

SLIMFAST USA PRIVACY POLICY

Last Updated: May 13, 2020

This Privacy Policy applies to your access and use of the Slimfast USA websites, mobile applications, and other online programs (“Online Services”) provided by KSF Acquisition Corporation (“SlimFast”, “we”, or “us”). By accessing or using any of the Online Services, you agree that you have read and agree to be bound by this Privacy Policy. If you don’t agree, please do not use any of the Online Services.

When you use any of the Online Services, we may collect information about you, and we may share some of all of that information with third parties in certain circumstances. This Privacy Policy will give you more details and information about such collection, use and sharing.

Our business is located in the United States. Our online privacy practices are governed by the laws of the United States and the State of Florida. By using any of the Online Services, you understand and agree that any information you submit or is gathered about you will be transmitted to and stored in the United States. You further consent to the use and disclosure of that information accordance with applicable U.S. Federal and State laws and with this Privacy Policy.

Privacy Policy may be updated and changed from time to time. Please check periodically for changes. See additional details in [Section 12](#) below.

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1. INFORMATION WE COLLECT

We collect different types of information when you use our Online Services that identify you or relate to you as an individual (“**Personal Information**”) including:

Information You Provide to Us. In connection with the Online Services, we may ask you to provide these categories of Personal Information:

1. **User Information.** Information you provide about yourself to access our Online Services, including your name, date of birth, mailing address, telephone number, e-mail address, gender, photographs, and username and password (for account administration).
2. **Financial Information.** In order to assure subscription and payment processing, we may collect information related to your financial accounts and other payment information.
3. **Self-Reported Information.** Additional Personal Information you may provide about yourself in survey responses, participation in contests, promotions, or other prospective seller marketing forms or devices, suggestions for improvements, referrals, reviews, submissions or any other actions performed on the Online Services.
4. **Fitness Information.** When utilizing our mobile application, we may collect information that you voluntarily provide regarding your fitness and nutrition, such as information regarding meals, exercises, weight and height.
5. **Demographic information.** Should you choose to submit, we may combine certain non-identifying Personal Information on an anonymous basis with similar information from other users.

Information We Collect from Your Use of Our Online Services. We collect Personal Information about you and the devices you use to access the Online Services as described below:

1. **Service Data.** Information about your interactions with the Online Services, such as the pages or other content you view, and other actions you perform while using the Online Services.
2. **Device & Log Information.** Information about your device, including your Device ID, IP address, hardware model, operating system and version, device name, mobile application usage data, and aggregated information such as “click stream” information which means entry and exit points (including referring URLs or domains), traffic statistics, page views, and impressions, all of which are collected automatically
3. **Geolocation Information.** The location of your device, upon your voluntarily consent
4. **Cookie Information.** Information collected through cookies, web beacons, pixel tags and other technologies described in more detail later in the Cookies and Web Beacons section of this Privacy Policy

2. HOW WE USE PERSONAL INFORMATION

We may use Personal Information about you for purposes described in this Privacy Policy or as otherwise disclosed to you through the Online Services. This includes the following:

1. **To Provide You With the Online Services.** We may process and manage your account and your purchase and use of our products and services
2. **To Communicate with You.** Respond to your inquiries or requests, and to post your comments or statements on message boards or in our online forums. We may also send you communications about offerings from SlimFast and our affiliated companies. We may also use your Personal Information to market to you, create and deliver personalized promotions based on your purchases and other interactions with us, and develop marketing materials. You may opt-out of marketing communications at any time by clicking the “unsubscribe” link in a marketing email.
3. **For Research and Development.** We utilize your Personal Information to improve our online services, analyze usage and interests, identify usage trends, determine the effectiveness of our promotional campaigns, and to operate and expand our business activities.
4. **To Enforce our Terms and Agreements and Prevent Misuse.** To maintain a safe, secure, and trusted environment for you when you use the Online Services, we use your Personal Information to make sure our terms, policies, and agreements with you and any third parties are enforced. We actively monitor, investigate, prevent, mitigate, and report fraud, misrepresentations, security breaches or incidents, other potentially prohibited or illegal activities on our Online Services for your protection. We are required to process your Personal Information for this purpose to provide our Online Services.
5. **To Comply with Applicable Laws.** To verify your identity; comply with any applicable laws or regulations, or in response to lawful requests for information from the government or through legal process; fulfill any other purpose disclosed to you in connection with our Online Services; contact you to resolve disputes, collect fees, and provide assistance with our Online Services.

3. SHARING OF PERSONAL INFORMATION

Except as set forth below, we will not knowingly disclose your Personal Information to anyone outside of SlimFast or our affiliated companies.

- **To Provide Our Services To You**
We may disclose your Personal Information to third-party service providers to provide us with services such as payment processing, website hosting, professional services, including information technology services and related infrastructure, customer service, e-mail delivery, auditing and other similar services necessary to the Online Services and services you request.
- **Corporate Transactions or Events**
We may disclose your information to a third party in connection with a corporate

reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock, including in connection with any bankruptcy or similar proceedings.

- **Compliance with Law**

We may use or disclose your Personal Information as we deem necessary or appropriate: (1) under applicable law, including laws outside your country of residence; (2) to respond to requests from public and government authorities including public and government authorities outside your country of residence; (3) to comply with subpoenas and other legal processes; (4) to pursue available remedies or limit damages we may sustain; (5) to protect our operations or those of any of our affiliated companies; (6) to protect the rights, privacy, safety or property of SlimFast or others; and (7) to enforce our terms and conditions.

- **Disclosure to Third Parties**

We may disclose your Personal Information collected for a business purpose in connection with marketing and accessing the Online Services to certain third parties. We do not share Personal Information relating to your commercial or financial data with third parties. The subsequent usage of any Personal Information shared with third parties shall be governed by each third party's respective privacy policy.

- **Third Party Marketing**

SlimFast may, from time to time, share the information you provide to us with third party marketing partners that we believe offer products or services that may be of interest to you. If you would like us to stop providing your information to our third-party marketing partners, you may opt-out by emailing us at customercare@slimfast.com or sending a letter to SlimFast, Care of Customer Care, 11780 U.S Highway 1 400N Palm Beach Gardens, FL 33408

4. USE OR SHARING OF NON-PERSONAL INFORMATION

Non-personal information may be used for any purpose not prohibited by law. For example, we may collect, compile, store, publish, promote, report, sell, or otherwise disclose or use any and all information that does not identify an individual (or that has been modified to remove individual identification).

5. COOKIES, WEB BEACONS AND ONLINE ADVERTISING

- **What Are Cookies?**

SlimFast and its agents use small text files called cookies, and other website tracking technology similar to Cookies such as pixel tags, web beacons, and clear GIF files (collectively, "Cookies"). Cookies are small pieces of data that we and our agents place in your computer's browser to store your preferences. Cookies may be linked to Personal Information that you provide to us through your online interaction with us. A Cookie will typically contain the name of the domain (internet location) from which the Cookie has come, the "lifetime" of the Cookie (i.e. when does it expire), and a value, usually a randomly generated unique number.

- **Types of Cookies**

Each cookie performs one or more of the following functions:

- (a) Essential Cookies: These first party cookies allow you to use a feature of the Online Services, such as to stay logged in or make purchase.
- (b) Analytics Cookies: These can be first party or third-party cookies. Such cookies track information about how the Online Services are used so SlimFast can make improvements and report on our performance. SlimFast may also use such cookies to test new ads or features.
- (c) Preference Cookies: These first party cookies store your Online Services preferences.
- (d) Ad Targeting Cookies: These third-party cookies (also called “behavioral” or “targeted” advertising) are placed by advertising platforms or networks to deliver ads and track performance or to deliver ads based upon your activities.

- **How We Use Cookies**

We use Cookies so that we can improve your online experience – for example, by remembering you when you come back to visit us, and making the content you see more relevant to you. Cookies also enable us to track online purchases made through the Online Services and target relevant advertisements to you.

- **Analytics**

We use third-party analytics such as Google Analytics to gather and analyze anonymous user information. [Google Analytics](#) is a web analytics service provided by Google, Inc. ("Google"), to collect information about use of the Online Services. Google may use cookies to collect information about your purchase history, the content you view, what websites you visit immediately prior to and after visiting the Online Services, and your system information and geographic information. The information generated by the Google cookies about your use of the Online Services will be transmitted to and stored by Google. The information collected by Google allows us to analyze the use of the Online Services, but does not identify you.

- **Online Advertising**

We use Cookies to help manage our online advertising program. These technologies may enable us (or third-party advertising services we work with) to learn which advertisements bring users to the Online Services. They also may enable us (or third-party advertising services we work with) to track the actions of users online over time and across different web sites or platforms to measure statistics of our marketing efforts, and to deliver electronic advertisements that may be more relevant to individual consumers and that will improve the consumer experience. For information about how tracking works for online advertising purposes, and what happens when you elect a do-not-track option, visit <http://www.aboutads.info/choices>. In addition, some third-party businesses may provide a mechanism to opt-out of their technology. For more information about the opt-out process, visit the Network Advertising Initiative website, available at: http://www.networkadvertising.org/managing/opt_out.asp. At this time, the Online Services are not able to respond to do-not-track requests from browsers.

- **Your Control of Cookies**

Web browsers allow some control of most Cookies through the browser settings. To find out more about Cookies, including how to see what Cookies have been set on your device and how to manage and delete them, visit www.allaboutcookies.org. Please understand, however, if you disable Cookies, some features of the Online Services may not work as well (or at all) for you.

6. SOCIAL NETWORKING AND THIRD-PARTY SITES

When you sign in or link to the Online Services through any social networking service, any information you supply (or have supplied) to us becomes subject to the privacy policy of that social network/service. We do not control, and are not responsible for, the privacy practices of such networks or services. You should consult the privacy policy of such networks/services. If you post information in a public forum it becomes public information. In addition, we may disclose your Personal Information in order to identify you to anyone to whom you send communications through the Online Services. The Online Services may provide links to other sites or services. If you use such other sites or services, check their privacy policies. We are not responsible for the privacy practices of any other site or service.

7. CALIFORNIA RESIDENTS

a. Marketing

Under California Civil Code sections 1798.83-1798.84, also known as the “Shine the Light Law,” any of our users who are California residents are entitled to request and receive once a year, free of charge, a notice from us describing what categories of personal customer information (if any) we shared with third parties or corporate affiliates for their direct marketing purposes during the preceding calendar year. If applicable, the notice will identify the categories of information shared, the names and addresses of the third parties and affiliates with which information was shared. If you are a California resident and would like to request a copy of this notice, please submit a written request to the following address: SlimFast KSF Acquisition Corporation, SlimFast, Care of Customer Care, 11780 U.S. Highway 1 400N Palm Beach Gardens, FL 33408 In your request, please specify that you want a “California Privacy Rights Notice.” Please allow at least thirty days for a response.

b. Do Not Track Signals

SlimFast does not track its customers over time and across third party websites to provide targeted advertising and therefore does not respond to Do Not Track (DNT) signals. However, some third-party sites do keep track of your browsing activities when they serve you content, which enables them to tailor what they present to you.

c. Privacy

This section only applies to individuals who are residents of California under the California Consumer Privacy Act of 2018 (“CCPA”) and other California privacy laws (together “California Laws”).

Personal Information Collected.

Below is a summary of the Personal Information Slimfast has collected in the preceding twelve months, the reason we collect your Personal Information, where we obtain the Personal Information we collect about you, and the third parties that we share your Personal Information categorized as defined and outlined in California Law.

Category of Information	Sources of Information	Purpose of Information Collection	How We Share It
Identifiers	We collect identifiers from your use of the Online Services, User Information, Device and Log Information, and from third parties, as outlined in Section 1 above.	We collect identifiers to provide you with the Online Service, to communicate with you, for Research and Development, to Enforce our Terms, Agreements, and Policies, and to Comply with Applicable Laws, as outlined in Section 2 above.	We share identifiers to Perform Services for you, in connection with Corporate Transaction or Events, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.
Personal information under California Civil Code section 1798.80	We collect Section 1798.80 information from your use of the Online Services, User Information, Financial Information, Self-Reported Information, Device & Log Information, and from third parties as outlined in Section 1 above.	We collect Section 1798.80 information to provide you with the Online Service, to Communicate with You, for Research and Development, to Enforce our Terms, Agreements, and Policies, and to Comply with Applicable Laws, as outlined in Section 2 above.	We share Section 1798.80 information to Perform Services for you, in connection with Corporate Transaction or Events, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.

<p>Protected classifications under California and Federal Law</p>	<p>We collect protected classification data, such as your sex or age, from your use of our Online Services, User Information, and from third parties, as outlined in Section 1 above.</p>	<p>We collect protected classification data to provide you with the Online Services, to communicate with you, for Research and Development, to Enforce our Terms, Agreements, and Policies, and to Comply with Applicable Laws, as outlined in Section 2 above.</p>	<p>We share protected classification data to Perform Services for you, and in Disclosures to Third Parties, as outlined in Section 3 above.</p>
<p>Commercial information</p>	<p>We collect commercial information from your use of the Online Services, User Information and Financial Information, as outlined in Section 1 above.</p>	<p>We collect commercial information to Provide you with the Online Services, for Research and Development, and to Comply with Applicable Laws, as outlined in Section 2 above.</p>	<p>We share commercial information to Perform Services for you, in connection with Corporate Transaction or Events, in Compliance with Law, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.</p>
<p>Electronic network activity information</p>	<p>We collect network information through your use of the Services, Device & Log Information, User Information, and third parties, as outlined in Section 1 above.</p>	<p>We collect network information to Provide you with the Online Services, for Research and Development, to Communicate with you, and to Comply with Applicable Laws, as outlined in Section 2 above.</p>	<p>We share commercial information to Perform Services for you, in connection, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.</p>

Geolocation data	We collect Geolocation data through your use of the Services, Service Data, Device & Log Information, as outlined in Section 1 above.	We collect geolocation data to provide our Services, to communicate with you, for Research and Development, and to Comply with Applicable Laws, as outlined in Section 2 above.	We share geolocation data to Perform Services for you, in connection, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.
Biometric Information	We collect biometric information, through your use of our Online Services through Self-Reported Fitness Information, as outlined in Section 1 above.	We collect biometric information to Provide Our Services, to Enforce our Terms, Agreements, and Policies, and to Comply with Applicable Laws, as outlined in Section 2 above	We share biometric information to Perform Services for you, in connection, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.
Inferences	We develop inference data through your Self-Reported Information, Device & Log Information, User Information, and third parties, as outlined in Section 1 above.	We develop inference data to Provide Our Services, to Communicate with you, and for Research and Development, as outlined in Section 2 above.	We share inference data to Perform Services for you, in connection, in Compliance with Law, in Disclosures to Third Parties, for Third Party Marketing, and any other purpose with your consent, as outlined in Section 3 above.

Under California Laws, California residents have the following rights (“Rights”) listed below. Your Right to Access and Right to Deletion are not absolute and are subject to certain exceptions. For instance, we cannot disclose specific pieces of Personal Information if the disclosure would create a substantial, articulable, and unreasonable risk to the security of the Personal Information, your account with us or the security of the business’s systems of networks.

- **Disclosure & Access Rights:** California residents have the right to request that we disclose to them (i) the *categories* of personal information we have collected about them, (ii) the categories of *sources* from which personal information is collected, (iii) the *business or commercial purpose for the information collection*, (iv) the categories of *third parties* with whom we have shared personal information, and (v) the *specific pieces* of personal information we hold about an individual.
- **Deletion Rights:** California consumers have the right to have their Personal Information deleted, unless the Personal Information is necessary for the business or service provider to:
 - complete a transaction for which the Personal Information was collected, provide a good or service requested by the consumer or otherwise perform a contract between the business and the consumer;
 - detect security incidents;
 - protect against malicious, deceptive, fraudulent or illegal activity (or prosecute those responsible);
 - debug to identify and repair functionality errors;
 - exercise or ensure the right of another to exercise free speech or another legal right;
 - comply with the California Electronic Communications Privacy Act, which compels the production of or access to electronic communication information or electronic device information with a search warrant;
 - engage in research in the public interest (if the consumer has provided informed consent);
 - to enable solely internal uses aligned with the consumer's expectations given their relationship with the business;
 - comply with a legal obligation;
 - otherwise use the information internally in a lawful manner compatible with the context in which the consumer provided it.
- **Opt-Out of Selling Your Personal Information to Third Parties:** Californian consumers have the right to opt-out of having their personal information sold to third parties. Under California Law, Slimfast’s sharing of Personal Information relating to the marketing and access of our Online Services to certain third parties may constitute a “sale” by definition. Please note that any Personal Information previously shared with Third Party Partners cannot be undone. You can opt-out of such information sharing by clicking on the Do Not Sell My Info link in the footer of our homepage.

Californians can exercise their privacy rights by contacting us at <https://slimfast.com/privacy/data-request> or at 1-800-SLIMFAST / (1-800-754-6327).

Response Time.

We will handle request under California Law. When a request is made, we may verify your identity to protect your privacy and security. We will respond to written rights requests within 45 days following receipt at the link or phone number stated above. Please note that we are only required to respond to each customer twice per 12 month period.

8. NEVADA RESIDENTS

Nevada law entitles you to request that we refrain from sale of your personal information to other entities, for purposes of resale. We do not engage in such sales of personal information.

9. CHILDREN

The Online Services are not intended for anyone under the age of 18. We will not knowingly collect any personally identifiable information from children under the age of 18. If we learn that we have obtained any personally identifiable information about a child under age 18, we will delete that information.

10. SECURITY

We strive to use reasonable safeguards to help prevent loss, misuse and unauthorized access, disclosure or modification of Personal Information provided or collected through the Online Services. However, no system is perfect or can guarantee that unauthorized access or theft might not occur.

11. RETENTION OF INFORMATION

Following termination or deactivation of any user account you may create, unless you request that your information be deleted by contacting us, we may retain your information for back-up, archival, legal and audit purposes, and to reactivate your account upon your request. In addition, we may retain and continue to use indefinitely all information contained in your communications to other users of the Online Services posted to public or semi-public areas of the Online Services after termination or deactivation of your user account.

12. MANAGING YOUR ACCOUNT INFORMATION AND COMMUNICATIONS PREFERENCES

To update or correct your account information – or if you would like to stop receiving marketing communications from us via email or other methods – you may contact us at customercare@slimfast.com, send a letter to us at SlimFast, Care Of Customer Care, 11780 U.S. Highway 1 400N Palm Beach Gardens, FL 33408. You can also login to the mobile app, go to My

SlimFast Profile, and edit your account information. App notification preferences may also be managed in the settings menu of the mobile app.

13. CHANGES AND UPDATES

We will notify you of changes to this Privacy Policy by posting the amended terms on the Online Services and providing any advance notice required by law. If you have provided us with your email address, we will also notify you of material changes to this Privacy Policy that affect your substantive rights by sending an email before the effective date of such changes to the email address you most recently provided to us. We encourage you to keep the email address you provide to us current, and to promptly notify us of any changes to your email address, so that you may receive any notices we send to you regarding material changes to this Privacy Policy. If you do not agree to the new terms, you should stop using the Online Services and services, and if you are a registered user, you may cancel your account with us within the notice period we specify by contacting us at customercare@slimfast.com, and you will not be bound by the new terms. Otherwise, the new terms will take effect on the date listed in the notice we provide.

For information on terms and conditions for SlimFast SMS/Text programs please click [here](#).