

Privacy Notice for Nuance Audio™ Glasses

Last update: 02/01/2025

1. INTRODUCTION

1. Who are we?

Luxottica Group S.p.A., with registered office at Piazzale Cadorna no. 3 – 20123 Milan, Italy, company registration number within the Milan Trade Registry no. 00891030272, as a part of the EssilorLuxottica Group (hereafter “**EssilorLuxottica**” or “**we**” or “**us**” or “**our**”) is the “**Data Controller**” of your Personal Data, so determining the purposes and means of the Processing as described below in this privacy notice (hereafter “**Privacy Notice**” or “**Notice**”).

EssilorLuxottica is the manufacturer and seller of Nuance Audio™ Glasses (hereafter “**Nuance Audio**”), the new OTC hearing aid integrated into smart glasses for perceived mild to moderate hearing loss in adults 18+.

1. What is the purpose of this Privacy Notice?

EssilorLuxottica attributes very high importance to the processing, confidentiality, and security of your Personal Data.

The purpose of this Privacy Notice is to inform you in a clear, simple and complete manner on the Processing we carry out on the Personal Data that you provide to us, or that we can collect from you through the different contact points we may have with you (e.g., during the use of the Nuance Audio App, when you contact our customer care, when you register on the Nuance Audio website, etc.), as well as about their possible transfer to third parties. This Notice has also the purpose of properly informing you about your privacy rights and the options you may have to control your Personal Data and to protect your privacy, in accordance with the applicable legislation.

We may update this Privacy Notice at any time but if we do so, we will provide you with an updated version of this Privacy Notice as soon as reasonably practical.

We may also provide you with different or additional privacy notices in connection with certain activities, programs, and offers, as well as we may provide you with additional “just-in-time” notices that may supplement or clarify our privacy practices or provide you with additional choices regarding your Personal Data

1. What is this Privacy Notice about? Key definitions

Affiliates

Means any legal entity directly or indirectly controlling, controlled by, or under common control with EssilorLuxottica S.A. (as EssilorLuxottica Group ultimate holding company), where ‘control’ means direct or indirect ownership of at least 50% of the capital or voting power in an entity.

Nuance Audio App or simply App

Means the Application linked to the glasses/Nuance Audio through which you can get started using the Nuance Audio, can calibrate the device in complete autonomy, set up Nuance Audio according to your personal hearing preferences and customize your listening experience (such as setting the mode configuration and frame volume).

Brands

Means the brands owned by the companies belonging to EssilorLuxottica Group.

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Data Controller

Means the natural or legal person, department or organisation which, alone or jointly with others, determines the Purposes and means of the Processing of Personal Data.

Data Processor

Means a natural or legal person, department or other body which processes personal data on behalf of and on the instructions of the Data Controller.

EssilorLuxottica Group or simply **EssilorLuxottica**

Means jointly EssilorLuxottica SA (as ultimate holding company) and all its Affiliates

GDPR

Means the Regulation (EU) 2016/679 (General Data Protection Regulation).

Nuance Audio

Means the Nuance Audio™ Glasses, i.e., the product designed to work seamlessly with the App

Personal Data or simply **Data**

Means any information about an individual (the **Data Subject**) from which that person can be identified (name, contact details, identification number, etc.). The categories of Personal Data that we may process are enumerated in this Privacy Notice.

Processing (of Personal Data)

Means any action conducted concerning your Personal Data such as the collection, recording, organization, storage, modification, transfer, deletion, access, consultation, etc. of such data.

Purposes

Refers to the Purposes of the Processing. In other words, the reasons for which the Personal Data is collected and processed.

Recipients (of Personal Data)

Means any natural or legal person, public authority, agency or another body, which the Personal Data is disclosed to, whether a third party or not.

Likewise, this Privacy Notice will apply to the following Data Subjects:

Nuance Audio App Users

Users who register an account on the website Nuanceaudio.com (the “**Website**”) or directly on the App for the use of Nuance Audio

Marketing Communication Users

Users who have subscribed to receive marketing communications from EssilorLuxottica on Nuance Audio

2. WHERE ARE THE PERSONAL DATA COLLECTED FROM?

Nuance Audio are designed to work seamlessly with the App: this means that to get started using the Nuance Audio you have to register and sign into the App. This way, you can calibrate the device in complete autonomy, set up Nuance Audio according to your personal hearing preferences and customize your listening experience (such as setting the mode configuration and frame volume).

To all the extents above, the Personal Data we may collect on you depends on the point of contact through which you interact with us, as well as the purposes of this interaction, and are also limited to those which are relevant and appropriate for this interaction.

Personal Data may be collected:

a) Directly by you

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We collect your Personal Data when you register your Nuance Audio account in the App or on the Website, as well as when you subscribe on the newsletters form on the Website or, in any case, when you consent to receive marketing communications from us.

b) By using tracking systems

With your consent only, we may use some technologies that collect certain items of information relating to the way in which you utilize Nuance Audio.

c) From other sources

We may obtain information about you from other sources, such as data analytics providers, marketing or advertising service providers, fraud prevention service providers, vendors that provide services on our behalf, or publicly available sources. We may also create information based on our analysis of the information we have collected from you.

3. WHAT PERSONAL DATA MAY WE PROCESS ABOUT YOU?

The Personal Data we collect depends on the point of contact through which you interact with us, as well as the purposes of this interaction as described hereafter in this Privacy Notice and are also limited to those which are relevant and appropriate for this interaction.

3. Categories of Personal Data

CATEGORY OF DATA: *Identifiable and contact information*

TYPES OF DATA:

Including data such as name and surname, e-mail address, gender, date of birth, country of residence, and phone numbers or other contact information.

CATEGORY OF DATA: *Marketing and Communications Data*

TYPES OF DATA:

Including data such as your preferences in receiving marketing communications from us, your communication preferences and information contained in any correspondence or requests sent by you to us or asked to you by us in case of problems with Nuance Audio.

CATEGORY OF DATA: *Glasses and phone data*

TYPES OF DATA:

Including data such as your device and glasses serial number, language, App version number.

CATEGORY OF DATA: *Telemetry data*

TYPES OF DATA:

Including Data such as Data about your activity, product interaction, crash data, performance and other diagnostic and usage data.

It should also be noted that if in certain geographies certain Personal Data or categories of Data constitute special or sensitive Personal Data under locally applicable privacy legislation, their Processing will be carried out by EssilorLuxottica only:

- when required or permitted by applicable local legislation,
- when any conditions for Processing under applicable local legislation are met, and
- by implementing appropriate safeguards to ensure the protection of such sensitive personal data.

4. . WHY DO WE PROCESS YOUR PERSONAL DATA?

We are required to use your Personal Data for purposes defined according to the nature of our relationships. In particular, we use your Personal Data to power Nuance Audio, to provide you with the best customer experience and support, to communicate with you, to improve security and fraud prevention and to comply with the law. More details about set here below.

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PURPOSES: *Nuance Audio usage*

DETAILS

- To create your user account, directly in the App or by the Nuance.com
- To use the Nuance Audio features

LEGAL BASIS: EXECUTION OF A CONTRACT

PURPOSES: *After sales assistance*

DETAILS

- To communicate any technical or not technical issues about the usage of the App
- Management of post selling services and assistance

LEGAL BASIS: EXECUTION OF A CONTRACT

PURPOSES: *Customer support*

DETAILS

- To better support you in case of issues
- To allow you to efficiently use Nuance Audio

LEGAL BASIS: CONSENT

PURPOSES: *Nuance Audio performance*

DETAILS

- To improve Nuance Audio efficiency and features

LEGAL BASIS: CONSENT

PURPOSES: *Communication between us*

DETAILS

- Send you commercial and promotional communications and periodical updates (via e-mail or via phone number) related to Nuance Audio, initiatives and events

LEGAL BASIS: CONSENT

PURPOSES: *Legal obligations compliance*

DETAILS

- Comply with the requirements of the laws, regulations, protocols and national and EU legislation (including target medical device legislation)
- Implement the decisions of public Authorities
- Manage of the requests to exercise your rights
- Product traceability if applicable
- Data retention regarding accounting and tax obligations
- Combating frauds (certain automatic or manual processes are designed to combat fraud involving for example identity theft)

LEGAL BASIS: LEGAL OBLIGATIONS

PURPOSES: *Legitimate interest pursuit*

DETAILS

- Exercise or defend legal claims in court proceedings or in administrative or out-of-court procedures relating to our rights, of our group companies and/or of our representatives, shareholders, officers and directors
- Enable the technical management of Nuance Audio and its operational functions, including solving any technical problems, to perform tests, updates and upgrades that cannot be performed through non-personal data
- Prevent or identify fraudulent activities
- Complete a potential merger, sale of assets, transfer of all or a material part of its business, or financing transaction by disclosing and transferring the Personal Data to the third party or parties involved in the transaction as part of the transaction
- Conduct, surveys and market research relating to Nuance Audio by post, telephone or e-mail
- Anonymize Personal Data to perform statistical analysis, to monitor and/or enhance our medical devices, for R&D purposes, to train AI models, etc.

5. HOW DO WE PROCESS YOUR PERSONAL DATA?

5. What modalities do we use to process your personal data?

The processing of your Personal Data is carried out, electronically and manually, only within the limits necessary to pursue the purposes outlined above.

We undertake to protect your Personal Data.

We inform you that the password is one of the protection mechanisms of the account. Therefore, you are invited to use a password which is sufficiently secure and to store it in a safe place, limiting access to it on your own computers and browsers.

All Personal Data provided by you is kept on secure servers, adopting adequate security measures to protect Personal Data from non-authorized access, to maintain the accuracy of Personal Data and guarantee the proper use of information.

5. We share your Personal Data with other Affiliates of the Group

EssilorLuxottica is a global organization with offices and operations throughout the world and most of your Personal Data is stored and processed within a range of global applications that is used globally by the Affiliates of EssilorLuxottica. Most of the processing of your personal data is carried out through the concentrated services of two entities: Essilor International and Luxottica Group S.p.A.

We may share your Personal Data with certain Affiliates or Brand of the EssilorLuxottica group, based on your preferences and interests about these Affiliates or Brand, for the purposes set out in this Privacy Notice, in each case in or outside your country, as permitted and required by applicable law and/or in other circumstances with your consent.

We may also share your Personal Data for our internal business purposes.

5. Is your Personal Data transferred to third parties?

a) Service provider

We may disclose your Personal Data with our third parties service providers entrusted with processing activities, that provide services or assistance and advice to us, with special – but not exclusive – reference to technology, accounting, administrative, legal, insurance, IT, marketing, customer service, data subjects requests management, data analysis matters.

Each service provider will act as a data processor, on behalf of and in accordance with the instructions received from us, by virtue of a specific agreement in place as per Article 28 of the GDPR, which sets out its obligations and guarantees the implementation of appropriate technical and organizational measures to respect the applicable legislation and the protection of your rights.

We require that any such third-party provider is subject to strict control and implements appropriate guarantees of security and confidentiality of your Personal Data.

b) Sales or merger

We may also disclose your Personal Data:

- in the event that we sell any business or assets, in which case we may disclose Users Personal Data to the prospective purchaser of such business or assets; or
- if we sell, buy, merge with, are acquired by, or partner with other companies or businesses, or sell some or all of our assets. In such transactions, your Personal Data may be among the transferred assets.

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We may share all of the information we collect in connection with a substantial corporate transaction, such as the sale of a website, a merger, consolidation, asset sale, or in the unlikely event of bankruptcy.

c) Legal process

We may disclose your Personal Data to any authority, court, administrative body, or other authorized third party (including, without limitation, external legal counsels), where the disclosure of Personal Data is required by law, regulation or court order or where such disclosure is necessary for the protection and defense of our rights.

d) Other instances

We may ask if you would like to disclose your Personal Data with other third parties who are not described elsewhere in this Privacy Notice. Furthermore, we do not sell, rent, or lease your Personal Data to third parties but we may, from time to time, contact you on behalf of external business partners about a particular offer that may be of interest to you. In those cases, without your consent, your Personal Data would not be transferred to any third party.

The abovementioned recipients will process your Personal Data as data controllers, data processors or persons in charge of processing, depending on the circumstances.

More info on the categories of data processors is available on request: to this extent you may contact us as set out in Section 8 below.

5. Is your Personal Data transferred across the border?

Given the presence of EssilorLuxottica in many countries around the world and to provide you with personalized service worldwide, some of your Data may be collected, accessible or stored outside your country of residence.

As a result of the above, your Personal Data may be accessed and/or transferred to countries which do not have equivalent data protection laws to those required within the European Economic Area (EEA).

In such cases, EssilorLuxottica ensures that, always, appropriate safeguards are implemented to ensure that your Personal Data is processed in accordance with applicable legislation. In this respect, where your Personal Data is processed by another EssilorLuxottica entity, the safeguards are based on the commitments taken on the basis of (ii) a dedicated transfer agreement binding upon the EssilorLuxottica entity involved in the processing and (ii) a set of common rules applicable through the EssilorLuxottica Group Data Protection Policy.

Where your data is processed by EssilorLuxottica entities or third parties located outside the European Economic Area, EssilorLuxottica ensures that specific contractual protection is implemented to ensure that this requirement is addressed in accordance with the applicable legislation.

For further information regarding the appropriate or suitable safeguards and the means by which to obtain a copy of them, you can contact us with the modalities as per Section 8 of this Privacy Notice.

5. For how long do we retain your Personal Data?

We retain all or part of your Personal Data for the time strictly necessary for the reason:

- (a) to meet applicable statutory requirements for data retention,
- (b) to meet and comply with our legal and/or contractual obligations,
- (c) for as long as necessary to carry out each of the purposes mentioned in this Privacy Notice, including for the purposes of satisfying any legal, accounting and reporting requirements.

To determine the appropriate retention period for Personal Data, we consider jointly the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorized use or disclosure of your Personal Data, the purposes for which we process your Personal Data and whether we achieve those purposes through other means, and the applicable legal requirements.

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We hereby specify that your Personal Data will be retained for a period of 10 years for our contractual purposes (e.g., invoicing, accounting, etc.), save for the circumstances in which applicable laws may provide for different retention requirements.

Furthermore, if you have consented to the processing of your Personal Data for marketing activities (e.g., commercial and promotional communications, commercial newsletters, personalized offers, periodical updates related to our products, services initiatives and events, etc.), such a Data will be retained for 10 years as from your last interaction with us if you are a customer and for 2 years from your last interaction with us if you are a prospect. Last interaction is defined as the last contact you made with us and that is traceable by our systems or salespeople.

In any case, please note that, as a general rule, within EssilorLuxottica, retention and archiving of Personal Data will not exceed **10 years** overall calculated as of the first record and/or consent renewal and/or any other relevant interaction, exception made for further legal hold obligations.

In some others circumstances we may anonymize your Personal Data so that it can no longer be associated with you, in which case we may use such information without further notice to you, such as in order to perform statistical analysis, to monitor and/or enhance our medical devices, for R&D purposes, to train AI models, etc.

For any additional information on the retention of your Personal Data, you can contact us at the email address set out in section 8 of this Privacy Notice.

5. We keep your data safe, updated and accurate

EssilorLuxottica has a responsibility for the security and accuracy of the Personal Data that it processes about you and also for keeping data up to date. EssilorLuxottica has taken steps to eliminate duplicate copies of data and to facilitate updating of data that may change over time.

6. HOW DO WE PROTECT YOUR PERSONAL DATA?

EssilorLuxottica regards the protection of Personal Data as an essential priority.

In this respect, EssilorLuxottica has implemented appropriate measures and safeguards to protect the Personal Data it processes.

This is reflected in EssilorLuxottica Group's data protection policy and security policies and procedures and in the actual measures implemented throughout the EssilorLuxottica Group.

We have put in place appropriate security measures to prevent your Personal Data from being accidentally lost, used or accessed in an unauthorized way, altered or disclosed. In addition, we limit access to your Personal Data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your Personal Data on our instructions, and they are subject to a duty of confidentiality. These measures range from technical security measures that protect IT systems to the physical security measures employed at EssilorLuxottica sites. EssilorLuxottica also requires its staff to participate in information security training. Details of these measures may be obtained by contacting us in the way set out in Section 8 below.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

7. YOUR RIGHTS

You can exercise any of the following rights, subject to verification of your identity where necessary.

Please note that these rights are not "absolute rights", meaning that some exceptions may apply. These rights apply on a case-by-case basis. For example, we will delete your Personal Data, unless we can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms.

a) Right of Information and Access

You may request the confirmation of the existence of your Personal Data and to be informed of its content and source and obtain a copy of those Personal Data which our databases currently contain.

b) Right to Rectification

You may request to rectify what Personal Data our databases currently contain. We may not accommodate a request to change Personal Data if we believe the change would violate any law or legal requirement or cause the information to be incorrect.

c) Right to Restriction of the Processing

When applicable, you may restrict the processing of your Personal Data. When such restrictions are not possible, we will advise them accordingly. You can then choose to exercise any other rights under this Privacy Notice, including withdrawing your consent to the processing of your Personal Data.

d) Right to Object to the Processing

When applicable, you have the right to object to the processing of your Personal Data on grounds relating to your situation, if the processing is based on our legitimate interest. In addition, you have the right to object at any time to processing where Personal Data are processed for direct marketing purposes, which includes profiling to the extent that it is related to such direct marketing.

When such objections are not possible, we will advise you accordingly. You can then choose to exercise any other rights under this Privacy Notice, to include withdrawing your consent to the processing of your Personal Data.

e) Right to Erasure

If you wish to have your Personal Data deleted, then you may submit a request. Upon receipt of such a request for the erasure, we will confirm receipt and confirm once your Personal Data has been deleted.

f) Right to data Portability

Upon request and when possible and where applicable by local laws, we can provide you with copies of your Personal Data. When such a request cannot be honored, we will advise you accordingly. You can then choose to exercise any other rights under this Privacy Notice, including withdrawing your consent. Where applicable, we will ensure such changes are shared with any trusted third parties.

g) Right to Withdraw your Consent

Where processing is based on consent, you may withdraw his/her consent at any time to the processing of your Personal Data. Upon receipt of such a withdrawal of consent, we will confirm receipt and proceed to stop processing your Personal Data.

h) Right to lodge a complaint with the relevant data protection supervisory authority

If you are not satisfied with the way we process your Personal Data and/or respond to a request to exercise your rights, you can lodge a complaint with the relevant data protection competent supervisory authority.

In order to exercise your rights, you can use the [privacy form](#) or by contacting
nuanceaudio.privacy@luxottica.com

Please note that if you exercise your rights pursuant to this Privacy Notice, your request(s) will only target the Personal Data collected by EssilorLuxottica for the purposes defined here above in this Privacy Notice.

Consequently, if you purchased Nuance Audio in the stores of any of the other EssilorLuxottica Group's entities or third parties/independent sellers, to exercise your rights on the Data provided in occasion of such a purchase, you

shall refer to the privacy notice of the relevant selling entity. This means, by way of example, that even if you decide to revoke your consent to the marketing communications sent out by EssilorLuxottica pursuant to this Privacy Notice but you consented to marketing communications in the store in occasion of the purchase of the Nuance Audio, you may still continue to receive marketing communications by the relevant seller, including marketing communications on Nuance Audio as well. EssilorLuxottica also provides you with tools to update and modify your Personal Data. Any Nuance Audio App Users can access and update their own information (e.g., through their account).

You may also change and update your preferences about how you would like to receive e-mails or other communications from EssilorLuxottica and request the deletion of your Data.

8. HOW CAN YOU CONTACT US?

8. Contact of the Data Controller

The Data Controller over the processing of your Personal Data is set out in Section 1.1 of this Privacy Notice. Should you have questions or comments on this Privacy Notice or on any data processing carried out by us, we may be contacted at the postal address set out in Section 1.1 above and/or at the email address specified in the preceding Section 7 and in the following Section 8.

8. Contact of the Data Protection Officer

EssilorLuxottica has appointed a Data Protection Officer who can be contacted at the following email address nuanceaudio.privacy@luxottica.com or through the other contact methods provided for in section 7.1 above.

9. FOR USERS IN AUSTRALIA AND NEW ZEALAND

9.1 The following definition will apply to the Privacy Notice: "data", "information", and "personal data" means "personal information" which has the meaning set out in the Privacy Act 1988 (Cth) (the "Privacy Act AU") with respect to users in Australia and with respect to users in New Zealand, which has the meaning set out in the Privacy Act 2020 (NZ) (the "Privacy Act NZ"), i.e., information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.

9.2 In the section titled "WHAT PERSONAL DATA MAY WE PROCESS ABOUT YOU?" the following is added:

Some of the personal information we collect is considered sensitive information, including identifiable and contact details, as well as data related to your glasses. Collection of this information is essential for delivering our services and ensuring the proper functioning of the device. Your sensitive information will only be used or disclosed when necessary for the purpose it was collected, or for a closely related secondary purpose, unless you provide consent for other uses or disclosure is required by law.

9.3 In the section titled "WHAT PERSONAL DATA MAY WE PROCESS ABOUT YOU?" the following is added:

If you do not provide the necessary personal information of the kind collected in connection with Nuance Audio or the App, we may not be able to fulfil any of the services outlined in this Privacy Notice.

9.4 In the section titled "Is your Personal Data transferred across the border?" the following is added:

EssilorLuxottica is a company incorporated and headquartered in Italy, operating under Italian law. As such, you consent to your personal information being transferred and processed in countries outside of Australia and New Zealand including Italy, United States of America, Canada, the United Kingdom, Ireland, France, Switzerland, Norway, Turkey, Thailand, India, China, and other EU member states for the purposes described in this Policy, including storage purposes. These countries may have different privacy laws, but we will ensure that your personal information remains adequately protected in a way that provides comparable safeguards to those provided under the Privacy Act AU and/or the Privacy Act NZ, as applicable. Where we disclose your personal information, we will take reasonable steps to ensure that such information is accurate, up to date, complete, relevant and not misleading.

9.5 In the section titled "We share your Personal Data with other Affiliates of the Group" the following is added:

Your Personal Data may be shared with our local affiliates, such as Luxottica Retail Australia Pty Limited (ACN 000 025 758) and Luxottica Retail New Zealand Limited (NZCN 636829), to fulfill the objectives detailed in this Privacy Notice, including providing after-sales assistance, customer support, and enhancing Nuance Audio performance.

9.6 In the section titled " HOW DO WE PROTECT YOUR PERSONAL DATA?" the following is added:

Where there has been unauthorised access to, or unauthorised disclosure of personal information which is likely to result in serious harm to individuals, Luxottica will notify, with respect to users in Australia, the Office of the Australian Information Commissioner (OAIC), with respect to users in New Zealand the Privacy Commissioner, and affected individuals, as required by law.

9.7 In the section titled " HOW CAN YOU CONTACT US?" the following is added:

If you have any questions about this Privacy Notice, or would like to complain about the handling of your personal information, please contact us at nuanceaudio@opsm.com.au for customers in Australia, and at nuanceaudio@opsm.co.nz for customers in New Zealand, including in the subject "privacy query". We will respond as soon as possible and no later than 30 days of receiving written notice of a concern. You have the right to access your personal information and seek correction of it. Please contact us if you wish to access your personal data and/or seek correction of your personal information.

If you are not satisfied with the response or do not receive a response within a reasonable timeframe, you may have the right to take your complaint to the OAIC in Australia. Current contact details for the OAIC are available on the OAIC's website at www.oaic.gov.au. In New Zealand, you can take your complaint to the Privacy Commissioner. Contact details for which are available on its website at www.privacy.org.nz

10. HOW CAN YOU KEEP TRACK OF CHANGES TO THIS PRIVACY NOTICE?

For legal and/or organizational reasons, this Privacy Notice may undergo changes. Therefore, we suggest you check this Privacy Notice regularly and refer to the latest version of it, we will post the date it was last updated.

In any case, an updated version of the Privacy Notice will be always available on the App, and we will provide additional notice to you if we make any changes that materially affect your privacy rights.