

Kao USA Inc.

Privacy Notice for California Residents

Effective Date: January 1, 2020

Last Reviewed: January 1, 2020

I. Overview

You should read Kao USA Inc.'s entire Privacy Notice for California Residents, but here is a partial list of some of the key topics.

- [Click here](#) to learn who we are and who is covered by this Privacy Notice.
- [Click here](#) to learn what categories of information we collect from California consumers and why we collect it.
- [Click here](#) to learn about our data collection, use, and disclosure practices during the 12-month period preceding the Effective Date.
- We do not, and will not, sell personal information of consumers. We have not sold any such information in the last 12 months.
- [Click here](#) to learn about your rights and choices with respect to your personal information and how to exercise those rights.
- We will not discriminate against you for exercising any rights you may have been granted under the California Consumer Privacy Act.
- [Click here](#) to learn how to contact us for more information about our privacy practices.

II. Introduction

This **Privacy Notice for California Residents** supplements the information contained in Kao USA, Inc.'s ("**Kao**," "**we**," "**us**," or "**our**") website privacy policies and describes our privacy practices with respect to individuals who reside in the State of California ("**consumers**" or "**you**").

This Privacy Notice does not apply to information we collect when:

- You are acting as a job applicant to us;
- You are acting in your capacity as a current or former employee, owner, director, officer, medical staff member, or contractor for us;
- You have been designated as an emergency contact for one of the persons listed above and your information has been collected for use solely within that context;
- We need your personal information to administer benefits obtained through one of the persons listed above.

For information on our privacy practices as they relate to any of the above persons contact us by using the contact information in [Section IX \(Who to contact for more information\)](#) below.

We adopt this notice to comply with the California Consumer Privacy Act of 2018, as may be amended, replaced, or superseded as well as any implementing regulations (CCPA). Any terms defined in the CCPA have the same meaning when used in this notice.

The CCPA temporarily exempts personal information reflecting written or verbal business-to-business communications (“**B2B personal information**”) from many of its requirements. This Privacy Notice does not disclose our practices with respect to B2B personal information.

III. Information we collect about California consumers

We collect information that identifies, relates to, describes, references, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or device (“**personal information**”). However, personal information does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Information excluded from the CCPA's scope, like:
 - health or medical information covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the California Confidentiality of Medical Information Act (CMIA) or clinical trial data; and
 - personal information covered by certain sector-specific privacy laws, including the Fair Credit Reporting Act (FRCA), the Gramm-Leach-Bliley Act (GLBA) or California Financial Information Privacy Act (FIPA), and the Driver's Privacy Protection Act of 1994.

Specifically, we collect the following categories of personal information:

| Category | Examples | Do we collect this information? |
|---|--|---------------------------------|
| A. Identifiers. | A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers. | YES |
| B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)). | A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, credit or debit card number, bank account number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories. | YES |
| C. Protected classification characteristics | Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or | NO |

| | | |
|---|---|-----|
| under California or federal law. | military status, genetic information (including familial genetic information). | |
| D. Commercial information. | Records of products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies. | YES |
| E. Biometric information. | Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data. | NO |
| F. Internet or other similar network activity. | Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement. | YES |
| G. Geolocation data. | In some cases, we may collect your location to provide you location-related services | YES |
| H. Sensory data. | If you call our offices and leave a voicemail, audio information | YES |
| I. Professional or employment-related information. | Current or past job history or performance evaluations. | NO |
| J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)). | Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records. | NO |
| K. Inferences drawn from other personal information. | Profile reflecting a person's preferences, including brand or product preferences and purchasing preferences. | YES |

We collect and share personal information in the above categories for the following business purposes:

- To register you as a new customer.
- To verify your identity so that we can respond to a request you make under the applicable law.

- To send you products that you have ordered, including to process payment, provide you updates about the status of your order, and process product returns.
- To manage our relationship with you which may include notifying you about changes to our terms or privacy policy, providing you notices about your account, asking you to leave a review or take a survey, addressing any concerns you may have about our products or services.
- To send samples that you have requested or to contact you for market research purposes.
- To provide you with the information, products, services or support that you request from us or to fulfill any other purpose for which you provide it.
- To deliver relevant content, advertisements, and messaging to you and to measure or understand the effectiveness of such content, advertisements, and messaging.
- To allow you to enter a sweepstake, contest or promotion that we may offer. If we plan to make additional uses of data collected in connection with any sweepstake, contest, or promotion, we will inform you at the time of entry. If we offer a co-branded promotion, then our co-sponsor may have different privacy practices, which we will inform you about before you provide your information.
- To use data analytics to improve our website, products or services, marketing, customer relationships, and experiences.
- To make suggestions and recommendations to you about our own and third-parties' products or services that may be of interest to you. If you do not want us to use your information in this way or for more information on how to adjust your preferences, see *Your Rights and Choices*.
- To help maintain the safety, security, and integrity of our services, databases and other technology assets, and business.
- To report to regulatory authorities as required by law.
- To respond to law enforcement requests and other requests as required by applicable law, court order, or governmental regulations.
- To protect and enforce our and others' intellectual property rights; to protect or defend our legal rights or property, our services, or other users; and to protect the health and safety of our services' users or the general public.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about consumers is among the assets transferred.
- As described to you when collecting your personal information.
- For any purpose with your consent.

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

IV. We do not sell your personal information

We do not, and will not, sell personal information of consumers and have not sold any such personal information within the last twelve (12) months.

V. Notice of personal information that we have collected or disclosed in the last 12 months

In the last twelve (12) months, we have collected or disclosed the following categories of personal information for a business purpose:

1. Categories of information collected in the last 12 months

- Category A: Identifiers.
- Category B: California Customer Records personal information categories.
- Category C: Protected classification characteristics under California or federal law.
- Category D: Commercial information.
- Category F: Internet or other similar network activity.
- Category G: Geolocation data.
- Category H: Sensory data.
- Category K: Inferences drawn from other personal information.

2. How we collected this information

We collected the above categories of your personal information from the following sources:

- **Directly from you.** For example, from forms you complete to enter promotions, to make comments or inquiries concerning products you purchase and services you may obtain when you reach out to us online or offline.
- **Indirectly from you.** For example, from observing your actions as you use our Services.
- **From our service providers.** This includes businesses that collect your personal information on our behalf in order to help us respond to consumer inquiries, conduct market research, and comply with legally mandated disclosure requirements.
- **From other third parties.** For example, when you make a comment on a third-party website such as social media, we may collect your name and contact information to respond to your concern.

3. Why we collected personal information

We have collected and disclosed personal information in the above categories for the following business purposes:

- To register you as a new customer.
- To verify your identity so that we can respond to a request you make under the applicable law.
- To send you products that you have ordered, including to process payment, provide you updates about the status of your order, and process product returns.

- To manage our relationship with you which may include notifying you about changes to our terms or privacy policy, providing you notices about your account, asking you to leave a review or take a survey, addressing any concerns you may have about our products or services.
- To send samples that you have requested or to contact you for market research purposes.
- To provide you with the information, products, services or support that you request from us or to fulfill any other purpose for which you provide it.
- To deliver relevant content, advertisements, and messaging to you and to measure or understand the effectiveness of such content, advertisements, and messaging.
- To allow you to enter a sweepstake, contest or promotion that we may offer. If we plan to make additional uses of data collected in connection with any sweepstake, contest, or promotion, we will inform you at the time of entry. If we offer a co-branded promotion, then our co-sponsor may have different privacy practices, which we will inform you about before you provide your information.
- To use data analytics to improve our website, products or services, marketing, customer relationships, and experiences.
- To make suggestions and recommendations to you about our own and third-parties' products or services that may be of interest to you. If you do not want us to use your information in this way or for more information on how to adjust your preferences, see *Your Rights and Choices*.
- To help maintain the safety, security, and integrity of our services, databases and other technology assets, and business.
- To report to regulatory authorities as required by law.
- To respond to law enforcement requests and other requests as required by applicable law, court order, or governmental regulations.
- To protect and enforce our and others' intellectual property rights; to protect or defend our legal rights or property, our services, or other users; and to protect the health and safety of our services' users or the general public.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us about consumers is among the assets transferred.
- As described to you when collecting your personal information.
- For any purpose with your consent

4. *Who we have shared this information with for a business purpose*

For each of the above categories, we shared your personal information with the following categories of third parties:

- Service providers and vendors

- Taxing entities
- Insurance companies
- Legal counsel
- Our parent and affiliated companies who directly support our activities

VI. Your Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

A. Access to Specific Information and Data Portability Rights

You have the right to request that we disclose certain information to you about our collection, use, disclosure, and sale of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights* below), we will disclose to you:

- The categories of personal information we collected about you.
- The categories of sources for the personal information we collected about you.
- Our business or commercial purpose for collecting or selling that personal information. The categories of third parties with whom we share that personal information.
- The specific pieces of personal information we collected about you (also called a data portability request).
- If we sold or disclosed your personal information for a business purpose, two separate lists disclosing:
 - sales, identifying the personal information categories that each category of recipient purchased; and
 - disclosures for a business purpose, identifying the personal information categories that each category of recipient obtained.

B. Deletion Request Rights

You have the right to request that we delete any of your personal information that we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request (see *Exercising Access, Data Portability, and Deletion Rights* below), we will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

C. Exercising Access, Data Portability, and Deletion Rights

- ***How to submit requests***

We provide our customers with several brand options. Accordingly, to exercise your access, data portability, and deletion rights described above, please submit a verifiable consumer request by contacting us via the phone number or web link below that corresponds to the appropriate brand:

| Brand | Phone Number | Web Link |
|--------------------|---------------------|---|
| ban | 1-866-226-3363 | https://www.feelbanfresh.com/contact-us/ |
| Biore [®] | 1-888-246-7311 | https://www.biore.com/en-us/contact-us/ |

| | | |
|-------------|----------------|---|
| Curel | 1-800-572-2931 | https://www.curel.com/en-us/contact/ |
| Goldwell | 1-800-333-2442 | https://www.goldwell.us/contact/ |
| Jergens | 1-800-742-8798 | https://www.jergens.com/en-us/contact-us/ |
| John Frieda | 1-800-521-3189 | https://www.johnfrieda.com/en-us/contact-us/ |
| KMS | 1-800-742-8798 | https://www.kmshair.com/en-US/contact-us/ |
| Wakati Hair | 1-800-521-3189 | https://www.wakatihair.com/contact |

- ***Who may submit requests***

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child. You may designate an authorized agent to make a request on your behalf by registering such person or entity with the California Secretary of State.

- ***How often you can submit requests***

You may only make a verifiable consumer request for access or data portability twice within a 12-month period.

- ***How we verify and respond to requests***

Your request must be verifiable. The request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative, which may include requiring you to provide us at least two data points, depending on the type of personal information you are requesting to know or are requesting to be deleted.
- Describe your request with enough detail that allows us to properly understand, evaluate and respond to it.

We will only use personal information provided in a verifiable consumer request to verify the requestor's identity or authority to make the request.

We cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

- ***Response Timing and Format***

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time, we will inform you of the reason and extension period in writing within forty-five (45) days of receiving your verifiable consumer request.

We will deliver our written response by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable.

We do not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

VII. Non-Discrimination

We will not discriminate against you for exercising any of your CCPA rights. You have a right not to receive discriminatory treatment by us for exercising your privacy rights.

VIII. Other California Privacy Rights

California's "Shine the Light" law (Civil Code Section § 1798.83) permits users of our Websites that are California residents to request certain information regarding our disclosure of personal information to third parties for their direct marketing purposes. At this time, we do not engage in this type of disclosure.

IX. Who to contact for more information?

For questions or concerns about our privacy policy and practices, you can contact us at the method set forth below.

Phone: 1-800-742-8798

Web: <http://kaocareers.com/contact/>

Postal Address:

Kao USA Inc.
Attention Customer Care
2535 Spring Grove Avenue
Cincinnati, OH 45214