

PERSONAL DATA PROTECTION POLICY

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This Privacy Policy concerns the processing of personal data (hereinafter "*Personal Data*") while you are using the smartphone or tablet application "FRUITZ" (hereinafter the "*Application*") as published by FLASHGAP, a French "*société par actions simplifiée*" with share capital of EUR 28 829.60 registered under the number 805 232 352 at the Paris "*Registre du Commerce et des Sociétés*", with headquarters located at 5 rue du Pont aux Choux 75003 Paris and represented by its President, Julian KABAB, (hereinafter "*FLASHGAP*").

The Personal Data collected are processed by FLASHGAP, or on its behalf, under the conditions set out 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 all applicable laws and regulations, in particular European Union Regulation 2016/679 of 27 April 2016 (hereinafter the "*GDPR*") and French law n° 78-17 of 6 January 1978 known as the "*Loi informatique et libertés*", and any other law or regulation that may be added to it or take its place .

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

It applies to all use of the Application by individuals signed up to use the Application (hereinafter the "*Users*"). For any services provided and operated by third parties, please refer to the privacy policies of those service providers.

1. What Personal Data is processed by FLASHGAP?

Personal Data means any information relating to an identified or identifiable natural person ("Data Subject") 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 the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

FLASHGAP collects and processes your Personal Data when you use the Application, including:

- information that you provide directly to FLASHGAP;
- information that FLASHGAP collects automatically from you;
- information that FLASHGAP collects from third parties.

1.1. Data that you provide directly to FLASHGAP

When you sign up to the Application by SMS, certain information must be provided to FLASHGAP you can use the Application.

Therefore, to create a User account on the Application by SMS, the following Personal Data are mandatory:

- your phone number, when you register using that phone number;
- your first name;

- your date of birth;
- your gender;
- your search preferences relating to the type of meeting that you seek (with men, women, or 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 (derived 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 a headache; watermelon : for recurring cuddles without hitting a snag; peach : for a sinful desire); and
- your geographic proximity with other Users.

In addition, the following data are required:

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

Finally, to complete your profile, you may fill in the "my bio" field with additional information, for example information on your interests, habits, hobbies, cultural tastes, lifestyle, professional situation, etc.

This information is optional. You may decide whether to provide such information at your own discretion.

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

Profile Verification Information (Including Biometric Information)

For safety and security and to ensure you have the best possible user experience, we require Users to verify their accounts and might ask for your phone number and, in some instances, we might also ask that you carry out photo verification. We want to make sure you are not a robot! And we also want to avoid fake Fruit accounts being created which can be used for malicious activities and cybercrime – they threaten the Fruit network and spoil things for everyone. This verification might be required by us for the prevention of fraud. You can also verify your photo on a voluntary basis (to add the blue 'verified' badge to your profile).

If you choose to verify your profile photo, we will scan each photo that you submit. The scan may include the use of facial recognition technology so that we can compare the photo you submit to your profile photo, to help ensure that you are who you say you are. We do not add the verification photos to your profile. We retain the scans so that we can verify you in the future and for our record-keeping purposes until we no longer need them for such purposes or for three years after your last interaction with us, whichever occurs first. After the applicable retention period expires, we take commercially reasonable steps to permanently and securely delete the scans from our systems.

1.2. Data that FLASHGAP collects from third parties

When you sign up to the Application with or:

- your Facebook 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.
- your Apple account, by clicking on the button "connect with Apple", FLASHGAP has access to your name and your email address.

1.3. Data that FLASHGAP collects automatically from you

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

- Data related to your activity regarding the Application, such as the date that you signed up, your connection history, your "connected" or "disconnected" status, your interactions with other Users, your number of transactions, notifications received, your actions such as scrolling, clicking, adding to cart, etc.
- IP address, application version, device version and model, mobile or device identifier, connection history, the country in which you are located, language used, application crashes, browser used, advertising identifiers such as IDFA and IDFV for Apple and GAID for Google and the identification number of the iOS or Android operating system used.
- Bank transaction data: no banking data is collected or processed by FLASHGAP. These data are exclusively collected and processed by the App Store or Play Store. Only the transaction numbers, for their validation, and your purchase and subscription history are kept by FLASHGAP. FLASHGAP will not keep any information related to the payment methods used.

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

2.1. To comply with FLASHGAP's Terms and Conditions of Use of the Application and in particular for:

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

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

2.2. To suggest profiles to you

Geolocation is one of the Application's main functionalities 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 exact location of 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 for you to be able to find other Users in your vicinity and the data is collected strictly for this purpose.

The legal basis for this processing is the performance of a contract (Terms and Conditions of Use to which you are a party).

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

To monitor or prevent Application security breaches by identifying and analysing fraudulent activity and to provide assistance so that the Application may be used in good technical and operational conditions.

The legal basis for this processing is the legitimate interest pursued by FLASHGAP of ensuring the security of your Personal Data.

2.4. To manage FLASHGAP's marketing operations

To promote our services and optimize our advertising operations, we conduct marketing campaigns and allow selected partners, listed in point 5 below, to conduct campaigns on our behalf.

For this purpose, our partners may use cookies which require your consent. You can choose to refuse or to consent to the use of cookies, when you sign up to the Application, via the cookie management banner.

You can withdraw your consent at any time in the same cookie management banner, where you can set and modify your choices. You may also object to this processing by: writing to us, by objecting to the use of your data for these purposes in the Application's settings , or by sending an email to privacy@fruitz.io.

With your consent, we and our partners may process your Personal Data for the following purposes :

- to run advertising campaigns and increase our performance via real-time bidding. Processing your Personal Data consists of the collection and enhancement of data related to your profile (gender, age, country, interests, etc. ...), as well as other contextual data (site visited, date and time, etc.) ;
- to compile our statistical reports on User flows, to help us to analyse our traffic and to measure the performance of our advertising.
- to recognize you as you use the Application and to tailor our services to the personal information that you have entered and that we may access (age, gender, etc.) and, if applicable, to your previous use of the Application.

In order to carry out this processing, our service providers have limited access to your information and are required to protect your Personal Data and use it only for the purposes for which it was collected, in accordance with this Privacy Policy.

The legal basis for the processing described above is your consent.

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 User 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 in order to detect a face and to exclude false profiles from the Application and to prevent fraudulent behaviour.

The legal basis for this processing is the legitimate interest pursued by FLASHGAP of preventing fraudulent activity or compliance with a legal obligation to which FLASHGAP is subject

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 Application account exists, i.e.:

- For the duration of the User's use of his or her User account plus one (1) additional year. User accounts will be erased after one (1) year of inactivity. A User account is considered to be inactive when the Application, as downloaded onto the User's device, has not established contact with FLASHGAP's servers and the User has not used the Application. Please see "Profile Verification Information (Including Biometric Information)", above, to learn about our retention policy with respect to biometric information.
- When a User is banned from using the Application, he or she is informed via a push notification and his or her User account becomes inactive. Information relating to banned accounts is kept for one (1) year in FLASHGAP's active database in order to compare it with information provided during the creation of new accounts on the Application and to prevent, as far as possible, any re-registration of excluded users. At the end of this period, the banned accounts are archived and kept for a further one (1) year before being permanently deleted.
- When a User deletes his or her account or requests its deletion from FRUITZ customer service, it is deleted from the Application. Thereafter, if the User does not use his or her User account for one (1) year, his or her data will be permanently deleted 1 month after deactivation.
- Users' Personal Data may be kept for a longer period of time in intermediate archiving, 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 or her own data.

4. Personal Data of children

The use of the Application is reserved exclusively for adults. In case of doubt, FLASHGAP reserves the right to verify by any means that the User is over 18 years old. Where a User fraudulently declares that he or she has attained the age of majority, the Users parent(s) are invited to notify FLASHGAP by sending an e-mail to privacy@fruitz.io, in order to request the erasure of the User's data. FLASHGAP undertakes to erase all Personal Data regarding the User as soon as possible.

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

FLASHGAP's authorized managers process Users' Personal Data for the purposes described above and only process such data that are necessary for the execution of their assignments such as providing assistance to Users or tracking their reports and requests.

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

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 Users' Personal Data.

In particular with :

- social networks: connection via Facebook (<https://www.facebook.com/policy.php>) and connection with Apple (<https://www.apple.com/ca/fr/legal/privacy/fr/>)
- our marketing and analytics providers: Adjust GmbH, Saarbrücker Str. 37a. 10405 Berlin, Germany (<https://help.adjust.com/fr/marketer/data-protection>), Adikteev 29 rue des Pyramides, 75001 Paris, France (<https://www.adikteev.com/>) and Mixpanel One Front Street, 28th floor, San Francisco, CA 94111 (<https://mixpanel.com/legal/privacy-policy/>)
- our subcontractors for app hosting and maintenance: Google (<https://policies.google.com/privacy?hl=en-US>)

FLASHGAP may also share your information with third parties:

- 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 and approved certifications 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 GDPR and with French law n° 78-17 of 6 January 1978, known as the "Loi informatique et libertés", you have the 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 User account directly on the Application, in the "Settings" tab. FLASHGAP, as host, has the legal obligation to keep your Personal Data for one (1) year under Article 6-II) of French Law N° 2004-575 of 21 June 2004 "*Loi pour la confiance dans l'économie numérique*". 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 abovementioned 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 "Loi informatique et liberté".

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

Please note that 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.