



## PRIVACY POLICY

Revision Date: September 1, 2022

This Privacy Policy describes the information collection, processing, use, and sharing practices of Tohatsu America Corp. (“Tohatsu,” “we,” or “our”) applicable to our websites (including tohatsu.com) and associated subdomains (collectively, “Website”) and information we may collect from you by telephone, email, or other electronic messaging.

Tohatsu encourages all Users (including, but not limited to, visitors, customers, business associates, and other interested parties) to read this Privacy Policy. By continuing to interact with our Website, or calling or sending us electronic messages, you acknowledge and agree that you understand and are bound by this Privacy Policy and that we may collect, process, transfer, use, and disclose your information, including personal information, as described in this Privacy Policy. For individuals located outside of the US, please note that Tohatsu is a US-based company. If you use the Website, all information, including personal information, will be transferred to Tohatsu in the US, and used as described in this Privacy Policy.

This Privacy Policy does not apply to any third-party application or website that may be accessed via links on our Website. We are not responsible for the privacy practices or content of any website (including any business partner or dealer website) you access through any external links on our Website. Please consult the privacy policies of those websites for more information about their practices.

The information here is accurate as of the date at the top of this page.

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## **1. HOW IS INFORMATION COLLECTED?**

We collect information from a variety of sources and in a variety of ways as described in this and the other sections of this Privacy Policy, including:

- Directly from you when you provide it to us;
- Using technology as you navigate through our Website;
- From third parties, such as our advertisers; and
- Through service providers that we have engaged to collect information on our behalf.

## **2. WHAT INFORMATION IS COLLECTED?**

We collect several categories of information from and about users of our Website as described in this and the following sections of this Privacy Policy, including:

- Information by which you may be personally identified, such as name, postal address, email address, and telephone number (“personal information”); and
- Information about your internet connection, the equipment you use to access our Website, and usage details such as times and dates of visits. If you decide to purchase our products or services, we may collect certain additional information, like your credit or debit card number and expiration date.

### **a. Information You Provide**

This section provides some additional details concerning the categories of information we collect directly from you, which includes:

- Personal information, including contact information, that you provide by filling in forms on our Website or by contacting us by telephone or other means. This includes information about your purchased product, contacting us regarding your warranty, contacting our Customer Service Department, and purchasing product or services from us.
- Records and copies of your correspondences (including email addresses) if you contact us and your responses to surveys that we might ask you to complete.
- Details of transactions you carry out through our Website and of the fulfillment of your orders. You may be required to provide financial information before placing an order through our Website.
- Your search queries on our Website.
- Personal information you submit (including text, images, audio, and video) through any features on our Website that allow such information to be visible to the general public or to be transmitted to other users of our Website or third parties (collectively, “User Contributions”). User Contributions include information you submit for potential publication on our affiliated sites, such as our social media sites and blog. We may



continue to add features available on our Website that allow real-time or delayed publication of User Contributions that are subject to this Privacy Policy. All User Contributions may become public and we may not be able to retrieve, delete, or prevent further distribution of User Contributions on our Website or in other forms of media. User Contributions are subject to any applicable terms and conditions issued by us for such User Contributions.

#### **b. Information Collected Through Technology**

In addition to the information that we collect directly from you, we use various technologies to collect personal information and nonpersonal information about you, your online behavior, and your device. Categories of personal information collected through technology includes:

- usage details;
- IP address;
- geolocation information;
- operating system;
- browser type; and
- unique device identifier and other information about your browsing activity, device, and internet connection.

We may collect information using cookies and other technologies. A cookie is a small file that is stored on your device. We (or authorized third parties) may use multiple types of cookies, including HTTP, HTTPS, JavaScript, or HTML5 cookies, to collect and store information about you and your activities on our Website. A web beacon is an object embedded in a webpage or email, which allows a person to check that a user has accessed that content. Your web browser may allow you to be notified when you receive certain types of cookies and tell you how to restrict or disable certain cookies. However, blocking or deleting browser cookies may not block or delete other types of cookies, including Flash cookies. For additional information about browser privacy preferences, please consult the features of your browser. If you disable or remove cookies, some parts of our Website may not function properly or you may not be able to use some or all the features and functions of our Website.

We may use technologies to collect information about your online activities over time and across third-party websites or other online systems. Third-party advertising companies and our service providers may also use cookies and other technologies to collect information about you and your activities on our Website and other websites for a variety of purposes, including providing you with advertisements that may be of interest to you. This type of advertisement customization is sometimes referred to as “online behavioral” or “interest-based” advertising. The use of tracking technologies by third parties at our Website is subject to those third parties’ privacy policies, not our privacy policy. Please see the “Opt-Out” section below for more information about online behavioral tracking, and how you can opt out of some forms of online behavioral tracking.

We may use a tool called “Google Analytics” to collect information about your use of our Website. Google Analytics collects information such as how often users visit our Website, what pages they visit when they do so, and what other websites they accessed or used prior to coming to our Website. We use the information from Google Analytics to understand user behavior as it relates to content and marketing, such as to improve our Website and services. Google Analytics collects your IP address but does not collect your name or other personal information. We may also use other data analytic tools and service providers in the future.

We may combine information we collect about you using technology with other information we have about you, including personal information.



### **3. WHAT IS THE PURPOSE OF THE COLLECTION AND USE OF YOUR INFORMATION?**

We use information, including personal information, that we collect about you or that you provide to us for a variety of purposes, including:

- To present our Website and its content to you;
- To allow you to participate in interactive features on our Website;
- To provide you with information, products, or services that you request from us;
- For our own marketing purposes;
- To fulfill any other purpose for which you provide it;
- To carry out our obligations and enforce our rights arising from any contracts entered between you and us, including for billing and collection;
- To notify you about changes to our Website or any products or services we offer or provide;
- To follow up with you about services or products provided by us or our business partners;
- To administer your accounts and subscriptions;
- To improve our content, products, services, and Website;
- To provide enhanced functionality when accessing our Website, including identifying you and keeping track of your specific preferences, including in terms of the presentation of content on our Website; and
- To deliver content, including ads, relevant to your interest in our products and services;

Without limiting any other rights, User Contributions may be used without compensation to you for online and offline promotional or commercial uses in all media worldwide.

### **4. DISCLOSURE OF YOUR INFORMATION**

We may disclose information for a business purpose, including personal information, that we collect, or you provide as described in this Privacy Policy:

- To our subsidiaries and affiliates;
- To contractors, service providers, and other third parties we use to support our business;
- To an affiliate, buyer, or other successor in the event of a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding;
- To fulfill the purpose for which you provide it;
- For any other purpose disclosed by us when you provide the information;
- To third parties for their own marketing purposes if you request that such information be shared for that purpose;



- To comply with any court order, law, or legal process, including to respond to any government or regulatory request;
- To enforce or apply our Terms of Use and other agreements, including for billing and collection purposes; and
- If we believe disclosure is necessary or appropriate to protect the rights, property, or safety of us, our customers, or others. This includes exchanging information with other companies and organizations for the purposes of fraud protection and credit risk reduction.

We do not share your personal information with third parties for the third parties' direct marketing purposes without your consent.

We may disclose aggregated, deidentified information about our users, User Contributions, and the nonpersonal information of any individual, without restriction.

#### **5. DO-NOT-TRACK DISCLOSURE**

Some web browsers have “do-not-track” features that tell websites that you do not want to have your online activities tracked. Our Website does not currently recognize or respond to automated browser signals, which may include “do-not-track” instructions.

#### **6. CHILDREN UNDER 13**

Our Website is not intended for children under the age of 13. If you are the parent or guardian of a person under 13 and believe that person provided us with personal information, please contact us at [info@tohatsu.com](mailto:info@tohatsu.com).

#### **7. OPT OUT OF MARKETING COMMUNICATION**

If you do not want personal information that we collect about you to be used for our marketing purposes, or for third-party marketing if you have consented to such sharing, you can opt out of such use and sharing by emailing your request to us at [info@tohatsu.com](mailto:info@tohatsu.com). Please note that even if you opt out, we may still use and share your personal information with third parties for non-marketing purposes, subject to applicable law and the following sections of this Privacy Policy.

For more information about online behavioral tracking, please visit [DIGITALADVERTISINGALLIANCE.ORG](http://DIGITALADVERTISINGALLIANCE.ORG) and [NETWORKADVERTISING.ORG](http://NETWORKADVERTISING.ORG). For more information about how you may opt out of some forms of online behavioral advertising by members of the National Advertising Initiative and Digital Advertising Alliance, please visit [NETWORKADVERTISING.ORG/CHOICES](http://NETWORKADVERTISING.ORG/CHOICES) and [ABOUTADS.INFO/CHOICES](http://ABOUTADS.INFO/CHOICES).



## **8. INTERNATIONAL DATA TRANSFER**

If you are located outside the United States, please note that we and our servers are in the United States. Any information that you provide to us may be transferred to and processed in the United States or other countries around the world where we do business. This transfer may include recipients of information located in countries where there may be a lower level of legal protection for your personal information than in your country. By using our Website, you unambiguously consent to your information being collected, processed, used, and transferred as disclosed herein.

### **a. European Union Data Privacy Rights**

If you are in the European Union (“EU”), the General Data Protection Regulation (“GDPR”) grants you certain rights under the law. In particular, the right to access, correct, delete, restrict processing of, and data portability of the personal information we hold about you. We may retain your personal information from the time you first engage with our Website until you request deletion of such personal information.

Upon request, we will grant you reasonable access to personal information that we hold about you. In addition, we will take reasonable steps to permit you to correct, amend, delete, restrict processing of, and request portability of the personal information we hold about you. We also rely upon your assistance in providing accurate updates of your personal information.

As described above, if you provide us with User Contributions, that information may become public, and we may not be able to retrieve, delete, or prevent further distribution of User Contributions on our Website or in other forms of media once that information has entered the public domain. Upon submitting a User Contribution, you acknowledge that User Contributions are subject to this Privacy Policy and the applicable terms and conditions issued by us for such User Contributions.

If you have a comment, question, or complaint about how we are handling your personal information, we hope that you contact us at [info@tohatsu.com](mailto:info@tohatsu.com) to allow us to resolve the matter. In addition, if you are in the EU, you may submit a complaint regarding the processing of your personal information to the EU data protection authorities (each a “DPA”). The following link may assist you in finding the appropriate DPA: [EC.EUROPA.EU/JUSTICE/DATA-PROTECTION/BODIES/AUTHORITIES/INDEX\\_EN.HTM](https://ec.europa.eu/justice/data-protection/bodies/authorities/index_en.htm).

### **b. Legal Basis for Processing Under GDPR**

We process and transfer your personal information under GDPR based on your consent as described in this Privacy Policy. In addition, in certain circumstances, we process your personal information because it is necessary to enter and perform a contract between us and you. Finally, we may also process your personal information based on our legitimate interests to market and sell our products.

Where personal information is processed based on consent, EU residents have the right to withdraw such consent at any time. To do so, please contact [info@tohatsu.com](mailto:info@tohatsu.com). If there is a different legal basis that would permit us to continue processing your personal information after withdrawing consent, we will notify you of that legal basis at the time of your request.

## **9. CALIFORNIA PRIVACY RIGHTS**

### **a. California Consumer Privacy Act (CCPA)**

If you are a California resident, California law may provide you with certain rights about your personal information. Throughout this Privacy Policy you will find information required by CCPA regarding the categories of personal



information collected from you, the purposes for which we use personal information, and the categories of third parties your data may be shared with. As previously stated, this information is current as of the date of the Privacy Policy.

As a California resident, the CCPA provides you the ability to make inquiries regarding your personal information. Specifically, the degree to which the information is not already provided in this Privacy Policy, you have the right to request disclosure about the collection and use of your personal information over the past 12 months, including:

- The categories of personal information collected about you.
- The categories of sources for the personal information collected about you.
- The business or commercial purpose for collecting your personal information.
- The categories of third parties with whom your personal information was shared.
- The specific pieces of personal information collected about you.
- If your personal information was disclosed for a business purpose, the personal information categories disclosed and the categories of third parties to which the information was disclosed.
- If your personal information was sold in the past 12 months, the personal information categories sold and the categories of third parties to which the information was sold.

Please note that you may only make the above requests twice in a 12-month period. You also have the right to request that any of your personal information collected and retained be deleted, subject to certain exceptions. Finally, you have the right to not receive discriminatory treatment by Tohatsu or any business for exercising any of the rights provided under CCPA.

You may submit a request regarding your rights under CCPA to the following:

- 469-771-3740
- [info@tohatsu.com](mailto:info@tohatsu.com)

If we receive a CCPA request from you, we will first decide regarding the applicability of the law, and we will then take steps to verify your identity prior to responding. The steps to verify your identity may vary based on our relationship with you, but, at a minimum, it will take the form of confirming and matching the information submitted in the request with information already held by Tohatsu or contacting you through previously used channels to confirm that you submitted the request (*i.e.*, confirming identity through contact information that we have on file, not the contact information submitted to make the request).

Your rights as stated here can also be exercised by an authorized agent on your behalf. Tohatsu will follow the standards set by the Attorney General of California regarding designation of an authorized agent to exercise rights under CCPA. You may review information available through the Attorney General website ([OAG.CA.GOV/PRIVACY/CCPA](http://OAG.CA.GOV/PRIVACY/CCPA)) regarding how an individual can be designated as an authorized agent under CCPA.

## **b. California Marketing Communications**

California law requires certain businesses to respond to requests from California residents asking about the disclosure of personal information to third parties for their marketing purposes. In the alternative, such businesses may adopt a policy of not disclosing personal information to third parties for marketing purposes if a California resident has opted



out of such information-sharing. We do not share your personal information with third parties without consent. We also have an opt-out policy in place. If you wish to opt out of our sharing your personal information for marketing purposes after you have consented, please follow the “Opt Out” instructions above.

#### **10. SECURITY**

We have implemented administrative, technical, and physical safeguards to help prevent unauthorized access, use, or disclosure of personal information in our custody or control. However, we cannot guarantee that these safeguards will prevent the unauthorized access, use, or disclosure of your personal information.

#### **11. CHANGES TO OUR PRIVACY NOTICE**

We will post any changes we make to our Privacy Policy on this page with a notice on this page. If we make changes to how we treat our users’ personal information, we will notify you by email or through a notice on our Website. The date the Privacy Policy was last revised is identified at the top of this page.

To ask questions or comment about this Privacy Policy, contact us at: 469-771-3740 or [info@tohatsu.com](mailto:info@tohatsu.com).