



## Privacy Policy

Last updated on March 15, 2023

We know that in this digital age, your privacy is important. This Privacy Policy reflects our commitment to protecting personal data and the choices we offer you regarding how your data is used. We welcome you to read more about how we keep your information safe, as well as how you can exercise your rights. In addition, our Privacy policy covers our treatment of data that may be personal to you.

- We will review, update, and amend these policies from time to time, consistent with our business needs and technology. We encourage you to check back periodically for new updates or changes. Your continued use of the service makes up for your acceptance of any change to this Privacy Policy. We are the data controller of your information. We handle and process all data on behalf of our customers
- You may likewise decide not to give us "discretionary" Personal Data; however, please remember that without it, we will most likely be unable to provide you with the full scope of our administrations or with the best client experience when utilizing our Services.
- This Privacy Policy ("**Privacy Policy**") describes how **Ningen, Inc.** Will gather, use, and maintain your Personal Information on **Swarm** application and website "**btswarm.com**". It will also explain your legal rights with respect to that information.
- By using the application or services, you confirm that you have read and understood this Privacy Policy and our Terms (together referred to herein as the "**Agreement**"). The Agreement governs the use of Swarm. We will collect, use, and maintain information consistent with the Agreement.

### *What personal information do we collect from the people who visit our application?*

We do not collect any personal information from the application.

- **Minors' Data:**

We do not knowingly collect data from or market to children under 18 years of age.

We do not knowingly solicit data from or market to children under 13 years of age. By using the Application, you represent that you are at least 18 or that you are the parent or guardian of such a minor and consent to such minor dependent's use of the Application. If we learn that personal information from users less than 18 years of age has been collected, We will take reasonable measures to promptly delete such data from our records. If you become aware of any data we may have collected from children under age 18, please contact us.

### **Automatically collected information about your use of our Services or tools,**

This information is registered automatically with the visit by the own configuration or manual of each tool on the application.

- When you visit, connect with, or utilize our service, we may gather, record, or create specific specialized data about you.
- We automatically collect certain information when you visit, use or navigate the Application. This information does not reveal your specific identity (like your name or contact information) but may include device and usage information, such as your IP address, and device characteristics, operating system, language preferences, referring URLs, device name, country, location, information about how and when you use our Application and other technical information. This information is primarily needed to maintain the security and operation of our Application and for our internal analytics and reporting purposes.

**The information we collect includes:**

***Log and Usage Data.*** Log and usage data are service-related, diagnostic, usage, and performance information our servers automatically collect when you access or use our Application, which we record in log files. Depending on how you interact with us, this log data may include your IP address, device information, mobile type, settings, and information about your activity on the Application (such as the date/time stamps associated with your usage, pages, and files viewed, searches and other actions you take such as which features you use), device event information (such as system activity, error reports (sometimes called 'crash dumps') and hardware settings).

***Device Data.*** We collect device data such as information about your computer, phone, tablet, or another device you use to access the Application. Depending on the device used, this device data may include information such as your IP address (or proxy server), device and application identification numbers, location, mobile type, hardware model, Internet service provider and/or mobile carrier, operating system, and system configuration information.

***Location Data.*** We collect location data, such as information about your device's location, which can be either precise or imprecise. How much information we collect depends on the type and settings of the device you use to access the Application. For example, we may use GPS and other technologies to collect geolocation data that tells us your current location (based on your IP address). You can opt out of allowing us to collect this information either by refusing access to the information or by disabling your Location setting on your device. Note, however, that if you choose to opt-out, you may not be able to use certain aspects of the Services.

***How do we use your details?***

We process data to operate, improve, understand, and personalize our services. We use personal data for the following purposes:

- To fulfill or meet the reason you provided the information (e.g., to help provide our App services to you).
- To send you catalogs, information, newsletters, promotional materials, and other offerings from the Company or on behalf of our partners and affiliates.
- To communicate with you about the Services, including Service announcements, updates, or offers.
- Correspond with you; and
- Compile anonymous statistical data for our own use or for a third party's use; and
- Assist law enforcement as necessary; and
- Analyze trends to improve our application and offerings.

- To personalize and develop our app and the services we provide you and improve our offerings.
- To provide certain features or functionality of the services on the app.
- For marketing and promotions.
- Respond to law enforcement requests and as required by applicable law, court order, or governmental regulations.
- To prevent illegal activity, fraud, and abuse.
- To help our app, we will be ready to serve you better.

We will not collect additional categories of Personal Data or use the Personal Data we collected for materially different, unrelated, or incompatible purposes without providing you notice.

As noted in the list above, we may communicate with you if you've provided us with the means to do so. For example, if you've given us your email address, we may send you promotional email offers or email you about your use of the Services. Also, we may receive a confirmation when you open an email from us, which helps us improve our services. If you do not want to receive communications from us, please indicate your preference by emailing us at [liappis@ningen.cloud](mailto:liappis@ningen.cloud).

### **How to opt-out**

When you engage us for the Services or make inquiries about our Services, you will be requested to provide your consent to us to send promotional material to you. You may stop the delivery or “**opt-out**” of future promotional emails by following the specific instructions in the email you receive.

### ***California Consumer Rights***

The California Consumer Privacy Act provides specific rights to those in California. Suppose you are a California-based consumer, as that term is defined under California law. In that case, this section shall apply in addition to all other applicable rights and information contained in this Statement.

- You have the right to request that we provide you with what personal information we collect, use, and disclose.
- You have the right to request that we delete the personal information we, or our service providers, store about you.
- We will not discriminate or retaliate against you if you elect to exercise any rights under this section of our Privacy Statement.
- You may request that we not sell your personal information. As noted above, we do not sell your personal information, and we only share your personal information with third parties, as described in this Statement.
- You have the right to designate an authorized agent to request on your behalf. Please see the Identity Verification Requirement below for information on our process for verifying that we have received a legally valid request.
- If you are a California consumer and have additional questions based on this section of our Privacy Statement or wish to submit a request to request that we not share your information with third parties, please contact us by email or through the contact us page.
- See more at <https://consumercal.org/about-cfc/cfc-education-foundation/california-online-privacy-protection-act-caloppa-3/>

### **According to caloppa, we agree to the following:**

- Users can visit our app anonymously.
- You'll be notified of any ONLINE PRIVACY POLICY changes via email

### ***Coppa (children online privacy protection action)***

With regards to the assortment of private information from children under the age of 13 years, the Children's Online Privacy Protection Act (COPPA) puts parents in charge. The Federal Trade Commission, United States consumer safety firm, enforces the COPPA Guideline, which defines what providers of applications and online services should do to safeguard children's privacy and security online. For more details, [Click Here](#) or below link

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>

### **Contact Details**

You can exercise any of the rights described above in the "What are your choices and how can you exercise them?" section above directly by sending an email to [liappis@ningen.cloud](mailto:liappis@ningen.cloud).

### **Ningen, Inc**

**Email:** [liappis@ningen.cloud](mailto:liappis@ningen.cloud)

**Phone:** (941) 960-6776

If you are submitting a request on behalf of another person, you must provide proof that you have been authorized by the individual to act on his or her behalf. In certain circumstances, we may ask the individual to verify his or her own identity directly with us. Please note that we may deny a request from an authorized agent that does not submit proof that they have been authorized by you to act on your behalf.

### **Your Legal Rights**

Under certain circumstances, you have rights under data protection laws to your data.

***You may have the following rights: -***

- A. **Request access** to your data (commonly known as a "data subject access request"). This enables you to receive a copy of the personal data we hold about you and check that we are lawfully processing it.
- B. **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide.
- C. **Request deletion** of your data. This enables you to ask us to delete or remove personal data where there is no good reason to continue processing it. You also have the right to ask us to delete or remove your data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons, which will be notified to you, if applicable, at the time of your request.
- D. **Object to processing** your data where we are relying on a legitimate interest (or those of a third party). Something about your situation makes you want to object to processing on this ground as you feel it impacts your fundamental rights and freedoms. You also have the right to object to processing your data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information, overriding your rights and freedoms.
- E. **Request restriction** of processing of your data. This enables you to ask us to suspend the processing of your data in the following scenarios:

- a. If you want us to establish the data's accuracy.
  - b. Our use of the data is unlawful, but you do not want us to erase it.
  - c. You need us to hold the data even if we no longer require it as you need it to establish, exercise, or defend legal claims.
  - d. You have objected to our use of your data, but we need to verify whether we have overriding legitimate grounds to use it.
- F. **Request the transfer** of your data to you or a third party. We will provide your data in a structured, commonly used, machine-readable format to you or a chosen third party. Note that this right only applies to automated information; you initially provided consent for us to use or use the information to perform a contract with you.
- G. **Withdraw consent** at any time where we are relying on consent to process your data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not provide certain services to you.

### ***Can-spam act***

The CAN-SPAM Act is a regulation that sets the guidelines for commercial email, establishes requirements for commercial announcements, offers recipients to have emails ceased from being delivered to them, and spells out hard fines for violations.

We accumulate your email to be able to:

- Send information, react to questions, and/or other demands or questions.
- To maintain compliance with CANSPAM, we consent to the next:
- Do not use untrue or misleading subject matter or email addresses.
- Identify the concept as an advertisement in some realistic way.
- Include the physical address of our app headquarters or business.
- Screen third-party email marketing services for conformity, if one can be used.
- Honor opt-out/unsubscribe demands quickly.
- Allow users to unsubscribe utilizing the link at the bottom of every email.

If anytime you want to unsubscribe from receiving future emails, you can email us by using the contact form on our application, and we'll immediately remove you from ALL communication.

### ***Limitation of liability***

Some jurisdictions do not allow the limitation or exclusion of liability for incidental or consequential damages, so some of the above limitations may not apply to you.

We make no legal representation that the application or services are appropriate or available in locations outside United States. You may access the application from outside United States at your own risk and initiative and must bear all responsibility for compliance with applicable foreign laws.

### ***Governing Law and Jurisdiction***

This application originates from United States. The laws of United States. Without regard to its conflict of law, principles will govern these terms to the contrary. You hereby agree that all disputes arising out of or in connection with these terms shall be submitted to the exclusive jurisdiction of the United States. Using this application, you consent to the jurisdiction and venue of such courts in connection with any action, suit, proceeding, or claim to arise under or because of these terms. You hereby waive any right to trial by jury arising out of these terms.

### ***Changes to this privacy notice***

We're constantly trying to improve our Services, so we may need to change this Privacy Policy from time to time, but we will alert you to changes by placing a notice on the Ningen, Inc application by sending you an

email and/or by some other means. Please note that if you've opted not to receive legal notice emails from us (or you haven't provided us with your email address), those legal notices will still govern your use of the Services, and you are still responsible for reading and understanding them. If you use the Services after any changes to the Privacy Policy have been posted, that means you agree to all the changes. The use of the information we collect is subject to the Privacy Policy in effect at the time such information is collected.

***Contacting us***

If you would like to contact us to understand more about this Policy or wish to contact us concerning any matter relating to individual rights and your Personal Information, you may do so via the contact us or email us at [liappis@ningen.cloud](mailto:liappis@ningen.cloud).