

PERSONAL DATA PROTECTION POLICY

Last update: 26 October 2021

This Privacy Policy refers to the processing of personal data (hereinafter "*Personal Data*") while you are using the smartphone or tablet application called "FRUITZ" (hereinafter the "*Application*") which is published by FLASHGAP.

The Personal Data collected are processed by FLASHGAP, a French "société par actions simplifiée" with a share capital of EUR 26 232,00 registered under the number 805 232 352 at the RCS of PARIS, with headquarters located at 5 rue du Pont aux choux 75003 Paris and represented by its President, Julian KABAB, (hereinafter "*Data Controller*" or "*FLASHGAP*"), or on its behalf, under the conditions defined below.

As a Data Controller, FLASHGAP undertakes to implement adequate measures to ensure the protection, confidentiality and security of your Personal Data and to process and use such data in compliance with the applicable provisions and in particular with the European Regulation 2016/679 of 27 April 2016 (hereinafter the "*GDPR* ") and the French law n°78-17 of 6 January 1978 known as the "Loi Informatique et Libertés" (the "*Informatique et Libertés*" law), and any other law or regulation that may be added to or substituted for it.

The purpose of this Privacy Policy is to inform you about the way FLASHGAP processes the Personal Data that you provide and that FLASHGAP collects while you are using the Application and its services.

It applies to all the services published by FLASHGAP for the individuals registered on the Application (hereinafter the "*Users*"). For services provided and operated by third parties, please refer to their privacy policy.

1. What Personal Data is processed by FLASHGAP?

Personal Data means any information relating to an identified or identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier, such as a name, an identification number, location data, an online identifier, or to one or more factors specific to his or her physical, physiological, genetic, mental, economic, cultural or social identity.

The Data Controller collects and processes your Personal Data when you use the Application and which includes:

- information that you provide directly,
- data that FLASHGAP collects automatically,
- information that FLASHGAP collects from third parties.

1.1. Data that you provide directly to FLASHGAP

When you register by SMS, some information has to be provided to FLASHGAP. Otherwise, FLASHGAP will not be able to run the requested services.

To register for an account on the Application by SMS, the following Personal Data are mandatory:

- your phone number, when you register with it;
- your first name ;
- your date of birth ;
- your gender ;
- your search preferences on the type of meeting (men, women, both), your expectations in terms of relationship and your current state of mind. You can change this information at any time in the Application settings;
- at least one profile picture.

Some of this information identifies you. Once communicated, the following information will be visible to other Users and made public on the Application : your photos, your first name, your age (deduced from your date of birth), your gender, your biography, if you have filled it in, the "fruit" of your choice (cherry : for finding your other half, grape : for a glass of wine without headache, watermelon : for recurring cuddles without hitting a snag, peach : for a sinful desire), as well as your geographic proximity with other Users.

In addition, the following data is required:

- geolocation: to allow FLASHGAP to suggest you profiles of Users around you;
- text messages: to provide the services and functionalities in accordance with the Terms and Conditions of Use of FLASHGAP;
- data related to the follow-up of the reports and requests addressed to FLASHGAP's customer service: to ensure the security of your Personal Data and to answer the requests for assistance formulated by the Users while interacting on the Application.

Finally, to complete your profile, you can fill in "my bio" with other additional information. You can provide information on your interests, habits, hobbies, cultural tastes, lifestyle, professional situation, etc.

This information is optional. You can fill it in freely, at your own discretion.

However, FLASHGAP draws your attention that some of these data might be qualified as sensitive. The data legally qualified as "sensitive" under the GDPR are in particular data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, as well as to health, sex life or sexual orientation (hereinafter "Sensitive Data").

By ticking the box on the Application registration screen, you agree that these data will be processed by FLASHGAP for the sole purpose of providing you with the services offered by the Application.

1.2. Data that FLASHGAP collects from third parties

When you register with your Facebook or Apple account:

- by clicking on the "connect with Facebook" button, FLASHGAP collects from the latter: your first and last name, your date of birth, your email address and your gender.
- by clicking on the button "connection with Apple", FLASHGAP has access to: your name and your email address.

1.3. Data that FLASHGAP collects automatically

When you use the Application, FLASHGAP automatically collects the following data:

- Data related to your activity such as the date of registration, your connection history, your connected or disconnected status, your interactions with other Users, your number of transactions, notifications received, etc.
- IP address, application version, device version, mobile or device identifier, language used, operating system, application crashes, advertising identifiers.
- Bank transaction data: no banking data is collected or processed by FLASHGAP. These data are exclusively collected and processed by App Store or Play Store. Only the transaction numbers for their validation, your purchase and subscription history are kept by FLASHGAP who will not keep any information related to the payment methods.

2. Why does FLASHGAP process your Personal Data and what is the legal basis for the processing?

2.1. To fulfil the provisions of the Terms and Conditions of Use of FLASHGAP and in particular for:

- The creation and management of your account, to verify your compliance with the Code of Conduct and validate your registration;
- The management and storage of communications exchanged between Users and in particular the "likes" and "dislikes", to determine if it is a match and if not, to avoid sending the same profile twice;
- The management of subscriptions and paid services subscribed;
- The sending of notifications relating to services.

The legal basis for this processing is the performance of the contract (Terms and Conditions of Use and/or a paying subscription).

2.2. To suggest you profiles

- Geolocation is one of the main functionalities of the Application which allows you to find other Users in your vicinity. When you register, you have the choice of sharing your location:
 - only when you are using the Application;
 - once ;
 - never.

Your exact location is not shown, nor is the one of the other Users. It simply allows you to locate them within a radius that you define in the Application's settings. The processing of this data is necessary in order to provide the proximity dating service and the data is collected strictly for this purpose.

The legal basis for this processing is the performance of the contract (Terms and Conditions of Use).

2.3. To ensure the security of your Personal Data and to respond to requests for assistance from Users in using the Application

- To monitor or prevent security breaches of the Application by identifying and analysing fraudulent activities and to provide assistance so that the Application is used in good technical and operational conditions.

The legal basis for this processing is the legitimate interest of the Data Controller in ensuring the security of your Personal Data.

2.4. To detect, prevent and fight against illegal activities or activities that violate FLASHGAP's Terms and Conditions of Use, to guarantee the trust of the Users and to comply with legal obligations

- Analysis and processing of reports of fraudulent/undesirable behaviour;
- Management of fraudulent behaviour: warning, suspension, blocking or deletion of the User's account notified by means of push notifications;
- Management of requests for the exercise of Users' rights.

These processing operations are based on the legal obligation of FLASHGAP as a Data Controller, to remove illicit contents as soon as FLASHGAP is aware of them (article 6 of the French law of 21 June 2004 for the confidence in the digital economy) and on its obligation to answer to the requests of exercise of rights of the Users on their Personal Data (articles 12 to 22 of the *GDPR*).

2.5. To detect or prevent fraudulent activities or activities contrary to FLASHGAP's Terms and Conditions of Use

- Automated analysis of profile data and activity on the Application to ensure the quality of the profiles and to detect false profiles, fraudulent behaviour or behaviour contrary to the Terms and Conditions of Use and the Code of Conduct.
- Automated analysis, within the limits of the technical means used, of Users' photos to detect a face in order to exclude false profiles from the Application, to prevent fraudulent behaviour and to verify the identification of Users. It is not possible to create an account if a face is not detected in one of your photos when you register. In the event that your registration is not accepted even though one of your photos contains a face, you can contact FLASHGAP at any time at privacy@fruitz.io

The legal basis for this processing is the legitimate interest in preventing fraudulent activities.

3. How long does FLASHGAP keep your data?

FLASHGAP keeps your Personal Data as long as necessary for the purposes for which they were collected and processed and as long as your account exists, i.e.:

- For the duration of the User's registration plus 1 additional year. After 1 year of inactivity on an account, it will be erased. An account is considered inactive when the User's Application has not established contact with FLASHGAP servers and the User has not used the Application.
- When a User is banned, he is informed via a push notification. His account becomes inactive. The information of the banned account is kept for one year in the active database in order to compare it with the information provided during new registrations on the Application and to prevent, as far as possible, any re-registration of an excluded user. At the end of this period, the account is archived and kept for a further year before being permanently deleted.
- When the User deletes his account or requests its deletion from customer service, it is deleted from the Application. However, the User's data will be kept in a separate archive for 1 year before being definitively destroyed, in order to allow FLASHGAP to comply with its obligation of conservation as a hosting company.

The Personal Data of the Users may be kept for a longer period of time by intermediate storage, for the period necessary in accordance with the legal or regulatory obligations of conservation or for the purposes of the establishment, exercise or defence of a legal right.

FLASHGAP undertakes to make its best efforts to guarantee the optimal security of the stored data. It is up to each User to take all appropriate measures to protect his own data.

4. Personal Data of children

The use of the Application is reserved exclusively to adults. In case of doubt, FLASHGAP reserves the right to verify by any means that the User is over 18 years old. In case of fraudulent attestation on the majority of a User, the parent(s) are invited to notify FLASHGAP by sending an e-mail to privacy@fruitz.io, in order to request the erasure of the data. FLASHGAP undertakes to erase all Personal Data regarding the minor child as soon as possible.

5. To whom is your Personal Data intended and how is it shared?

The authorized managers of FLASHGAP process the Personal Data of the Users for the purposes described above and only for the data that are necessary for the execution of their assignments.

The main functionality of the Application being the development of relationships with other Users, your data is shared with them.

FLASHGAP also shares some of your data with authenticated and trusted service providers and partners in compliance with the Privacy Policy and who guarantee the security and confidentiality of the Users' Personal Data.

These service providers help FLASHGAP to operate and improve the services, in particular for:

- the subcontracting of hosting, maintenance and data analysis;
- technical services for the use of the Application and/or the proper functioning of the Application;
- the provision of assistance to Users and the follow-up of their reports and requests;
- to comply with legal obligations and to enforce its rights;
- if FLASHGAP is involved in, and without this list being exhaustive, restructuring, change of control, merger, acquisition, disposal, dissolution...

6. Is your Personal Data transferred outside the European Union?

Users' Personal Data may be transferred to Google in the United States for data hosting services.

These transfers of Personal Data are secured by standard contractual clauses, validated by the European Commission or other relevant security measures allowing data transfers from the EU to other countries.

7. What are your rights and how to exercise them?

In accordance with the law n° 78-17 of January 6, 1978, known as the Data-processing law and Freedoms and with the GDPR, you have a right:

- to access to your Personal Data under the conditions set out in Article 15 of the GDPR;
- to rectify (amendments, updates) your Personal Data that are incomplete, inaccurate, out-of-date or deleted in accordance with Article 16 of the GDPR. You have the right to modify and rectify certain data directly from the Application;

- to the portability of the Personal Data you have provided in a structured, commonly used and machine-readable format and to have such Personal Data transmitted directly to another Data Controller, when technically possible (Article 20 of the GDPR). FLASHGAP reserves the right to verify the identity of the applicant. Proof of identity may be requested which will not be transmitted or transferred to third parties;
- to object at any time, for reasons related to your particular situation, to the processing of Personal Data for prospecting purposes. FLASHGAP will no longer process such data, unless it can demonstrate compelling legitimate grounds for the processing which override the interests and rights and freedoms of the data subject, or for the establishment, exercise or defence of legal claims;
- to request FLASHGAP to erase your data provided within the limits of the rights based on Article 17 of the GDPR. You also have the possibility to delete your account directly on the Application, in the "Settings" tab. FLASHGAP, as host, has the legal obligation to keep your Personal Data for one year under Article 6-II) of Law No. 2004-575 of 21 June 2004 for confidence in the digital economy. The data will be kept in a separate archive solely for the purpose of responding to a judicial requisition and will be permanently deleted at the end of the one-year period;
- to restrict some of your data under the conditions of Article 18 of the GDPR;
- to define the directives relating to the conservation, deletion and communication of your Personal Data after your death in accordance with Article 85 of the Data Protection Act.

FLASHGAP undertakes, within its capabilities, to respect the protection of your Personal Data and to process your requests as soon as possible.

The data communicated to FLASHGAP via Facebook Connect or Apple cannot be rectified without their cooperation.

You can exercise these rights by sending an email to: privacy@fruitz.io , directly from the Application, or by sending a letter to the following postal address FLASHGAP, 5 rue du pont aux choux 75003 Paris.

In case of doubt about the identity of the applicant, proof of identity may be requested.

For any additional information or complaint, you can contact the Commission Nationale de l'Informatique et des Libertés (CNIL) or any other competent supervisory authority. Please contact FLASHGAP prior to lodging a complaint.

8. How to contact FLASHGAP?

For any question relating to this Privacy Policy or for any request relating to your Personal Data, you can contact FLASHGAP:

- by email, directly from the Application at our contact email address : privacy@fruitz.io or by mail at the following postal address : FLASHGAP, 5 rue du pont aux choux 75003 Paris.

9. Language

Should the English and French versions of this Privacy Policy differ, the French version shall prevail.