

# **NUANCE MOBILE APPLICATION (“APP”) PRIVACY POLICY**

Effective as of May 2024

Last updated as of December 6, 2024

This Policy describes how Luxottica of America, Inc. (“Luxottica”), including all direct and indirect subsidiaries (collectively “we,” “our,” or “us”), collect, use, disclose, and safeguard your personal information.

This Policy applies to individuals who access the Nuance Mobile Application (“App”). This Policy, the Notice of Privacy Practices, the Consumer Health Data Privacy Policy together with our Terms of Use available in the App’s My Account page, collectively govern your use of our App.

From time to time, we may change this Policy. If we do, we will post an amended version in the App’s My Account page. Please review this Policy periodically.

You may submit a request to exercise rights you may have under applicable state law through [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com) or by calling us at 1-800-776-4085.

This Privacy Policy covers the following topics:

## **1. THE INFORMATION WE COLLECT**

## **2. HOW WE USE YOUR INFORMATION**

## **3. SHARING INFORMATION WITH THIRD PARTIES**

## **4. COOKIES AND OTHER TRACKING TECHNOLOGIES**

## **5. YOUR STATE PRIVACY RIGHTS**

## **6. NOTICE TO NEVADA RESIDENTS**

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**11. UPDATING YOUR INFORMATION**

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# 1. THE INFORMATION WE COLLECT

For the purpose of this Policy, personal information is any information about an identifiable individual.

We collect the following types of personal information:

## Information You Provide

When using our App or our services, you may provide us with your personal information through a variety of methods, including the following:

- *Create an Account.* A User account is needed to operate Nuance Audio glasses. You will provide your first name, last name, email address, birth date (optional), gender (optional), phone number (optional). You will need to create a password for future logins.
- *Register Products.* By installing the App and pairing the Nuance Audio glasses with your mobile device you automatically register the product's serial number; the serial number will be associated with your Account .
- *HIPAA.* This App is subject to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). We may collect additional information that is considered "protected health information" ("PHI") as defined by HIPAA. When the information that we collect is considered PHI, we will handle that information in accordance with our Notice of Privacy Practices located in the App's My Account page. Please visit that notice for information on our privacy practices, our legal duties, and your rights concerning your PHI.

## Information as You Navigate Our App

We automatically collect certain information through your use of the App, such as the following:

- *Usage Information.* For example, the pages on the App you access, the frequency of access, and what you click on while on the App.
- *Mobile Device Information.* Aggregated information about whether the App is accessed via a mobile device or tablet, the device type and the device Operative System.
- *Location Information.* Location information from visitors only if the Store Locator function is used in App.

## Third Party Information

In some cases, we may receive certain personal information, including your email address and name, about you from a third party. For example, when you use a social login to register to Nuance Audio.

# 2. HOW WE USE YOUR INFORMATION

We may use the personal information we collect to improve our App and to protect our legal rights. In addition, we may use the personal information we collect to:

- Process your account registration;
- Process and fulfill your order, including sending you emails to confirm your order status and shipment, and to provide other related communications;
- Send you our newsletter;
- Manage and record your settings, consents, communications and opt-out choices;
- Communicate with you about our App or to inform you of any changes to our App;
- Allow you to find an eyecare professional or doctor, distributor, store or sales consultant in your area and schedule eye exams or similar appointments with such persons;
- Operate and improve the App, including to analyze visits to the App and learn about our visitors so we can operate the App and improve our products and services and deliver the best user experience;
- Create audiences for our advertisements, target our advertisements, and generate reports about the performance of our advertisements;
- Communicate with you, including responding to your inquiries;
- Comply with the law and to maintain the integrity and security of our App;
- Defend our legal rights and the rights of others;
- Investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the physical safety of any person, or violations of our Terms of Us and to otherwise fulfill our legal obligations;
- Fulfill any other purposes for which you provide it, or any other purpose we deem necessary or appropriate.

### **3. SHARING INFORMATION WITH THIRD PARTIES**

We may share the personal information that we collect about you in the following ways:

- We engage service providers to perform services in connection with the operation of our business. We may share personal information with service providers to the extent necessary for them to provide services to you or us that are aligned with the purposes outlined above. Examples of these services include payment processing and authorization, text messaging services, fraud protection and credit risk reduction, product customization, order fulfillment and shipping, marketing and promotional material distribution, website evaluation, data analysis and, where applicable, data cleansing.
- Personal information collected through our App may be shared between the brands and affiliates, including future affiliates that are owned or operated by Luxottica.

- We may release personal information if we believe in good faith that: (i) the law or legal process requires it; (ii) we have received a valid administrative request from a law enforcement agency; or (iii) such release is necessary or appropriate (in our sole discretion) to protect the rights, property, or safety of Luxottica, or any of our respective affiliates, service providers, customers, or (iv) as Luxottica deems necessary to resolve disputes, troubleshoot problems, prevent fraud and otherwise enforce the Terms of Use.
- We may also share your information with your consent or as otherwise disclosed at the time of data collection or sharing.
- As with any business, it is possible that as ours develops, we might go through a business transition, such as a merger, acquisition by another company, or the sale of all or a portion of our assets, or buying online stores or other assets, including at bankruptcy. In such transactions, information about customers will likely be transferred.

## **4. TRACKING TECHNOLOGIES**

We use tracking scripts when you use our App. You are presented an option, during the registration process, to opt-in to this tracking. If you wish to change your initial choice, you may visit the App's My Account page to modify your selection. This section of the Privacy Policy explains how we use Cookies and how you can manage them.

This section of the Privacy Policy covers the following topics:

1. COOKIES AND ONLINE TRACKING TECHNOLOGIES WE USE
2. HOW YOU CAN MANAGE COOKIES

### **COOKIES AND ONLINE TRACKING TECHNOLOGIES WE USE**

"Cookies" are small files of information that are stored by your web browser software on your computer hard drive, mobile or other devices (e.g., smartphones or tablets).

We may use the following types of Cookies:

#### **Strictly Necessary Cookies**

These Cookies are necessary for the App to function. These Cookies are typically placed as a result of actions made by you which include a request for services, setting your privacy preferences, logging in or filling in forms. Additionally, a login and authentication token is locally stored to maintain the login session, some of the Nuance Audio glasses configuration parameters and user account information. This data is locally stored on your phone to allow the usage of the Nuance Audio glasses even without any live Internet connection. You can set your browser to block or alert you about these Cookies; however, some components of the App will not work.

### **Performance Cookies**

These Cookies allow us to count visits so we can measure and improve the performance of our App as well as to store configurations for your eyewear.

## **HOW YOU CAN MANAGE COOKIES**

### **Your Preferences**

When you first register with our App, you will be presented with an option to opt in to cookies. If you wish to change your initial cookie choice, you may visit the App's My Account page to modify your selection. You can find out more about Cookies and how to manage them by visiting [www.AllAboutCookies.org](http://www.AllAboutCookies.org)

### **Advertising Industry Resources**

You can understand which entities have currently enabled Cookies for your browser or mobile device and how to opt-out of some of those Cookies by accessing the [Network Advertising Initiative's website](#) or the [Digital Advertising Alliance's website](#). For more information on mobile specific opt-out choices, visit the [Network Advertising Initiative's Mobile Choices website](#).

Please note that these opt-out mechanisms are specific to the device or browser on which they are exercised. Therefore, you will need to opt out on every browser and device that you use.

## **5. YOUR STATE PRIVACY RIGHTS**

Washington residents looking for information relating to our collecting and processing of their consumer health data should refer to our Consumer Health Data Privacy Policy available in the App's My Account page..

Depending on the state in which you reside, you may have certain privacy rights regarding your personal information. Please review the sections below if you are a California, Nevada, or Virginia resident. For other state residents, your privacy rights may include (if applicable):

- The right to confirm whether or not we are processing your personal information and to access such personal information and the categories of personal information we are processing or have processed;
- The right to obtain a copy of your personal information that we collected from and/or about you in a portable and, to the extent technically feasible, readily usable format that allows you to transmit the information to another controller without hindrance, where the processing is carried out by automated means;
- The right to delete personal information that we collected from and/or about you, subject to certain exceptions;
- The right to correct inaccurate personal information that we maintain about you, subject to certain exceptions;

- The right, if applicable, to opt out of the processing of your personal information for purposes of (1) targeted advertising; (2) the “sale” of your personal information (as that term is defined by applicable law); and (3) profiling in furtherance of decisions that produce legal or similarly significant effects concerning you;
- If we are required by applicable law to obtain your consent to process sensitive personal information, the right to withdraw your consent; and
- The right not to receive discriminatory treatment by us for the exercise of your privacy rights.
- The right, at our option, to obtain a list of specific third parties, other than natural persons, to which we have disclosed your personal data or any personal data

To exercise your rights, please submit a request through our email address [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com) or by calling us at 1-800-776-4085.

If legally required, we will comply with your request upon verification of your identity and, to the extent applicable, the identity of the individual on whose behalf you are making such request. To do so, we will ask you to verify data points based on information we have in our records. If you are submitting a request on behalf of another individual, please use the same contact methods described above. If we refuse to take action regarding your request, you may appeal our decision by emailing us at [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com).

## **6. NOTICE TO NEVADA RESIDENTS**

Nevada law allows Nevada residents to opt out of the sale of certain types of personal information. Subject to several exceptions, Nevada law defines “sale” to mean the exchange of certain types of personal information for monetary consideration to another person. We currently do not sell personal information as defined in the Nevada law. However, if you are a Nevada resident, you still may submit a verified request to opt out of sales and will record your instructions and incorporate them in the future if our policy changes. You may send opt-out requests to [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com).

## **7. NOTICE TO VIRGINIA RESIDENTS**

The Virginia Consumer Data Protection Act (“VCDPA”) provides Virginia residents with the right to receive certain disclosures regarding the personal data we process about them. For purposes of this section, personal data means any information that is linked or reasonably linkable to an identified or identifiable natural person. Personal data does not include de-identified or publicly available information as the VCDPA defines those terms.

For a discussion of the categories of personal data we process, the purposes for our processing, the categories of personal data that we share with third parties, and the categories of third parties with whom we share personal data, please see other Sections of this Policy that address these topics.

If you are a Virginia resident, the VCDPA grants you the right to: (1) confirm whether or not we are processing your personal data to access such personal data; (2) correct inaccuracies in your personal data, taking into account the nature of the personal data and the purposes of the processing of your personal data; (3) delete personal data you have provided or we have obtained about you; (4) obtain a copy of your personal data that you previously provided to us in a portable and, to the extent technically feasible, readily usable format that allows you to transmit the data to another controller without hindrance, where the processing is carried out by automated means; and (5) opt out of the processing of your personal data for purposes of (i) targeted advertising, (ii) the sale of personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning you.

To exercise your rights, please email us at [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com), with your name, the fact that you are a Virginia resident, and specifying the right(s) you wish to invoke. If we refuse to take action regarding your request, you may appeal our decision by email us at [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com).

## **8. NOTICE TO CALIFORNIA RESIDENTS**

The California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act of 2020 (“CCPA”), requires that we provide California residents with a privacy policy that contains a comprehensive description of our online and offline practices regarding the collection, use, disclosure, sale, sharing, and retention of personal information and of the rights of California residents regarding their personal information. This section of the Policy is intended solely for, and is applicable only as to, California residents. If you are not a California resident, this section does not apply to you and you should not rely on it.

The CCPA defines “personal information” to mean information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular California resident or household. Personal information does not include publicly available, deidentified or aggregated information or lawfully obtained, truthful information that is a matter of public concern. For purposes of this “NOTICE TO CALIFORNIA RESIDENTS” section we will refer to this information as “Personal Information.”

### **Notice at Collection of Personal Information**

We currently collect and, in the 12 months prior to the Last Updated date of this Policy, have collected the following categories of Personal Information:

- Identifiers (name, email address, gender, date of birth, telephone number)



- Unique personal identifiers (device identifier (serial number); firmware version, cookies, beacons, pixel tags, mobile ad identifiers, or other similar technology; customer number)
- Medical information
- Application analytics
- Geolocation data
- Characteristics of protected classifications under California or federal law (sex/gender), age (40 and older)
- Inferences drawn from above information to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes

We collect Personal Information directly from California residents and from advertising networks, data analytics providers, and operating systems and sites. We do not collect all categories of Personal Information from each source.

In addition to the purposes stated above in the Section **“HOW WE USE YOUR INFORMATION”** we currently collect and have collected and sold the above categories of Personal Information for the following business or commercial purposes:

- Auditing related to unique visitors, and auditing compliance with this specification and other standards;
- Helping to ensure security and integrity to the extent the use of your Personal Information is reasonably necessary and proportionate for these purposes;
- Debugging to identify and repair errors that impair existing intended functionality;
- Short-term, transient use, including, but not limited to, non-personalized advertising shown as part of your current interaction with us, provided that your Personal Information is not disclosed to another third party and is not used to build a profile about you or otherwise alter your individual consumer's experience outside the current interaction with us, including, but not limited to, the contextual customization of ads shown as part of the same interaction;
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing financing, providing analytic services, providing storage, or providing similar services;
- Undertaking internal research for technological development and demonstration;
- Undertaking activities to verify or maintain the quality or safety of a service or device that is owned, manufactured, manufactured for, or controlled by us, and to improve, upgrade, or enhance the service or

device that is owned, manufactured, manufactured for, or controlled by us;

- Advancing our commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a commercial transaction.

### **Sale, Sharing, and Disclosure of Personal Information**

The following table identifies the categories of Personal Information that we sold or shared to third parties in the 12 months preceding the Last Updated date of this Privacy Policy and, for each category, the categories of third parties to whom we sold or shared Personal Information:

<u>Category of Personal Information</u>	<u>Categories of Third Parties</u>
Identifiers (name, postal address, online identifier, Internet Protocol address, email address)	Data analytics providers;
Unique personal identifiers (device identifier; cookies, beacons, pixel tags, mobile ad identifiers, or other similar technology; customer number, unique pseudonym or user alias; telephone numbers, or other forms of persistent or probabilistic identifiers that can be used to identify a particular consumer or device)	Data analytics providers
Internet or other electronic network activity information (browsing history; search history; and information regarding consumer's interaction with website, application, or advertisement)	Data analytics

We sold or shared Personal Information to third parties for the following business or commercial purposes:

- Auditing related to counting ad impressions to unique visitors, verifying positioning and quality of ad impressions, and auditing compliance with this specification and other standards
- Advancing our commercial or economic interests, such as by inducing another person to buy, rent, lease, join, subscribe to, provide, or exchange products, goods, property, information, or services, or enabling or effecting, directly or indirectly, a commercial transaction

<u>Category of Personal Information</u>	<u>Categories of Recipients</u>
Identifiers (name, postal address, online identifier, Internet Protocol address, email address)	Subsidiaries and affiliates; operating systems and platforms
Internet or other electronic network activity information (browsing history; search history; and information regarding consumer's interaction with website, application, or advertisement)	Subsidiaries and affiliates; operating systems and platforms; social media networks
Geolocation information	Subsidiaries and affiliates; operating systems and platforms
Commercial information (records of personal property, products or services purchased, obtained, or considered; other purchasing or consuming histories or tendencies; or other commercial information)	Subsidiaries and affiliates; operating systems and platforms
Characteristics of protected classifications under California or federal law (sex/gender), age (40 and older)	Subsidiaries and affiliates; operating systems and platforms
Inferences drawn from above information to create a profile about a consumer reflecting the consumer's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes	Subsidiaries and affiliates; operating systems and platforms

The following table identifies the categories of Personal Information that we disclosed for a business purpose in the 12 months preceding the Last Updated

date of this Privacy Policy and, for each category, the categories of recipients to whom we disclosed Personal Information.

We disclosed Personal Information for the following business or commercial purposes:

- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, providing analytic services, providing storage, or providing similar services

We do not knowingly collect, sell, or share the Personal Information of consumers under 16 years of age. We do not use Sensitive Personal Information for purposes other than those the CCPA and its regulations allow for.

### **Retention of Personal Information**

We retain your Personal Information for as long as necessary to fulfill the purposes for which we collect it, such as to provide you with the service you have requested, and for the purpose of satisfying any legal, accounting, contractual, or reporting requirements that apply to us.

### **Your Rights**

If you are a California resident, you have the following rights with respect to your Personal Information:

1. The right to know what Personal Information we have collected about you, including the categories of Personal Information, the categories of sources from which we collected Personal Information, the business or commercial purpose for collecting, selling or sharing Personal Information (if applicable), the categories of third parties to whom we disclose Personal Information (if applicable), and the specific pieces of Personal Information we collected about you;
2. The right to delete Personal Information that we collected from you, subject to certain exceptions;
3. The right to correct inaccurate Personal Information that we maintain about you;
4. If we sell or share Personal Information, the right to opt out of the sale or sharing;
5. If we use or disclose sensitive Personal Information for purposes other than those allowed by the CCPA and its regulations, the right to limit our use or disclosure;
6. The right not to receive discriminatory treatment by us for the exercise of privacy rights the CCPA confers.

### **How to Submit a Request to Know, Delete, and/or Correct**

You may submit a request to know, delete, and/or correct through our email address [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com) or by calling us at 1-800-776-4085.

If you are submitting a request on behalf of a California resident, please submit the request through one of the designated methods discussed above. After submitting the request, we will require additional information to verify your authority to act on behalf of the California resident.

### **Our Process for Verifying a Request to Know, Delete, and/or Correct**

We will comply with your request upon verification of your identity and, to the extent applicable, the identity of the California resident on whose behalf you are making such request.

We will verify your identity either to a “reasonable degree of certainty” or a “reasonably high degree of certainty” depending on the sensitivity of the Personal Information and the risk of harm to you by unauthorized disclosure, deletion, or correction as applicable.

For requests to access categories of Personal Information and for requests to delete or correct Personal Information that is not sensitive and does not pose a risk of harm by unauthorized deletion or correction, we will verify your identity to a “reasonable degree of certainty” by verifying at least two data points that you previously provided to us and which we have determined to be reliable for the purpose of verifying identities.

For requests to access specific pieces of Personal Information or for requests to delete or correct Personal Information that is sensitive and poses a risk of harm by unauthorized deletion or correction, we will verify your identity to a “reasonably high degree of certainty” by verifying at least three pieces of Personal Information you previously provided to us and which we have determined to be reliable for the purpose of verifying identities. In addition, you must submit a signed declaration under penalty of perjury stating that you are the individual whose Personal Information is being requested.

### **Right to Opt Out of Sale or Sharing of Personal Information**

If you are a California resident, you have the right to direct us to stop selling or sharing your Personal Information. You may submit a request to opt out of sales or sharing by submitting a request to [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com). If you have enabled privacy controls on your browser (such as a plugin), we will also treat that as a valid request to opt out. Please see the “Universal Opt-Out Mechanisms” section above for more information.

### **Shine the Light Law**

If you are a California resident, California Civil Code § 1798.83 permits you to request information regarding the disclosure of your personal information by us

to third parties for the third -parties' direct marketing purposes (as those terms are defined in that statute). To make such a request, please send an email to [privacy@luxotticaretail.com](mailto:privacy@luxotticaretail.com) with the subject line "Shine the Light Request."

## **9. YOUR CHOICES**

To opt out of our email marketing or to unsubscribe from our email newsletters, you can contact us using the information in the "**CONTACT**" section below, or you can use the link provided at the bottom of each marketing message or newsletter. If you choose to opt out, you will continue to receive all email communications related to our transactions with you.

If you would like to update your mailing information or want your name and address removed from our direct mailing list, you can contact us using the information in the "**CONTACT**" section below.

You can control the tools on your mobile devices. For example, you can turn on and off the GPS locator or push notification on your phone. Please consult your mobile device's user guide for instructions on clearing cookies, enabling and disabling location services, and disabling push notifications.

You are not required to grant consent to telemarketing calls or texts as a condition of buying any goods or services. Also, you may revoke your consent at any time at the contact information listed at the end of this Policy. Message and data rates may apply. We will retain your personal information for the period necessarily to fulfill the purposes of your personal information collection, unless a longer retention period is required or permitted by law.

## **10. CHILDREN'S PRIVACY**

We understand the importance of protecting children's privacy, especially in an online environment. Our App is not intentionally designed for or directed at children less than 18 years of age. We do not knowingly collect personal information from children under the age of 18 without the consent of the child's parent or guardian. We encourage parents and guardians to provide adequate protection measures to prevent minors from providing information unwillingly on the internet. If we are aware of any personal information relating to children that we have collected, we will take steps to securely remove it from our systems.

## **11. UPDATING YOUR INFORMATION**

You may request to view, update, or correct your personal information by contacting our privacy office at the information provided in the "**CONTACT**" section below. In order to protect your privacy, we will take steps to verify your identity before granting you access to the information or enabling you to make corrections.

## **12. SECURITY**

We maintain reasonable and appropriate safeguards to help protect your personal information from loss and from unauthorized acquisition. However, no security measure or modality of data transmission over the Internet is 100% secure. Although we strive to use commercially acceptable means to protect your personal information, we cannot guarantee absolute security.

### **13. CONSUMERS WITH DISABILITIES**

We are committed to ensuring this Policy is accessible to individuals with disabilities. To request this Policy in an alternative format, please reach out to us at the Contact information provided below.

### **14. CONTACT**

If you have questions or wish to contact us about this Policy, please direct inquiries to:

Privacy Officer  
Luxottica of America Inc.  
4000 Luxottica Place  
Mason, Ohio 45040  
Phone: 1-800-776-4085  
Email: [privacyoffice@luxotticaretail.com](mailto:privacyoffice@luxotticaretail.com)