

blu Website Privacy Policy
Last Updated: August 15, 2018

I. SCOPE OF THIS PRIVACY POLICY

This Privacy Policy describes the types of personal information Fontem US, Inc. d/b/a blu eCigs (“blu,” “us,” “we” or “our”) collects through all blu websites (collectively, the “Website”), and how we collect, use, and share that information. blu has created this Privacy Policy in order to demonstrate our firm commitment to protect your privacy. If you have questions or concerns regarding this statement, you should first submit a Customer Service inquiry using the contact information provided below.

This site is owned and operated by:
Fontem US, Inc. dba blu eCigs
10901 S. Commerce Blvd., Suite B
Charlotte, NC 28273
Customer Service Department: 1.888.207.4588
[Submit a Customer Service inquiry](#)

Our processing of personal data, such as your name, address, e-mail address, or telephone number, shall be undertaken consistent with the requirements of applicable privacy laws, including, but not limited to, the General Data Protection Regulation (“GDPR”). The purpose of this Privacy Policy is to provide to users and potential users of our Website information about the nature, scope, and purpose of the personal data we collect, use and process and to advise data subjects of their rights. Whether we serve as the data controller or processor, blu has implemented numerous technical and organizational measures to ensure the protection of personal data processed through the Website. However, Internet-based data transmissions may in principle have security gaps, so please understand that absolute protection is not assured.

By using the Website, you accept and expressly agree to our practices surrounding the collection, use, and sharing of personal information provided by you in the manner described in this Privacy Policy. If you do not agree with the terms of this Privacy Policy, you cannot, and we do not authorize you to, access, browse, or use the Website.

II. PERSONAL INFORMATION WE COLLECT

blu is committed to adhering to the Digital Advertising Alliance self-regulatory principles (“DAA Principles”) that govern best practices for Interest-based and Internet-based advertising (“IBA”). Our use of IBA is described in more detail below. Consistent with DAA Principles, if you would like to opt-out from such third party data collection for use in IBA, please visit the Digital Advertising Alliance Consumer Choice Page at www.aboutads.info/choices.

A. Information You Give Us

We collect information for a variety of business purposes, including without limitation, to provide the services you request (e.g., to mail you coupons that you request or opt-in for on our site), to collect information that is needed to add adult consumers to our marketing list at their request, to serve these adult consumers, to operate and improve our Website, to administer our business (e.g., to independently verify that a consumer is legal vaping age or older or to conduct consumer research among verified adult consumers), and to administer contests, sweepstakes, surveys, polls, loyalty programs and other promotional events. This information helps us to improve our site, products and services. For example, we use such information for problem resolution when an adult consumer on our Marketing List contacts our Consumer Relations Department with a problem on our Website.

We strive to maintain accurate information on the adult consumers on our Marketing List through consumer surveys, adult consumer-initiated contacts, and responses to our marketing programs (online and offline), as well as through address update services.

Except for age verification information (as described above) and physical location information and tracking technologies (as described below), you do not have to give us any personal information to browse this Website. However, you may be asked to provide personal information to submit or request information from us, or to use the services offered through this Website. Once you provide us with your personal information, you are no longer anonymous to us. This information may include:

- **Signup Information and Registration Information:** When you sign up for an account on the Website, you are required to provide information such as your name, date of birth, email address, phone number, gender, and physical address. We may also collect information from your driver's license to verify your age. In addition, you may be asked to provide optional information, including your previously purchased devices, your purchase channel (online / retail), your satisfaction rate with our products and services, and your communication channel preferences to enhance the Website experience. When you register a blu product on the Website, you are required to provide information such as your name, date of birth, email address, phone number, gender, physical address details about the blu product purchased, including your point of sale. You can update certain personal information associated with your account (such as your gender, date of birth, phone number and account password) by logging into your account and going to "Personal Data" If you request newsletters, certain coupons, sweepstakes prizes, or other materials be sent to you, you may be asked to confirm or update your email or mailing address.
- **RMA Form.** If you complete a "RMA" request form, we require you to first create an account on the blu Website; thereafter, we will ask you to provide your current email address and additional contact information.
- **Purchases.** We may collect your first name, last name, address, date of birth, social security number, credit card information and/or a copy of your identification (passport or national identification card) if you place an order with us. The information is collected, validated by third-parties (currently Veratad and Experian), and stored using industry standard encryption. Credit card information is used only to fulfill your order, and then stored with a third party provider (currently Salesforce Commerce Cloud) for future purchases. We also collect and use your shipping address to deliver orders to age verified adults that purchased blu product via blu.com.
- **Affiliate and Webmaster Sign Up.** We collect prospective affiliate and webmaster contact information to process applications and conduct business. This information includes: name, checks payable, address, city, state/province, country, minimum payout, password, source of referral, tax ID (EIN or social security number for U.S. residents), and date of birth.
- **SMS.** Only when you opt-in to our SMS service, we may send you an SMS message to confirm your signup, provide you information about and promotional communications, and provide relevant updates regarding your bluNation® account.
- **Surveys.** From time to time, we may provide you the opportunity to participate in contests or surveys on our site. If you participate, we will request certain personally identifiable information from you. Participation in these surveys or contests is completely voluntary, and you therefore have a choice whether or not to disclose this information. The requested information typically includes contact information (such as name and shipping address) and demographic information (such as zip code). We may request other information, in our sole discretion, which we consider important to the administration and promotion of the survey or contest. We use this information to notify contest winners and award prizes, monitor site traffic, personalize the site (in the case of anonymous information collected in surveys), and send participants an email newsletter. We may also use this information for publicity or marketing purposes. We may publish this information in our blu® Privacy Policy US at our sole discretion. The rules applicable to any individual survey or contest will be published prior to the collection of any personally identifiable information and you agree to such use by submitting any information. We may use a third party service provider to conduct these surveys or contests; third party service providers are prohibited from using our users' personally identifiable information for any other purpose. We will not share the personally identifiable information you provide through a contest or survey with other third parties unless we give you prior notice and choice.

- **Additional Information:** Additional information that you provide to us, including through feedback, pictures you upload, messages, emails, posts to public discussion boards, photos you upload, and event registrations. This will make it easy for you to do things like share items/materials, post messages, and respond to offers and other information on the site.

B. Location Information.

In order to access and use certain areas or features of the Website, you consent to our collection and use of your physical location information if you use the Website on a location-enabled device (including GPS, cellular, and Wi-Fi networks) or from your browser.

C. Automated Information Collection.

In order to access and use certain areas or features of the Website, you consent to our collection and use of certain information about your use of the Website through the use of tracking technologies or by other passive means. Your consent to our access and use of this “passively collected” information includes, but is not limited to, the domain name of the website that allowed you to navigate to the Website, search engines used, the internet protocol (IP) address used, the length of time spent on the Website, the pages you looked at on the Website, other webpages you visited before and after visiting the Website, the type of internet browser you have, the frequency of your visits to the Website, and other relevant statistics, including the following:

- Log Information. When you access the Website, you also consent to our servers automatically recording information that your browser sends whenever you visit a website. These server logs may include information such as your web request, IP address, browser type, browser language, the date and time of your request, your computer operating system, mobile device and mobile operating system, name of your internet service provider or your mobile carrier, and one or more cookies (small text files containing a string of characters) that may uniquely identify your browser. Our servers also automatically record what you click on while visiting the Website.
- Location Information. You consent to our receipt of location data passed to us from location-enabled devices or that you have enabled, from your browser, or from third-party services.
- Links. The Website may include links in a format that enables us to keep track of the IP addresses from which these links have been followed. You further consent to our collection and use this information to improve the quality of our Website, product(s) and blu business operations
- URLs. When you visit or access the Website, you consent to our receipt of the URL of the site from which you came and links you click on to leave the site.
- Cookies. When you visit or access the Website, you consent to our use of one or more cookies (small text files containing a string of characters) to your computer that uniquely identifies your browser. We use cookies to improve the quality of the Website by storing user preferences tracking user trends, and providing personalized content and ads. Most web browsers accept cookies automatically, but can be configured not to do so or to notify the user when a cookie is being sent. If you wish to disable cookies, refer to your browser help menu to learn how to disable cookies. Please note that if you disable cookies, you may not be able to use some customized features available through the Website. For more information on our Cookie Policy, including an opt-out, please visit [insert link to Cookie Policy].
- Web Beacons. Our Website contains electronic images known as web beacons (also called single-pixel gifs and transparent graphic images) that we use to help deliver cookies on our sites, count users who have visited those sites, deliver services, and analyze the effectiveness of our promotional campaigns, for example. We also include web beacons in our marketing email messages or newsletters to determine whether an email is opened or if links are clicked. You consent to our use of web beacons to facilitate Website administration and navigation, to track the actions of users of the Website, to compile aggregate

statistics about Website usage and response rates, and to provide an enhanced online experience for visitors to the Website.

- Aggregate Information. We may compile certain personal information, and other information collected through the Website on an aggregate basis. This information may include, without limitation, the number of people who have visited the Website and other user demographics. Such aggregate information does not identify you individually.

III. HOW WE USE PERSONAL INFORMATION

blu complies with its obligations under applicable privacy laws by: keeping personal data up to date where needed based on the purposes for which the personal data is being processed; by not collecting or retaining excessive amounts of data; by ensuring that appropriate technical measures are in place that are designed to protect personal data from loss, alteration, misuse, unauthorized access and disclosure as it is transmitted, stored, or otherwise processed, and by using appropriate measures to securely destroy personal data when it is no longer needed by blu.

Personal information collected through the Website may be used by us and our affiliates for purposes of:

- Responding to your questions and feedback;
- Providing the services you select through this Website, including to process applications and conduct business;
- Tailoring advertisements to you;
- Contacting you, whether by email, postal mail, or telephone with information about this Website, our products, or our services, including exclusive special offers and information about sales, promotions, new releases, and other relevant information;
- For such purposes as you may authorize at the time you submit the information;
- Auditing, research, and analysis to maintain, protect, and improve this Website and our services;
- Ensuring the technical functions of our network;
- Improving and customizing the content and layout of the Website;
- Developing new products and services; or
- Compiling and using personal information, information collected through the Website and information obtained by us through other mechanisms on an aggregate basis for the purposes described in this Privacy Policy.

IV. PERSONAL INFORMATION WE SHARE

We do not sell, rent, trade, or otherwise share personal information collected through the Website, except as described below:

- In Connection with our Offerings. The Website involves the sharing of certain personal information collected through the Website with (i) other users of the Website, and (ii) as you otherwise provide your consent. Information which you upload, post, e-mail, submit or otherwise transmit in connection with the Website to a public message board, chat area or other public area of the Website will be made public to users of the Website, including certain metadata related to such activities (such as timestamps). You are solely responsible for any such information you choose to post on or through the Website. All information that is posted to a message board, chat area, or other public area of the Website may be

shared by us with (i) other users of the Website, and (ii) as you otherwise provide your consent. Please be aware that anything you share publically may be further shared by other users of the Website (for example, by emailing a screenshot of your post to non-users. We are not responsible for any such sharing of information you have shared publically on the Website.

- Subsidiaries and Affiliates. We may share personal information with our subsidiaries and affiliates for the purposes for which you provided the information or as reasonably necessary for our internal administrative and business purposes.
- Service Providers. We work with third parties that provide services on our behalf. Such services may include website hosting, product reviews, contests, promotions, marketing, and website usage analytics. We may share personal information and non-personal information with these third parties for the purpose of enabling them to provide these services.
- Consent. We may share personal information in accordance with any consent you provide.
- Required by Law. The products sold on this Website are highly regulated by various governing agencies. It may become necessary to share the information that we collect with such agencies to comply with laws, a judicial proceeding, court order, or other legal requests. We may disclose personal information or any information collected through this Website if we are required to do so by law or pursuant to legal process, in response to a request from government officials or law enforcement authorities, or as necessary or appropriate in connection with an investigation of illegal activity.
- Certain Transactions. We may disclose or transfer personal information or any information collected through this Website to third parties who acquire all or a portion of our business, whether such acquisition is by way of merger, consolidation, or purchase of all or a portion of our assets, or in connection with any bankruptcy or reorganization proceeding brought by or against us.
- Internet Based Advertising. We participate in IBA. This means that you may see advertising on the Website tailored to how you engage or browse, or you may see advertising for us on other websites, applications and social media based on your behavior across websites, applications and social media. We may target ads based on data we have collected, or data provided by third parties alone or in combination with the data we collect ourselves. If you choose to interact with specific third parties who advertise through the Website, the information you provide to them is subject to the conditions of their specific privacy policies.

In connection with the foregoing activities, third parties, often called “ad servers” or “ad networks,” may place and access cookies, web beacons, or other tracking technology on your device to collect information about your use of the Website and your use of third-party sites. The information about your use of the Website may be combined with information about your use of third-party websites to provide targeted advertisements and content that may be of interest to you (this is known as “interest-based advertising”). The information they collect from the Website may identify you personally, or they may associate it with personal information collected in other ways or received from other third parties. We do not control these third parties or their use of cookies, web beacons, or other tracking technology.

By accessing the Website, you are given the opportunity to agree to usage tracking and targeted interest-based advertising. If you do not wish to have cookies track your usage for these purposes, please visit our Cookie Policy at [insert link to Cookie Policy] for information regarding how to refuse all or some browser cookies, or do not use the Website.

Some advertisers may provide you with the choice to opt-out of having your information used for interest-based advertising. If you would like more information about interest-based advertising, or for information about how to opt-out of interest-based advertising, please visit the Network Advertising Initiative's (“NAI”) consumer website at <http://www.networkadvertising.org/understanding-online-advertising>, and in particular, NAI’s Ad Network “Opt-Out” page at

<http://www.networkadvertising.org/choices/>. Even if you opt-out of interest-based advertising, we may still collect and use information about your use of the Website to the extent otherwise permitted by this Privacy Policy (such as to analyze Website traffic and usage, conduct website analytics, administer the Website, etc.). In addition, if you opt-out of receiving interest-based advertising from a particular advertiser, the advertiser may still provide advertisements to you, but the ad will not be targeted to you based on your online activities. For additional assistance with opting-out, please contact us directly at [Customer Service](#).

V. AGGREGATE INFORMATION

We may compile de-identified personal information and other information collected through the Website on an aggregate basis. This information may include, without limitation, the number of users who have registered for the Website and demographic information about users of the Website. Such aggregate information does not identify you individually. We may use aggregate information and share aggregate information with third parties for any of the purposes specified in this Privacy Policy, and for any other lawful purpose.

VI. YOUR CHOICES

A. Information You Provide

You can always choose whether or not to provide information on the Website. However, if you choose not to disclose certain information, you may not be able to register as a user of the Website, which may limit your access to certain portions of the Website and your ability to obtain personalized promotions and messages.

B. Privacy Settings

By default, certain types of information you choose to submit will be made public to users of the Website. This includes your account username, profile picture, and any comments or posts you make to public posts or discussion boards. You can control whether other profile and activity information as described in Section II will be shared publicly with all users of the Website, or limited to users that you have friended.

C. Communications From Us

If at any time you decide that you no longer wish to receive notices from us regarding the Website, you may indicate this preference by placing a Customer Service inquiry [[insert link](#)].

You can cancel the SMS service at any time. Just reply “STOP”. After you send the SMS message “STOP” to us, we will send you an SMS message to confirm that you have been unsubscribed. After this, you will no longer receive SMS messages from us. If you want to join again, just sign up as you did the first time and we will start sending SMS messages to you again. We are able to deliver messages to the following mobile phone carriers: AT&T, Verizon Wireless, Sprint, T-Mobile, U.S. Cellular, Alltel, Boost Mobile, Nextel, and Virgin Mobile. (Note: This list may change without warning and without notice to you). Message and data rates may apply for any messages sent to you from us and to us from you. If you have any questions about your text plan or data plan, it is best to contact your wireless provider.

D. Do Not Track

As described in more in our Cookie Policy located at [[insert link to Cookie Policy](#)], you can configure your browser not to accept cookies or to notify you when a cookie is being sent.

E. Your Rights and Your Personal Data

Unless subject to an exemption under the GDPR, if your personal data is subject to the GDPR, you have the following rights with respect to your personal data:

- The right to request a copy of your personal data which the blu holds about you;

- The right to request that the blu correct any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data be erased where it is no longer necessary for blu to retain such data;
- The right to withdraw your consent to the processing at any time of personal data to which you provided consent for processing;
- The right to request that blu provide you with a copy of your personal data and where possible, to transmit that data directly to another data controller (known as the right to data portability);
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction be placed on further processing;
- The right to object to the processing of personal data (where applicable); and
- The right to lodge a complaint with a data supervisory authority.

F. Transfer of Data Abroad

If your personal data is subject to the GDPR, blu will transfer personal data from the European Economic Area (EEA) to a location outside the EEA only when there has been a documented adequacy determination, or where blu has confirmed adequate privacy protections. If blu transfers personal data to a third party acting as an agent of blu, we will also obligate the third party to have adequate privacy protections in place.

blu may transfer personal data to and on behalf of clients and third party's with whom blu has an existing service agreement or as part of our legal obligations, each of which shall be subject to blu policies, and only to the extent necessary for purposes of legitimate interests pursued by the data controller (or by a third party).

G. Automated Decision Making

Under the GDPR, data subjects have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her, or similarly significantly affects him or her, as long as the decision (1) is not necessary for entering into, or the performance of, a contract between the data subject and a data controller, or (2) is not authorized by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, or (3) is not based on the data subject's explicit consent.

We may use your personal data to engage in limited automated decision making to provide you with personalized offers and promotions, and you consent to our automated decision making for such limited purposes.

H. Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

VII. INFORMATION STORAGE AND SECURITY

We employ reasonable security precautions to help protect against the loss, misuse, and alteration of personal information provided on or through the Website. When you enter sensitive information (such as credit card number and/or social security number) on our registration or order forms, we encrypt that information using secure socket layer technology (SSL). To learn more about SSL, follow this link: [link to Verisign].

We follow generally accepted industry standards to protect the personal information submitted to us, both during transmission and once we receive it. No method of online transmission or electronic storage is 100% secure, however. Therefore, while we strive to use commercially acceptable means to protect your personal information, we cannot guarantee its absolute security. As a result, although we strive to protect personal information about you, we cannot

guarantee the security of any information you transmit to us through or in connection with the Website. If you have reason to believe that personal information is no longer secure, please notify us immediately by contacting us in accordance with the last section below.

VIII. A SPECIAL NOTE ABOUT CHILDREN AND CALIFORNIA RESIDENTS

Children are not eligible to use the Website, and we ask that minors (children under the age of 16) not submit any personal information to us.

If you are a California resident, you have the right, pursuant to Section 1798.83 of the California Civil Code, to receive once a year, free of charge: (1) information identifying each third party company to whom we may have disclosed, within the past year, personal information pertaining to you for that company's direct marketing purposes; and (2) a description of the categories of personal information disclosed to that third party company in the immediately preceding calendar year. If you are a California resident and would like to make this request, please call 1.888.207.4588. In addition, please refer to the Section of this Privacy Policy entitled "Information Collection & Use."

IX. EXTERNAL LINKS

The Website may contain links to various websites that we do not control. When you click on one of these links, you will no longer be transacting business through the Website. Third party websites maintain their own privacy policies, and we do not exercise any control over any of the third party websites that may be linked to the Website. If you visit a website that is linked to the Website, you should consult that website's privacy policy before providing any personal information. Please be aware that we are not responsible for the privacy practices of such other websites, and we are not liable for their misuse of personal information about you.

X. SPECIAL ADMONITIONS FOR INTERNATIONAL USE

The Website is hosted in the European Union. You acknowledge and consent to the storage and processing of information collected through the Website in the United States or any other country in which blu, our affiliates and/or service providers maintain facilities. All matters relating to your access and use of the Website in the United States are governed exclusively by the laws of the State of North Carolina in the United States of America and not the jurisdiction in which you are located. If you are located outside of the United States of America and you provide us with information, please be advised that any information you provide to us will be transferred to the United States and/or any other country in which blu, our affiliates and/or services providers maintain facilities, and that by submitting information, you explicitly authorize such transfer and the use and disclosure of information about you as described in this Privacy Policy.

XI. UPDATES TO THIS PRIVACY POLICY

We may change or update the Website or any of our policies and procedures without prior notice, except that if any changes are likely to have an adverse impact on your rights under data protection law, we will use reasonable efforts to notify you of the changes in advance in writing or by post mail, and, where required, obtain your consent to our activities. We will post a notice on this Website to advise you of any significant changes to this Privacy Policy and indicate via the "Last Updated" legend in this Privacy Policy when it was most recently updated. Except to the extent that your express consent to any change or update is required under data protection law, your continued use of the Website signifies your continued assent to the terms of this Privacy Policy, as updated or amended at that time.

XII. QUESTIONS REGARDING THIS PRIVACY POLICY

If you have any questions or comments regarding this Privacy Policy, please place a Customer Service inquiry [insert link].

If your personal data is subject to the GDPR, the data controller for the purposes of GDPR or other data protection laws applicable in Member states of the European Union and other provisions related to data protection is:

Fontem US, Inc. d/b/a blu eCigs
10901 S. Commerce Blvd., Suite B

Charlotte, NC 28273

[Customer Service](#)

Any data subject may, at any time, contact us directly with any questions and suggestions concerning data protection. We encourage interested persons to raise any concerns about the collection, use, or processing of personal data using the contact information provided above. In the event of a privacy related issue or complaint, we will investigate and attempt to promptly resolve any complaints and disputes regarding use and disclosure of personal data.

For complaints that cannot be resolved, if your personal data is subject to the GDPR, we commit to cooperating with the panel established by the EU data protection authorities (DPAs) or the Swiss Federal Data Protection and Information Commissioner (FDPIC), as applicable, and comply with the advice given by the DPAs or FDPIC about personal data transferred from the EU or Switzerland.

In order to facilitate the handling of complaints, individuals in the EU can choose to contact their national DPA or use the form located at this link:

http://ec.europa.eu/newsroom/document.cfm?doc_id=42962

Individuals in Switzerland can contact the Swiss FDPIC by visiting:

<https://www.edoeb.admin.ch/edoeb/de/home.html>

This independent dispute resolution process is provided at no cost to the individual.