

## PRIVACY POLICY FOR CALIFORNIA RESIDENTS

**Effective Date:** October 1, 2023

**Last Updated:** September 19, 2023

This Privacy Policy for California Residents (this “Policy”) supplements the information contained in the Website Private Policy <https://www.tokamerica.com/wp-content/uploads/2023/10/Website-Privacy-Policy-rev2.pdf> of Tokyo Ohka Kogyo America, Inc. (the “Company”, “we”, or “us”) and applies solely to all visitors, users, and others who reside in the State of California (“consumers” or “you”). We adopt this Policy to comply with the California Consumer Privacy Act of 2018 (the “CCPA”), as amended, and any terms defined in the CCPA have the same meaning when used in this Policy.

### **PERSONAL INFORMATION WE COLLECT**

**Personal Information:** Information that identifies, relates to, or could reasonably be linked directly or indirectly with a particular California resident constitutes “Personal Information”. In the past 12 months, we have collected the following categories of Personal Information:

<b>Category</b>	<b>Examples</b>	<b>Collected</b>
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information.  Some Personal Information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES

D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	NO
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	NO
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	NO
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	NO

**Sensitive Personal Information:** Personal Information that reveals any of the information listed in the categories in the table below constitutes “Sensitive Personal Information”. In the past 12 months, we have collected the following categories of Sensitive Personal Information:

Category	Collected
A. Social security, driver's license, state identification card, or passport number.	YES
B. Account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account.	YES
C. Precise geolocation.	NO
D. Racial or ethnic origin, religious or philosophical beliefs, or union membership.	YES
E. Contents of a consumer's mail, email, and text messages unless the business is the intended recipient of the communication.	YES
F. Genetic data.	NO
G. The processing of biometric information for the purpose of uniquely identifying a consumer.	NO
H. Personal Information collected and analyzed concerning a consumer's health.	YES
I. Personal Information collected and analyzed concerning a consumer's sex life or sexual orientation.	NO

**PERSONAL INFORMATION SOURCES**

The categories of sources from whom we collected the Personal Information and Sensitive Personal Information listed above include the following:

- Directly from you or an authorized agent or family member, through direct interactions and forms.
- Service Providers and other third parties (e.g., credit bureaus or mortgage brokers).
- Directly and indirectly from activity on our website, directly from our human resources information system.
- Through passive collection of information about your interactions, including page clicks, time spent, or other automatically collected meta-data.
- Internet cookies.
- Government Agencies and other publicly available sources.

**USE OF PERSONAL INFORMATION**

We may use or disclose the Personal Information we collect for one or more of the following business purposes:

- To fulfill or meet the reason you provided the Personal Information.
- To support, personalize, and develop our website, products, and services.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- Detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity, and prosecuting those responsible for that activity.
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To maintain, improve, upgrade, or enhance our products and services.
- To carry out our obligations and enforce our rights arising from any contracts entered between you and us, including billing and collections.
- Complying with laws and regulations and to comply with other legal process and law enforcement requirements (including any internal policy based on or reflecting legal or regulatory guidance, codes, or opinions).
- As described to you when collecting your Personal Information or as otherwise set forth in the CCPA.

### **SHARING PERSONAL INFORMATION**

We do not sell personal information. We do not share personal information for the purpose of cross-context behavioral advertising.

### **YOUR RIGHTS UNDER THE CCPA**

The CCPA provides California residents with specific rights regarding their Personal Information. This section describes your CCPA rights and explains how to exercise those rights.

**Right to Know:** You have the right to request that we disclose certain information to you about our collection and use of your Personal Information over the past 12 months. Once we receive your request and confirm your identity (*see Exercising Your Rights to Know, Delete, and Correct*), we will disclose to you:

- The specific pieces of Personal Information we collected about you (also called a data portability request).
- The categories of Personal Information we collected about you.
- The categories of sources for the Personal Information we collected about you.
- The Personal Information categories sold or shared, if any, and the categories of third parties purchasing or receiving that Personal Information.
- The Personal Information categories disclosed for a business purpose, if any, and the categories of persons receiving the Personal Information.
- Our business or commercial purpose for collecting, selling, or sharing that Personal Information.

**Right to Delete:** You have the right to request that we delete any of your Personal Information that we collected from you and retained, subject to certain exceptions. Once we receive your request and confirm your identity (*see Exercising Your Rights to Know, Delete, and Correct*), we will review your request to see if an exception allowing us to retain the information applies. We may deny your deletion request if retaining the information is necessary for us or our service provider(s) to:

- Complete the transaction for which the Personal Information was collected, fulfill the terms of a written warranty or product recall conducted in accordance with federal law, provide a good or service requested by you, or reasonably anticipated by you within the context of our ongoing business relationship with you, or otherwise perform a contract you have entered into with us.
- Help ensure security and integrity to the extent the use of your Personal Information is reasonably necessary and proportionate for those purposes.
- Debug products to identify and repair errors that impair existing intended functionality.
- Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
- Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 et. seq.).
- Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
- Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
- Comply with a legal obligation.

**Right to Correct:** You have the right to request that we correct any inaccuracies in your Personal Information we hold about you, considering both the Personal Information's nature and processing purposes. Upon receiving your request (*see Exercising Your Rights to Know, Delete, and Correct*), we will use commercially reasonable efforts to:

- Correct the Personal Information on our existing systems or alternatively, delete the contested Personal Information if the deletion does not negatively impact you or if you consent to such deletion.

**Right to Opt-Out:** You have the right to prevent the sale and sharing of your Personal Information to third parties at any time by requesting that we stop doing so (*see Exercising Your Rights to Opt-Out*).

**Right to Limit Sensitive Personal Information:** You have the right to limit how we use and disclose your Sensitive Personal Information by requesting that we restrict our use and disclosure of such Sensitive Personal Information to the "Permitted Sensitive Personal Information Purposes", which allow us to collect, use, and disclose Sensitive Personal Information for the following purposes, even after you exercise your limitation rights:

- To perform services or provide goods that an average consumer requesting those goods or services would reasonably expect.
- To prevent, detect, and investigate security incidents compromising Personal Information.
- To resist malicious, deceptive, fraudulent, or illegal actions directed our business and to prosecute those responsible for those actions.
- To ensure individuals' physical safety.
- For short-term, transient use, including, but not limited to, non-personalized advertising shown as part of your current interaction with that us, so long as we do not:
  - disclose your Sensitive Personal Information to another third party; or
  - use it to build a profile about you or otherwise alter your experience outside your current interaction with us.
- To perform services for the business, including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing, storage, or providing similar services for the business.
- For products, services, or devices that we own, manufactures (directly or indirectly), or control, to:
  - verify or maintain the quality or safety of the product, service, or device; or
  - improve, upgrade, or enhance the service or device.
- For purposes that do not infer characteristics about you.

**Right to Non-Discrimination:** We will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.

## **EXERCISING YOUR RIGHTS**

**Exercising Your Rights Under the CCPA:** To exercise your rights under the CCPA, such as the right to know, delete, or correct described above, please submit a request by either:

- Calling us at 1-888-815-2504
- Completing a form online at: <https://www.tokamerica.com/contact/>

**Right to Limit Sensitive Personal Information:** To exercise your right to limit Sensitive Personal Information, please submit a request by either:

- Calling us at 1-888-815-2504
- Completing a form online at: <https://www.tokamerica.com/contact/>

## **Submission and Response**

Once you have submitted a request, we will acknowledge receipt of your request and advise you how long we expect it will take to respond if we are able to verify your identity. Also, we may ask you to describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it. Only you or a person that you authorize to act on your behalf, may make a Verifiable Consumer Request, as defined in the CCPA, related to your Personal Information. You may also make a Verifiable Consumer Request on behalf of your minor child.

We cannot respond to your request or provide you with Personal Information if we cannot verify your identity or authority to make the request and confirm the Personal Information relates to you. Additionally, we will not honor your request where an exception applies, such as where the disclosure of Personal Information would adversely affect the rights and freedoms of another consumer or where the Personal Information that we maintain about you is not subject to the CCPA's access or deletion rights. We will advise you in our response if we are not able to honor your request. We will not provide social security numbers, driver's license numbers or government issued identification numbers, financial account numbers, account passwords or security questions and answers, or any specific pieces of information if the disclosure presents the possibility of unauthorized access that could result in identity theft or fraud or unreasonable risk to data or systems and network security.

Making a Verifiable Consumer Request does not require you to create an account with us. We will only use Personal Information provided in a Verifiable Consumer Request to verify the requestor's identity or authority to make the request.

We commit to respond to a Verifiable Consumer Request within 45 days of its receipt. If we require more time (up to a total of ninety (90) days), we will inform you of the reason and extension period in writing.

### **Authorized Agent**

You may authorize an agent to exercise your rights on your behalf. When a request is submitted by an authorized agent, the Company will require the requestor to: (i) provide the authorized agent's written permission to do so; and (ii) will require the requestor to verify their own identity directly with the Company. If the Company is unable to verify the identity of the requestor or does not receive proof from the authorized agent that the requestor authorized the agent to act on the requestor's behalf, the request will be denied.

### **CHANGES TO THIS POLICY**

The Company may make periodic changes to this Policy. When these changes occur, we will post the new Policy on our website and change the "Last Updated" date accordingly. When appropriate, we may notify you through other means.

### **CONTACT FOR MORE INFORMATION**

If you have any questions or concerns regarding the policies and practices described in this Policy, please contact us at 1-888-815-2504.