collect depends on the type of Humming Heads Service plan you sign up for, how you create an account to sign up and use the Humming Heads Service. If you use a third-party service to create an account, we will receive personal data via that third-party service but only when you have consented to that third-party service sharing your personal data with us. Please note that the available plans and sign-up options may differ by country.</p>
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The table below describes personal data collected through your use of the Humming Heads Service:

Categories of personal data	Description of category
Usage Data	<p>This is the personal data that is collected about you when your accessing and/or using the Humming Heads Service, including:</p> <ul style="list-style-type: none"> • Information about your type of Humming Heads Service plan. • Information about your interactions with the Humming Heads Service such as your search queries (including the date and time of any requests you make), streaming history, your browsing history, and your interactions with the Humming Heads Service content. This also may include details of your use of third-party applications in connection with the Humming Heads Service. • Inferences drawn about your interests and preferences based on your usage of the Humming Heads Service. • User Content interactions with Humming Heads. • Certain technical data, which may include: <ul style="list-style-type: none"> ○ URL information; ○ Online identifiers including cookie data and IP addresses; ○ Information about the types of devices you are using such as unique devices IDs, network and device performance, browser type, language, information enabling digital rights management, operating system, and Humming Heads application version; ○ Device attributes of devices on your wifi network that are available to connect to the Humming Heads Service (such as speakers); ○ Your non-precise location, which may be derived or inferred from certain technical data (e.g., your IP address, language setting of your device, or payment currency), to comply with geographic requirement in our licensing agreements, and deliver personalized content and advertising to you; and

	<ul style="list-style-type: none"> ○ Motion-generated or orientation-generated mobile sensor data (e.g. accelerometer or gyroscope) required for the purposes of providing specific features of the Humming Heads Service to you.
Plan Verification Data	For users of certain plans, we may use a third-party mapping application (such as Google Maps) and/or your device's location service to help you verify your address. This data collected is not used for advertising or any other purpose.

The table below describes personal data that you choose to give us that enables us to provide you with additional features/functionality:

Categories of personal data	Description of category
Payment and Purchase Data	<p>We can collect certain personal data if you sign up for a Trial or purchase any of our Paid Subscriptions or make other purchases through the Humming Heads Service. The exact personal data collected will vary depending on the payment method (e.g. direct via your mobile phone carrier or by invoice) but will include information such as:</p> <ul style="list-style-type: none"> • Name; • Date of birth; • Credit or debit card type, expiration date, and certain digits of your card number; • Postal code; • Mobile phone number; and • Details of your purchase and payment history.
Forms Data	When you complete any forms, we collect the personal data you provide.

The table below describes personal data collected from third party sources.

We collect personal data about you from various third parties. These third-party sources vary over time and include the following:

Categories of third-party sources	Description of category
Authentication partners	If you register for or log into our services using third party credentials (e.g. Facebook), we will import your information from such third party to help create your account with us.
Technical service partners	We work with technical service partners that provide us with certain data, such as mapping IP addresses to non-precise location data (e.g., city, state), to enable us to provide the Humming Heads Service, content, and features.
Payment partners	If you choose to pay for a service or feature by invoice, we may receive data from our payment partners to enable us to send you invoices, process your payment and provide you with what you've purchased.

6. What we use your personal data for. When you use or interact with the Humming Heads Service, we can use a variety of technologies to process the personal data we collect about you for various reasons. We have set out in the table below the reasons why we process your personal data, the associated legal bases we rely upon to legally permit us to process your personal

data, and the categories of personal data (identified in Section 5 “Personal data we collect from you”) used for these purposes:

Description of why Humming Heads processes your personal data (“processing purpose”)	Legal Basis for the processing purpose	Categories of personal data used by Humming Heads for the processing purpose
To provide and personalize the Humming Heads Service.	<ul style="list-style-type: none"> • Performance of a Contract • Legitimate Interest • Consent 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data • Verification Data • Voice Data
To understand, diagnose, troubleshoot, and fix issues with the Humming Heads Service.	<ul style="list-style-type: none"> • Performance of a Contract • Legitimate Interest 	<ul style="list-style-type: none"> • User Data • Usage Data
To evaluate and develop new features, technologies, and improvements to the Humming Heads Service.	<ul style="list-style-type: none"> • Legitimate Interest • Consent 	<ul style="list-style-type: none"> • User Data • Usage Data • Voice Data
For marketing, promotion, and advertising purposes.	<ul style="list-style-type: none"> • Legitimate Interest • Consent 	<ul style="list-style-type: none"> • User Data • Usage Data • Voice Data
To comply with legal obligations and law enforcement requests.	<ul style="list-style-type: none"> • Compliance with legal Obligations • Legitimate interest 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data • Plan Verification Data • Voice Data • Contests, Surveys and Sweepstakes Data
To fulfill contractual obligations with third parties, for example licensing agreement and to take appropriate action with respect to reports of intellectual property infringement and inappropriate content.	<ul style="list-style-type: none"> • Legitimate interest 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data
To establish, exercise, or defend legal claims.	<ul style="list-style-type: none"> • Legitimate interest 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data • Plan Verification Data • Voice Data

		<ul style="list-style-type: none"> • Contests, Surveys and Sweepstakes Data
To conduct business planning, reporting, and forecasting.	<ul style="list-style-type: none"> • Legitimate Interest 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data
To process your payment.	<ul style="list-style-type: none"> • Performance of a Contract • Compliance with legal obligations 	<ul style="list-style-type: none"> • User Data • Payment and Purchase Data
To detect fraud, including fraudulent payments and fraudulent use of the Humming Heads Service.	<ul style="list-style-type: none"> • Performance of a Contract • Compliance with legal obligations • Legitimate interest 	<ul style="list-style-type: none"> • User Data • Usage Data • Payment and Purchase Data • Plan Verification Data

If you require further information about the balancing test that Humming Heads has undertaken to justify its reliance on the legitimate interest legal basis under the GDPR, please see Section 13 “How to contact us” for further details on how to contact us.

7. Sharing your personal data. We have set out the categories of recipients of the personal data collected or generated through your use of the Humming Heads Service.

Publicly available information

The following personal data will always be publicly available on the Humming Heads Service: your name and/or username.

Personal data you may choose to share

The following personal data will only be shared with the categories of recipients outlined in the table below if:

- You choose to make use of a specific Humming Heads Service feature where sharing of particular personal data is required for the proper use of the Humming Heads Service feature; or
- You grant us your permission to share the personal data, e.g. by selecting the appropriate setting in the Humming Heads Service or authorizing Humming Heads through a presented consent mechanism.

Information we may share

Categories of Recipients	Reason for sharing
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Service providers	We work with service providers that work on our behalf which may need access to certain personal data in order to provide their services to us. These companies include those we've hired to provide customer service support, operate the technical infrastructure that we need to provide the Humming Heads Service, assist in protecting and securing our systems and service, and help market Humming Heads' own products and services as well as partner products and services.
Payment processors	We will share your personal data with our payment processors as necessary to enable them to process your payments, and for anti-fraud purposes.
Humming Heads partners	Depending on how you sign up for the Humming Heads Service (e.g. through a third-party service or a mobile provider), we share your Humming Heads username or other User Data as necessary to enable your account. We may also share personal data with that third party about your use of the Humming Heads Service, such as whether and to what extent you have activated a Humming Heads account, or actively used the Humming Heads Service.
Academic researchers	We will share your personal data for activities such as statistical analysis and academic study but only in a pseudonymized format.
Other Humming Heads group companies	We will share your personal data with other Humming Heads group companies to carry out our daily business operations and to enable us to maintain and provide the Humming Heads Service to you.
Law enforcement and data protection authorities	We share your personal data when we in good faith believe it is necessary for us to do so in order to comply with a legal obligation under applicable law, or respond to valid legal process, such as a search warrant, a court order, or a subpoena. We also share your personal data where we in good faith believe that it is necessary for the purpose of our own, or a third party's legitimate interest relating to national security, law enforcement, litigation, criminal investigation, protecting the safety of any person, or to prevent death or imminent bodily harm, provided that we deem that such interest is not overridden by your interests or fundamental rights and freedoms requiring the protection of your personal data.
Purchasers of our business	We will share your personal data in those cases where we sell or negotiate to sell our business to a buyer or prospective buyer. In this situation, Humming Heads will continue to ensure the confidentiality of your personal data and give you notice before your personal data is transferred to the buyer or becomes subject to a different privacy policy.

8. Data retention and deletion. We keep your personal data only as long as necessary to provide you with the Humming Heads Service and for legitimate and essential business purposes, such as maintaining the performance of the Humming Heads Service, making data-driven business decisions about new features and offerings, complying with our legal obligations, and resolving disputes. We keep some of your personal data for as long as you are a user of the Humming Heads Service.

If you request, we will delete or anonymize your personal data so that it no longer identifies you, unless we are legally allowed or required to maintain certain personal data, including situations such as the following:

- If there is an unresolved issue relating to your account, such as an outstanding credit on your account or an unresolved claim or dispute we will retain the necessary personal data until the issue is resolved;
- Where we need to retain the personal data for our legal, tax, audit, and accounting obligations, we will retain necessary personal data for the period required by applicable law; and/or
- Where necessary for our legitimate business interest such as fraud prevention or to maintain the security of our users.

9. Transfer to other countries. Humming Heads can share your personal data globally with Humming Heads group companies in order to carry out the activities specified in this Policy. Humming Heads may also subcontract processing to, or share your personal data with, third parties located in countries other than your country. Your personal data, therefore, may be subject to privacy laws that are different from those in your country.

Personal data collected within the European Union and Switzerland may, for example, be transferred to and processed by third parties located in a country outside of the European Union and Switzerland. In such instances Humming Heads shall ensure that the transfer of your personal data is carried out in accordance with applicable privacy laws and, in particular, that appropriate contractual, technical, and organizational measures are in place such as the Standard Contractual Clauses approved by the EU Commission.

For further details of the security measures we use to protect your personal data, please see Section 10 “Keeping your personal data safe.”

10. Keeping your personal data safe. We are committed to protecting our users’ personal data. We implement appropriate technical and organizational measures to help protect the security of your personal data; however, please note that no system is ever completely secure. We have implemented various policies and/or technical measures including pseudonymization, encryption, access, and/or retention policies/measures to guard against unauthorized access and unnecessary retention of personal data in our systems.

Your password protects your user account, so we encourage you to use a strong password that is unique to your Humming Heads account, never share your password with anyone, limit access to your computer and browser, and log out after having used the Humming Heads Service.

11. Children. The Humming Heads Service is not also offered to children whose age makes it illegal to process their personal data or requires parental consent for the processing of their personal data under the GDPR or other local law.

We do not knowingly collect personal data from children under 13 years or under the applicable age limit (the “Age Limit”). If you are under the Age Limit, please do not use the Humming Heads Service, and do not provide any personal data to us.

If you are a parent of a child under the Age Limit and become aware that your child has provided personal data to Humming Heads, please contact us by emailing us, and you may request exercise of your applicable rights detailed in Section 3 “Your rights and your preferences: Giving you choice and control” of this Policy. Please see Section 13 “How to contact us” for our contact information.

If we learn that we have collected the personal data of a child under the age of 13 years, we will take reasonable steps to delete the personal data. This may require us to delete the Humming Heads account for that child.

12. Changes to this Policy. We may occasionally make changes to this Policy.

When we make material changes to this Policy, we will provide you with prominent notice as appropriate under the circumstances, e.g., by displaying a prominent notice in our webpage and/or within the Humming Heads Service or by sending you an email and and/or a device notification. We may notify you in advance.

Please therefore, make sure you read any such notice carefully.

13. How to contact us. Thank you for reading our Policy. If you have any questions about this Policy, please contact us by emailing privacy-international@hummingheads.co.jp, or by writing to us at the following address:

Humming Heads, Inc.
5-38-8 Nakakasai
Edogawa-ku, Tokyo 103-0083
Japan

14. Additional California Privacy Disclosures.

Effective as of January 1, 2020

If you are a California resident, the processing of certain personal data about you may be subject to the California Consumer Privacy Act (“CCPA”) and other applicable California state privacy laws. Beginning January 1, 2020, the CCPA gives you certain rights with respect to the processing of your personal data (known as “personal information”, as described in under the CCPA).

This Section 14 provides additional privacy disclosures and informs you of your additional rights as a California resident, and should be read in conjunction with our Privacy Policy.

Personal Information Collected and Processed

Section 5 of our Privacy Policy sets forth the categories of personal information that Humming Heads collects and processes about you, a description of each category, and the sources from which we obtain for each category.

Requests to Exercise Your Rights

RIGHT TO KNOW REQUEST – Under the CCPA, you have a right to request information about our collection, use, and disclosure of your personal information over the prior 12 months, and ask that we provide you with the following information:

1. Categories of and specific pieces of personal information we have collected about you.
2. Categories of sources from which we collect personal information.
3. Purposes for collecting, using, or selling personal information.
4. Categories of third parties with which we share personal information.
5. Categories of personal information disclosed about you for a business purpose.
6. If applicable, categories of personal information sold about you and the categories of third parties to which the personal information was sold, by category or categories of personal information for each third party to which the personal information was sold.

To make a verifiable request for information about the personal information we have collected about you, please email us or write to us. Please see Section 13 “How to contact us” for our contact information.

RIGHT TO DELETE REQUEST – You also have a right to request that we delete personal information, subject to certain exceptions. You may exercise your right to delete by emailing us or write to us. Please see Section 13 “How to contact us” for our contact information.

HOUSEHOLD REQUESTS – We currently do not collect household data. If all the members of a household make a Right to Know or Right to Delete request, we will respond as if the requests are individual requests.

REQUESTS, GENERALLY – Please note, if you do not have a Humming Heads account we will not have enough information about you to verify your Right to Know and Right to Delete requests, as we do not keep sufficient information necessary to reidentify and link you to a prior visit to the Humming Heads Service where data may have been collected. As such, we will be unable to verify and honor your requests. You may make a verifiable consumer request related to your personal information twice per 12-month period. We will not discriminate against you for exercising any of your rights under CCPA.

REQUESTS MADE THROUGH AGENTS – You may designate, in writing or through a power of attorney, an authorized agent to make requests on your behalf to exercise your rights. Before accepting such a request from an agent, we will require the agent to provide proof you have authorized it to act on your behalf, and we may need you to verify your identity directly with us.

Disclosures of Personal Information for a Business Purpose

In the preceding 12 months, Humming Heads has the right to disclose certain data from the following categories of personal information to the categories of recipients listed in Section 6 of our Privacy Policy for one or more business purposes:

- User Data
- Usage Data
- Plan Verification Data
- Payments and Purchase Data

Sale of Personal Information

Under the CCPA, a “sale” means providing to a third-party personal information for valuable consideration. It does not necessarily mean money was exchanged for the transfer of personal information. We have taken substantial steps to identify whether any of our data sharing arrangements would constitute a “sale” under the CCPA. Due to the complexities and ambiguities in the CCPA, we will continue to evaluate some of our third-party relationships as we wait for final implementing regulations and guidance. We will continue to update our business practices as regulatory guidance becomes available and provides clarity on what constitutes a sale transaction.