

Earth Yoga Privacy Policy (United States of America)

Effective Date: March 2022

I. Introduction

Your privacy is important to us. The purpose of this Privacy Policy Statement (“**Privacy Policy**”) is to inform you how Eco Malibu International Limited (“**Earth Yoga**”, “**us**”, “**we**”, or “**our**”), collects, uses, shares, and protects your information when you access our main website www.earthyogaclothing.com and all related websites we provide (collectively, the “**Website**”), seek out and engage us for our apparel manufacturing and other services, or otherwise interact with us online and offline, in accordance with governing data privacy laws, regulations, and other requirements, including the California Consumer Privacy Act (“**CCPA**”) Cal. Civ. Code §§ 1798.100 et seq. and the corresponding regulations codified in §§ 999.300 – 999.341 of Title 11 of Division 1 of Chapter 20 of the California Code of Regulations (“**Privacy Laws**”).

If any part of this Privacy Policy conflicts with the Privacy Laws and/or other applicable legislation, the law(s) shall prevail.

Our Privacy Policy is designed to inform you about how we collect, use, protect, and disclose the information that we collect and/or receive about you. It also explains how you can manage the privacy of your Personal Information. Please note that our Privacy Policy does not govern the practices of third parties, including our partners, third party service providers, and/or advertisers, even when those services are branded as, or provided on behalf of, Earth Yoga. Information collected from you by others, such as third party websites that you access through links on the Website, are governed by those entities’ privacy policies. Please review the privacy policies of any third-party websites for information on how those entities collect and use your information.

By accessing or using our Website and/or services, you agree to the terms of this Privacy Policy. Please do not access or use our Website or our services if you do not wish for your Personal Information to be used as described within this Privacy Policy.

II. Personal Information Collection

“**Personal Information**”: means any information that identifies, relates to, describes, or could be reasonably associated or linked with a particular person or household. It also includes other information that may be associated with you, such as your Usage Data, location, preferences, or interests, if that information can be used to identify you, your household, or your device, or any other information as otherwise defined under applicable law.

We aim to only collect such Personal Information which is reasonably necessary for the purposes in question. Such Personal Information may include identification information (name, job title), contact details (e-mail address, mailing address, and telephone number), and other information collected by Cookies.

The types of Personal Information we collect about you depend on your interactions with us and are described in more detail below.

- **Individual Identifiers:** This information includes your name and contact information, such as mailing address, phone number and email address.
- **Usage Data:** This is information on how you access and use our Website (“**Usage Data**”). This Usage Data helps us understand how users interact with our Website, and may include information such as your computer’s IP address, cookie information, browser type, browser version, aggregate Website usage metrics such as total number of visitors, pages viewed, and usage patterns within the Website, the pages of our Website that you visit, the time and date of your visit, the time spent on those pages, device information such as device settings, user preferences, and unique device identifiers, and other diagnostic data.

Please see **Section IV**, “Cookies,” below for more information on the cookies we use as well as your cookie choices.

- **Employment Information:** This includes employee and applicant resume information, job qualifications data, gender, national origin, health insurance information, and banking information. Employment Information is covered by our Earth Yoga Employee Personal Information Collection Notice & Privacy Policy Statement and made available to our employees and applicants.
- **Business Information:** Much of the information we collect is related to the garment manufacturing and other services that we provide to our business customers. As such, the information we collect is largely needed for our business customers to fulfil their orders and use our services. As part of that process, we may need to collect the identifying information of those individuals who are our business customers’ representatives, employees, or agent, or our business customers’ users of our services, such as business contact or employment information of a business customer’s representative. In such situations, this information is regarded as “Business Information” as it relates to the company that has engaged us and not to the individual who contacted us on the company’s behalf.

Personal Information Collected Over the Last 12 Months

Other than stated herein, Earth Yoga did not collect any other type of Personal Information from individuals over the last 12 months.

III. How We Collect Personal Information

Personal Information may be collected from you in one or more of the following ways:

- a. through your own submissions and interactions with us, including via the Website’s Contact Us function, and by mail, email, telephone, or other means of contact;
- b. during our normal commercial operations. For instance, if your company is our, or an associated company’s customer, consultant, vendor etc., we will collect your Personal Information – typically Business Information – as part of that business relationship.
- c. when you visit and use our Website. We automatically receive and store certain types of personal information whenever you interact with our Website. This information includes your IP address, browser type, and pages you visit when you interact with our Website. Some of these cookies

may record your preferences, track the use of our Website, clicks on and to our Website, and clicks to third-party hyperlinks on our Website. We may also use these technologies to monitor web traffic, improve the Website, understand how our users interact with the Website, and make the Website easier to use and more relevant. Please see **Section IV**, “Cookies,” below for more information.

d. from third party sources, including our associated companies

IV. Cookies

When you visit and use the Website, we may collect certain information about you via Cookies. “Cookies” are files which hold small pieces of data regarding your browsing activities and are used to optimize your Website experience and compile user statistics. .

The Website uses “**Session cookies**” which are stored temporarily during a browsing session to allow normal use of the system and are deleted from your device when the browser is closed.

Your Cookie Choices Earth Yoga recognises that not everyone is comfortable with the use of Cookies, and as such you can set your browser to block or otherwise control what cookies your browser or mobile device accepts via your browser or mobile device settings. Additionally, you can choose to modify your settings and delete those cookies that are stored on your device. Please consult the instructions provided by your browser or your device’s manufacturer to determine how you can limit the placement of and/or remove cookies or other technologies. Please note, however, that limiting or disabling the use of Cookies may impact or adversely affect your ability to access or use certain functionalities of our Website.

V. Use and Disclosure of Personal Information

1. We collect and use your Personal Information for various purposes:

- a. the provision of Earth Yoga’s products and services;
- b. the fulfilment of a contract to which Earth Yoga is a party or has an interest;
- c. Earth Yoga’s administrative purposes including, without limitation, payment processing, account management, and order processing;
- d. the direct marketing of Earth Yoga’s products and services, as further described below;
- e. to respond to any enquiry submitted by you, or on your or your company’s behalf, including, without limitation, redirecting your enquiry to the relevant internal or external person or department, and as necessary to investigate and formulate such a response;
- f. as required to enable Earth Yoga to comply with its obligations under any law, regulation, guideline, code of practice, or contract including, without limitation, pursuant to the requirements of any bank or other finance institution, court, arbitral tribunal or government authority;
- g. for the collection of monies owed for products and services provided;
- h. to prevent, detect, investigate and respond to activities which may be illegal or in breach of our policies including, without limitation, the Website Terms of Use;
- i. Website management including, without limitation, access facilitation, content improvement and usage statistics;
- j. as permitted or required by law;
- k. any other purpose for which you request, authorise, or give your consent; and
- l. any purpose directly related to those purposes set out above.

2. We shall obtain your consent before using your Personal Information for a purpose materially different to those listed above.

VI. Basis for Our Collection and Use of Your Personal Information

We collect and use your information for a variety of reasons, including:

1. **Contract Performance:** This is where our use of your Personal Information relates to the provision to you or by you, or your company, of products or services, or communications regarding the same including, without limitation, when we use your Personal Information to take and handle orders, deliver products and services, and process payments.
2. **The legitimate business interests of Earth Yoga or others:** The collection and processing is due to our, or a third party's, legitimate business interests. This would include, without limitation, when your Personal Information is used for administrative purposes, for the provision of our products and services to third parties, to assist with fraud prevention, improve the security of our networks, assist with enhancing the physical security of our customers, and reporting suspected criminal activity to law enforcement, or for direct marketing.
3. **Your consent:** This applies when we process your Personal Information for a specific purpose for which we have obtained your prior consent. You may withdraw your consent at any time via sending a notification to the Contact Details set out herein. Upon such withdrawal, however, it may no longer be possible for us to provide certain products or services to you or any company you represent.
4. **Compliance with a legal obligation:** This is where we use your Personal Information in order to exercise our legal rights or to comply with our obligations under any law, regulation, guideline, code of practice, or contract including, without limitation, pursuant to the requirements of any bank or other finance institution, court, arbitral tribunal or government authority.
5. **Other legal bases** as permitted under applicable laws, regulations, or other legal authority.

VII. Sharing Your Personal Information

1. Generally, your Personal Information will be kept confidential. We may, however, disclose or share your Personal Information for the following purposes:
 - a. to facilitate and improve the quality of our services;
 - b. to protect our users and network against fraud and security threats;
 - c. as required to fulfil the purposes outlined in this Policy;
 - d. to protect the rights and property of Earth Yoga, its employees, officers and shareholders including, without limitation, as required to recover monies owed to Earth Yoga, to respond to any potential breach of our policies, or to defend or pursue any civil or criminal claim, demand or complaint made by or against you or any third party;
 - e. to satisfy the requirements or request of any governmental authorities, legal bodies or other persons or entities as required or permitted by law;
 - f. as a result of the sale, acquisition, transfer, change of control, re-structuring, liquidation or sale of our business or assets;
 - g. as required or permitted by law; and
 - h. any other party to whom you authorise us to disclose your Personal Information.

We may share your information with the following types of entities and third parties:

- i. **Earth Yoga Associated Companies:** we may share your information with our associated companies and their, or our, employees, officers, advisers, consultants, vendors, customers, and representatives in order to support our business operations including, without limitation, providing our products and services.
- ii. **Service Providers:** We use certain service providers, vendors, companies, individuals, and agents to facilitate and help us operate our business and provide our products and services. These service providers etc. may include, cloud-based storage and web-hosting providers. These service providers etc. are granted access to your information only to perform the requisite tasks on our behalf.
- iii. **Marketing Providers:** We may work with marketing providers to assist us with our marketing and advertising efforts.
- iv. **External Professional Advisors:** We engage with certain professional advisors to, without limitation, assist in the provision of our products and services and ensuring our operations are in accordance with applicable laws. Earth Yoga engages legal, accounting, and financial advisors.
- v. **Law Enforcement or Other Government Authority:** We may from time to time be required to provide information to law enforcement or other governmental authorities pursuant to a warrant, court order, law, or
- vi. other lawful process.

Categories of Personal Information Shared in the Preceding 12 Months

Earth Yoga has shared the categories of Personal Information described above for the described purposes in the preceding 12 months.

Categories of Personal Information Sold

We do not sell your Personal Information to third parties. Please note that “sale” of Personal Information does not include those instances when such information is part of a merger, acquisition, or other transaction involving all or part of our business or group. If we sell all or part of our business or group, make a sale or transfer of assets, or are otherwise involved in a merger or other business transaction, we may transfer your Personal Information to a third party as part of that transaction. If such transaction materially affects the manner in which we use your Personal Information, we will notify you of such change prior to its implementation.

VIII. Cross Border Data Transfers

Your Personal Information may be transferred to, and/or maintained on, servers and persons located outside of your place of residency by Earth Yoga or third parties that process Personal Information for us for the purposes describe in this Policy. As a result, your Personal Information may be subject to access requests from governments, courts, law enforcement officials and other lawful authorities in

another jurisdiction according to its laws. Subject to the applicable laws, we will use reasonable efforts to ensure that appropriate measures are in place to maintain protections on the Personal Information.

The risks of transferring Personal Information into and out of your place of residency include the possibility of data breaches and loss. Further, the jurisdiction to which your Personal Information may be transferred may not have in place data protection laws which are substantially similar to, or serve the same purposes as, the Privacy Laws, as such your Personal Information may not be protected to the same or similar level as in your place of residency.

IX. Children's Privacy

Our services, including our Website, are meant for adults 18 years old and over. We do not knowingly or intentionally collect Personal Information through the Website from children under thirteen (13) years of age. If you are under 18 years of age, do not attempt to register for or use any of our services, including our Website, and do not provide us any Personal Information about yourself. If you are a parent or guardian and you are aware that your child has violated this Privacy Policy and provided us with Personal Information, please contact us as described below. If we become aware that a minor has provided us with their Personal Information or otherwise used our services in violation of this Privacy Policy, we will take reasonable steps to delete the same.

XI. Security

1. We take the security and protection of your Personal Information very seriously and use reasonable, appropriate, and customary procedures and technologies to help protect the confidentiality of any Personal Information we collect. As such, we:
 - a. store your Personal Information on secure servers and have put in place appropriate security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal of your personal data;
 - b. shall, as far as reasonably possible, restrict the disclosure of your Personal Information to those employees directly involved in the purposes detailed herein; and
 - c. provide employee training on Personal Information handling.
2. However, no website, network, or system can be absolutely protected against intentional or malicious intrusion attempts despite our precautions. Furthermore, Earth Yoga does not control the devices, computer or network through which you access the Website or over which you may choose to send Personal Information or other information to us, and therefore cannot prevent potential interceptions or compromises to your information while in transit. Earth Yoga makes no guarantee as to the security, integrity or confidentiality of any information transmitted to or from the Website. Earth Yoga is committed to safeguarding your information to the best of its ability but cannot guarantee the security of electronic communications or transmission made over the Internet.

XII. Retention of Personal Information

We will only retain your Personal Information for as long as it is necessary to fulfil the purpose for which it is collected, or as may be required or permitted by law. Thereafter commercially reasonable and technically feasible measures shall be taken to irrecoverably or irreproducibly delete or otherwise destroy your Personal Information.

We may rectify, replenish or delete incomplete or inaccurate Personal Information, at any time and at our own discretion.

XIII. California Residents' Privacy Rights

California residents are afforded certain rights related to their information under the CCPA, as detailed below.

1. **Right to Access:** California residents may obtain access to their Personal Information upon simple request – that is, you may receive a copy of such Personal Information upon receipt of a verifiable request, along with other information related to the collection or processing.
2. **Right to Disclosure of Direct Marketers:** to have access upon simple request the categories and names/addresses of third parties that have received your Personal Information from Earth Yoga for direct marketing purposes, if any.
3. **Right to Information About Collecting, Selling, Sharing, or Disclosing Personal Information:** upon receipt of a verifiable request, California residents may obtain a list of:
 - a. The specific pieces of your Personal Information Earth Yoga holds;
 - b. The categories of Personal Information collected about you, sold to third parties, or disclosed to third parties for business purposes;
 - c. The categories of Personal Information sold within the last 12 months;
 - d. The categories of sources from which Personal Information is collected;
 - e. The business or commercial purpose for collecting or selling Personal Information; and
 - f. The categories of third parties with whom Personal Information is shared, sold, or disclosed for a business purpose.
4. **Right to Opt-Out of the Sale of Personal Information:** California residents have the right to opt-out of the sale of their Personal Information under certain circumstances. As noted elsewhere in this Privacy Policy, we do not sell your personal information.
5. **Right to Deletion:** California residents have the right to require Earth Yoga to delete your Personal Information in the situations set forth by the CCPA, and any other applicable data protection law, and upon receipt of a verifiable request.
6. **Right to Non-Discrimination.** You have a right to non-discrimination in type or quality of services you receive from us due to exercising your rights.

Submitting a Verifiable Privacy Rights Request

As described above, California residents have certain rights to access, delete, or otherwise control the use, collection, and/or disclosure of their information (“**Request**”).

Earth Yoga will respond to an individual’s verifiable request to exercise their rights in accordance with the law. A verifiable request is one where we have been able to verify the identity of the sender. We may ask for additional information if we have difficulty confirming your identity. We will not share your information or honour other requests if we are unable to confirm a request for your Personal Information is a “verifiable request.”

When making a Request, we will ask you to provide information about yourself so that we can verify your identity as part of this process. This information may include your name, email address, account information, and any other information deemed necessary by Earth Yoga to reasonably verify your identity, to ensure that your information is not shared with anyone impersonating you. Once we have verified your identity, we will work to fulfil your request in a timely manner. Please note there may be some situations in which we are unable to fulfil your request, such as if we cannot find any information about you within our systems. Additionally, we may not be able to honour a deletion request in some situations, such as if your Personal Information is necessary to fulfil the services you or your company requested or meet a legal obligation. We will inform you whether we can fulfil your rights request.

Under California law an individual can appoint an authorized agent to make certain Requests upon their behalf, such as the right to know what Personal Information we collect about the individual or to request deletion of the individual's Personal Information. As the security and privacy of your Personal Information is paramount, we will ask that you identify such persons and directly confirm that such persons are authorised to act as your agent and exercise your applicable rights under California law in such situations. This may require us to contact you directly and alert you that an individual has claimed to be your agent and is attempting to access or delete your information. We will also independently verify your identity to ensure that an unauthorised person is not attempting to impersonate you and exercise your rights without authorization. We will not share your information or honour any other Requests in those situations where you cannot or do not grant permission in writing for an identified authorised agent to act on your behalf, or where we cannot independently verify your identity.

Please note we will not be able to comply with your Request in certain circumstances, for example where your request is manifestly unfounded or excessive, or where we are unable to verify your identity.

You may submit a verifiable request via the Contact Details herein.

Deletion Right Request

As we mentioned above, California residents have the right to request that we delete their Personal Information that we collect and retain, provided certain exceptions do not apply. If we receive and confirm a verifiable Request we will delete your Personal Information from our records, unless an exception applies, and direct our service providers to do the same. Please note that we may deny your deletion request if retaining the information is necessary for us or our service providers to:

- complete the transaction for which we collected the Personal Information, provide the goods or service that you requested, take actions reasonably anticipated within the context of our business relationship, or fulfil our contractual obligations with you;
- detect security incidents, protect against malicious activity, and prosecute those involved;
- debug products to identify and repair errors that may impair existing intended functionality;
- exercise free speech, ensure the right of another individual to exercise free speech rights, or another right as guaranteed by law;
- comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 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 requested deletion might seriously damage the chance of that research's achievement, if informed consent was previously provided;

- enable solely internal uses that are reasonably aligned with individual expectations based upon our existing relationship;
- comply with a legal obligation; or
- make other internal and lawful uses of that Personal Information that are compatible with the context in which you provided it.

Additionally, please note that upon such deletion of the requested Personal Information, it may not be possible for us to provide to or received from, or continue to provide to or receive from, services and products to you or any company you represent.

Employee Exception

Please note that Earth Yoga is not required to provide or delete Personal Information of its employees, applicants, agents, or contractors, along with information related to employee emergency contact information.

Your California Privacy Rights Regarding Direct Marketing Information

From time to time, we would like to share information with you regarding our projects, services and products by using your name and contact details to send you marketing materials. To do this we require your express consent. If you wish to opt out of any or all direct marketing communications, please let us know via the Contact Details herein.

In addition to the rights set forth above, California residents have the right to request information regarding how we share certain categories of Personal Information with third parties for their direct marketing purposes. Under California law, California Residents can request to receive the following information:

- The categories of information we disclosed to third parties for their direct marketing purposes during the immediately preceding calendar year;
- The names and addresses of the third parties that received the information; and
- If the nature of the third party's business cannot be determined from their name, examples of the products or services marketed.

To make such a request, please use the Contact Details herein. When making such a request please provide sufficient information for us to determine if this provision applies to you, verify your identity, and attest to the fact that you are a California resident. Please also provide a current California address for our response. Any such request **must include** "California Privacy Rights Direct Marketing Information Request" in the first line of the description, and include your name, street address, city, state and ZIP code. Please note that we are only required to respond to one request per customer each year, and we are not required to respond to requests made by means other than through the Contact Details provided for this purpose below.

Please note, however, that currently Earth Yoga will not provide your Personal Information to third parties for direct marketing purposes.

Please note our response to your request may be provided in a standardised format that is not specific to you.

“Do Not Track” Signals

We do not support “Do Not Track,” which is a preference you can set in your web browser to inform websites that you do not want to be tracked. We do not track your behaviour over time and across third party websites or other services. You can enable or disable “Do Not Track” by visiting the “Preferences” or “Settings” page of your web browser.

Third parties may collect data relating to you. We cannot control third parties’ responses to do-not-track signals or other such mechanisms. Third parties’ use of data relating to you and responsiveness to do-not-track signals is governed by their respective privacy policies.

XV. Third Party Websites

Our Privacy Policy is designed to advise you about how we collect, use, protect, and disclose the information that we collect and/or receive about you. The Website may contain links and references to external websites not owned by us, including plugins to social media sites such as Facebook, Instagram and LinkedIn, and equally external websites may contain links or references to the Website or Earth Yoga (“**External Websites**”).

As such, this Privacy Policy does not govern the practices of third parties, including partners, third-party service providers, and/or advertisers, even when those services are provided on our behalf or in partnership with us. Information gathered about you by others are governed by those distinct entities’ privacy policies. We are not responsible for the privacy practices of the External Websites. Therefore, we strongly recommend that you check and review the applicable terms, conditions and privacy policies of the External Websites to determine how they will handle your personal data or other information collected from you.

We exercise no control over and assume no responsibility for the content, privacy policies or practices of any third-party site or service.

XVI. Contact Details

All correspondence regarding your Personal Information including, without limitation, Requests should be addressed to please contact our Group Legal Counsel by email at grouplegal@epichk.com, or by telephone at Tel: +852 3512 0800, or by post at 6/F, EGL Tower, 83 Hung To Road, Kwun Tong, Hong Kong SAR. Please indicate in the subject header the nature of your correspondence.

You can also contact us via our toll-free number: **1 (833) 353-3742/ 1 (833) 353-EPIC**

XVII. Changes to Privacy Policy Statement

This Privacy Policy Statement may be amended, supplemented or otherwise modified (“**Changes**”) by Earth Yoga at its discretion and without prior notice. These Changes will be effective immediately upon publication on the Website. You are encouraged to visit the Website from time to time to ensure that you are well informed of our latest privacy policies.

XVIII. Miscellaneous

This Privacy Policy Statement has been prepared in English. If this Policy is translated into any other language the English language version shall prevail.

XIX. Difficulty Accessing Our Privacy Policy?

Individuals with disabilities who are unable to usefully access our Privacy Policy online may contact us at the above-listed Contact Details to inquire how they can obtain a copy of our policy in another, more easily readable format.