

Kona Ice Privacy Policy

Last Updated: [January 1, 2024]

Kona Ice, Inc. and its affiliates (“**Kona**,” “**we**,” “**us**,” or “**our**”) respect your privacy. This Privacy Policy describes the processing of Personal Information (defined below) that is provided, collected, or shared on our “Services” which includes the sites, applications, or other platforms that link to this Privacy Policy (collectively, the “**Site**”). It also describes your choices about our collection, sharing, and use of your Personal Information.

Any additional, separate privacy notices that we provide to you will also be considered part of this Privacy Policy. Please note that this Privacy Policy **does not** apply to information collected by a third party, even if the third party is a Kona Ice franchisee.

Our Commitment to Privacy

Kona recognizes the importance of your privacy and aims to provide you with a clear understanding of how we collect and handle your information. We strongly encourage you to review our complete Privacy Policy to gain a comprehensive understanding of our information collection and usage. Below is a brief summary of our practices, which are elaborated upon in the Privacy Policy:

- Access to your information is strictly limited to you, us, and any other individuals who require access for the proper functioning of our Services. If we offer any social or sharing features, we ensure that you are informed when your actions are visible to other users.
- Privacy is the default setting, and you determine the visibility and accessibility of your information to others. If it is necessary to disclose your information to provide our services, we clarify this in our Privacy Policy or within the Services.
- Kona does not sell of your Personal Information for any purpose.
- Any reports we generate on trends or content consumption are aggregated and do not identify individual users.
- You may contact us at Korporate@kona-ice.com or 859-371-3203 if you have questions about our Services.

Your Consent

By utilizing or accessing the Services in any way, you acknowledge and accept this Privacy Policy, and you approve our collection, use, and disclosure of your Personal Information as described below. If you do not agree with this Privacy Policy, please refrain from using our Services.

“Personal Information”

“Personal Information,” as used in this Privacy Policy, means information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular individual consumer or household. For our purposes, Personal Information typically falls within one or more of these categories:

- **Identifiers** (e.g., name, email address, address, telephone number, username);

- **Protected classification information** (e.g., sex or sexual orientation);
- **Sensitive Personal Information** (e.g., protected health information, personal health information, PHI, EPHI, and similar data protected by health privacy laws; and other health information generally);
- **Commercial information** (e.g., products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies); and
- **Inferences** drawn from Personal Information to create a profile about preferences, characteristics, trends, predispositions, behavior, attitudes, intelligence, and aptitudes.

Please be aware that certain information may not be protected by privacy laws if it falls into one of the following categories: (i) publicly available, (ii) aggregated, which means that it relates to a collective or category of services or users from which individual identities and other Personal Information have been excluded, or (iii) deidentified to the extent that it cannot be readily linked back to a specific individual.

Collecting and Using Your Personal Information

Regarding Personal Information Collection

The way we collect and use your Personal Information depends on which of our Services you use and how you use them. We only collect, use, retain, and disclose Personal Information as reasonable and necessary and proportionate to deliver and operate our Services. If use it in other compatible ways, we would tell you about first.

During the last 12 months, we have collected (i) identifiers; (ii) protected classification information; (iii) commercial information; (iv) sensitive personal information; and (v) inferences. We collect this information from:

Directly from you, with your consent. You must register and create an account to use some of our Services. To facilitate your registration and use of the Services, we collect:

- Identifiers like your name, email address, mailing address, phone number, and login credentials.

As instructed by a Kona Ice franchise and collected from you with your consent. A Kona Ice franchisee may instruct us to collect additional Personal Information via our Services. We collect this information as a service provider to the franchisee.

- Identifiers like your name, email address, phone number, and address.
- Sensitive personal information in the form of date of birth.
- Protected classification information such as your sex.
- Commercial information like your purchasing history.

We use this information to provide our Services, identify and manage your account, and correspond with you. If you use our Services via a Kona Ice franchise, the Kona Ice franchise is responsible for obtaining your consent and the Kona Ice franchise's management may be able to access, maintain, and share any

Personal Information associated with your account. You can refuse to supply requested Personal Information, but doing so may impact your ability to use our Services or participate in certain programs.

From your communications with us, with your consent. If you contact us using the forms or links on the Site or by email or other means, you voluntarily provide us with your:

- Identifiers like your name, email address, telephone number, and any other Personal Information you choose to include in your communication.
- If you make a purchase on the Site, we will collect the commercial history of your purchase(s) and use a PCI-compliant payment processor or bank to process any payments related to your purchase.

We use this information to respond to your questions and to correspond with you about Kona according to your communication preferences.

Automatically from your use of the Site, with legitimate interest.

- When you interact with the Site, we automatically collect technical data about your internet activity such as your IP address, the content with which you interact and, for some Services, your geolocation. Like most online services, the Site uses analytics cookies, specifically browser cookies, flash cookies, and web beacons. We collect this information to achieve our legitimate interest of managing and improving our Services. We use this information to manage the Site, provide and improve the Services, analyze usage, protect the Services and its content from inappropriate use, and improve the nature and marketing of the Services.

In addition to the specific uses above, we might also use your Personal Information to (i) provide the Services and personalize your experience; (ii) send you support and administrative messages; (iii) monitor your compliance with any of your agreements with us; (iv) protect your privacy and enforce this Privacy Policy; (v) identify, contact, or bring legal action against persons or entities who may be causing injury to you, to Kona, or to others if we believe it is necessary; (vi) comply with a law, regulation, legal process or court order; or (vii) fulfill any other purpose to which you consent. Kona will update this Privacy Policy or otherwise notify you and obtain your consent where required under applicable law before we collect additional categories of Personal Information or use your Personal Information for purposes that are incompatible with the purpose stated at the time of collection.

Regarding Personal Information Retention

We retain your Personal Information for as long as necessary to fulfill the purposes for which it has been collected, as outlined in this Privacy Policy, or any longer retention period required by law. Our data retention practices are designed to ensure that our Services serve as a secure repository of information, comply with regulatory requirements, and support a policy of good data hygiene.

Regarding Disclosure to Third Parties

We only disclose your Personal Information in limited circumstances and for specific purposes. If any Service allows for social connectivity or sharing, we will notify you of the privacy implications of using the feature before you proceed. In the last 12 months, Kona has disclosed all categories of Personal Information that we collected for a business purpose to these recipients:

Our Service Providers

- We use a variety of service providers such as data hosting companies, analytics services, email hosting services, and payment processors. We prohibit our service providers from selling or disclosing the Personal Information we provide, and we require all service providers to maintain confidentiality standards that are commercially reasonable to ensure the security of your Personal Information. The type of information that we provide to a service provider will depend on the service that they provide to us.

Our Affiliates

- As a part of the Kona family of brands, we may disclose the Personal Information we collect about you to our affiliates or subsidiaries. If we do disclose your Personal Information to our affiliates or subsidiaries, their use and disclosure of your Personal Information will be subject to this Privacy Policy.

Our Franchisees

- As a part of the Kona Ice family of services, we may disclose the Personal Information we collect about you to our Kona Ice franchisees. If we do disclose your Personal Information to our franchisees, their use and disclosure of your Personal Information will be subject to this Privacy Policy.

Law enforcement or other governmental agencies as permitted or required by law.

Cookie information recipients subject to their respective Privacy Policies.

Other Third Parties, as permitted by applicable law.

- For example: if we go through a business transition (e.g., merger, acquisition, or sale of our assets); to comply with a legal requirement or a court order; when we believe it is appropriate in order to act regarding illegal activities or prevent fraud or harm to any person; to exercise or defend our legal claims; or for any other reason with your consent.

Regarding Aggregated and Deidentified Information

We may use fully anonymized, deidentified or aggregated data generated using Personal Information to assist with our market research, marketing, advertising, or other purposes. This information is not your Personal Information, so we may do this for our purposes and without consent or restriction.

Children's Privacy

Our Services are not intended for children under 16 years of age. No one under age 16 may provide any Personal Information to or through the Services. We do not knowingly collect personal information from children under 16. If you are under 16, do not use or provide any information on our Services, or through any of its features, register on our Services, or make any purchases through our Services, use any of the interactive or public comment features of our Services, or provide any information about yourself to us, including your name, address, telephone number, email address, or the Personal Information of anyone else including a parent or legal guardian. If we learn we have collected or received personal information from a child under 16 without verification of parental consent, we will delete that information. If you

believe we might have any information from or about a child under 16, please contact us at Korporate@kona-ice.com or 859-371-3203.

Kona Is Offered in the U.S.

Kona is owned and operated in the United States and is designed to serve customers in the United States and Canada. We do not market the Services to residents in the European Union or any other jurisdiction outside of the United States and Canada.

If you are a customer who is a non-US resident or if you visit the Site from outside of the United States, you accept that Personal Information we collect about you will be transferred to our servers in the United States and maintained there in accordance with our retention policy. This may require the transfer of your Personal Information out of your country of origin with laws governing data collection and use that may differ from or be more restrictive than U.S. law, or may result in governments, courts, law enforcement, or regulatory agencies having access to or obtaining disclosure of your Personal Information pursuant to the laws of the applicable foreign jurisdiction. By allowing us to collect Personal Information about you, you consent to this Privacy Policy and the transfer and processing of your Personal Information as described in this paragraph, and you waive any and all remedies that you may have based on the laws of your jurisdiction.

Your Privacy Choices and Controls

Kona provides you with methods to directly control your Personal Information on the Services.

Your Account Profile and Device Settings

If you create an account, you can sign into your accounts at any time to change or delete certain Personal Information. Please contact us if you wish to make changes to your account but are not able to do so. You can also control the data we collect by adjusting your device settings.

Emails

If you provide us with your email address, we may send you informational or support emails or, if you opt-in, marketing emails about the Services. You can opt-out of marketing emails but not our support/transactions emails. To opt-out, change your preferences via the links provided in the emails, contact us at Korporate@kona-ice.com or 859-371-3203.

Texting Consent

If you provide us with your wireless number, you consent to Kona sending you text messages for informational or authentication purposes. The number of texts that we send to you will be based on your circumstances and requests. You can unsubscribe from text messages by replying STOP or UNSUBSCRIBE to any of these text messages. Messaging and data charges may apply to any text message you receive or send. Please contact your wireless carrier if you have questions about messaging or data charges.

Do Not Track Requests

Do Not Track signals are signals sent through a browser informing us that you do not want to be tracked. Currently, our systems do not recognize browser “do-not-track” requests. If this changes in the future, we will update this Privacy Policy.

Consumer Privacy Requests

If you wish to exercise your rights beyond the methods provided, express concerns, lodge a complaint, or obtain additional information about the use of your Personal Information, please contact us at Korporate@kona-ice.com or 859-371-3203.

We do not charge a fee to process or respond to a verifiable request unless we have legal grounds to do so. In that case, we will tell you the estimate of cost and why we are charging the fee before we complete your request. We may be unable to fulfill some or all of your request, for example, if your request falls within a statutory exception or if fulfilling your request would prevent us from complying with a statutory or contractual obligation.

Privacy Rights Available in the United States

In the United States, consumer privacy is governed by state laws providing general consumer privacy rights, as well as federal laws governing specific industries or data uses. This section provides notices of consumer privacy rights available through the state laws of California, Colorado, Connecticut, Nevada, Utah, Virginia, and other states with similar requirements. If you reside in a state offering privacy protections (“**Consumer**”), you may be entitled to some or all of these rights:

- **Right to Correct.** You have the right to request that we correct inaccurate Personal Information about you on our systems. If you become aware that the Personal Information that we hold about you is incorrect, or if your situation changes (e.g., you change address), please inform us and we will update our records.
- **Right to Delete.** You have the right to request that we delete your Personal Information that we collected from you and retained, with certain exceptions. In response to your request, we may permanently delete, deidentify, or aggregate the Personal Information in response to a request for deletion. If you submit a right to deletion request, we will confirm the Personal Information to be deleted prior to its deletion, and we will notify you when your request is complete.
- **Right to Access.** You may have the right to receive confirmation that we have collected Personal Information about you and copies of the requested pieces of Personal Information in a portable and readily usable format. Kona may be legally prohibited from disclosing certain pieces of Personal Information, and we may be limited in the number or frequency of requests we must fulfill.
- **Limited Use and Disclosure of Sensitive Personal Information.** Kona does not seek to collect your sensitive Personal Information. In no event will we use or disclose your sensitive Personal Information for the purpose of inferring characteristics about you. If this ever changes in the future, we will update this Privacy Policy and provide you with methods to limit use and disclosure of sensitive Personal Information.
- **No Selling or Sharing Personal Information.** Kona does not, and will not, sell the Personal Information collected about you or share your Personal Information with third parties for

cross-contextual behavioral advertising purposes. Kona may use data collected from cookies on the Site or applications for marketing or retargeting, which may qualify as “sharing” Personal Information under some laws. To opt-out of this sharing, adjust your settings on your browser.

- **No Profiling.** Kona does not use any form of automated processing of Personal Information to evaluate, analyze, or predict your performance, preferences, choices, or behavior. If this changes in the future, we will update this posting to describe our use of profiling and your options to opt-out.
- **Right to Disclosure.** You may have the right to receive details about the collection and use of your Personal Information via our Services, such as: (i) the categories of Personal Information we have collected about you; (ii) the categories of sources for the Personal Information we have collected about you; (iii) our business purpose for collecting, using, processing, sharing or selling that Personal Information, as applicable; (iv) the categories of third parties with whom we share that Personal Information; and (v) if we sold or shared your Personal Information under the California Consumer Privacy Act, two separate lists stating: (a) sales or sharing, identifying the Personal Information categories that each category of recipient purchased; and (b) disclosures for a business purpose, identifying the Personal Information categories that each category of recipient obtained. Certain laws may limit the number or frequency of requests we must fulfill.
- **Right to Nondiscrimination.** Kona will not discriminate against you for exercising your privacy rights. As an example, unless permitted by law we will not: (i) deny you goods or services; (ii) charge you different prices or rates for goods or services; (iii) provide you a different level or quality of goods or services; (iv) retaliate against you as an employee, applicant for employment, or independent contractor for exercising your privacy rights; or (v) suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services, because you exercised a right under applicable privacy laws.
- **Right to Disclosure of Marketing Information.** California’s Shine the Light Act (Civil Code sections 1798.83-1798.84) entitles California residents to request certain disclosures regarding Personal Information sharing with affiliates and/or third parties for marketing purposes.

Please contact your us to exercise these rights or inquire further at Korporate@kona-ice.com or 859-371-3203.

Data Security

Kona implements reasonable and appropriate technical, organizational, and physical security measures to help protect your Personal Information from unauthorized or illegal access, destruction, use, modification, or disclosure. We employ a series of security measures, including secure login, multifactor authentication, encryption in transit and at rest. We ensure that Kona personnel responsible for handling Personal Information and privacy matters are informed of applicable privacy law requirements. Our security measures are appropriate to the volume, scope, and nature of the Personal Information processed and designed to meet our duty of care with respect to your Personal Information. Please note, however, that no transmission of data over the internet is 100% secure. We cannot guarantee that unauthorized third parties will not defeat our security measures or use your Personal Information for improper purposes. It is your responsibility to keep your account secure from unauthorized access. Kona

is not responsible for any lost, stolen, or compromised passwords, or any unauthorized activity on your account.

Third Party Websites

The Services may include links to other websites whose privacy practices may differ from ours. If you submit Personal Information to any of those websites, your information is governed by the privacy policies of those other websites. You should carefully review the Privacy Policy of any website you visit.

Privacy Policy Updates

We may periodically update this Privacy Policy. If we make any material changes, we will notify you through the Services or by updating this posting. The date that this Privacy Policy was last revised is identified at the top of the page. Your continued use of the Services after the effective date will be subject to the new Privacy Policy. You are responsible for periodically checking this Privacy Policy for changes.